

STATUTES OF CALIFORNIA

PASSED AT THE
FORTY-SEVENTH SESSION OF THE LEGISLATURE

CHAPTER 1.

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

[Approved by the Governor January 13, 1927. In effect immediately.]

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

SECTION 1. Section 626 of the Penal Code is hereby amended to read as follows:

626. Every person who between the first day of February and the fifteenth day of October, both dates inclusive, of any year, hunts, pursues, takes, kills or destroys or has in his possession any kind of wild duck, or goose, or brant or mud-hen or gallinule, or Wilson snipe; or who, at any time hunts, pursues, takes, kills or destroys or has in his possession any rail, or wood duck or wild pigeon or any shore bird, except Wilson snipe, or any sandhill crane, whooping crane or little brown crane; or who, between the first day of January and the thirtieth day of November, of any year, both dates inclusive, hunts, pursues, takes, kills or destroys or has in his possession any mountain, desert or valley quail, or cottontail or brush rabbits; or who, between the fifteenth day of October and the fourteenth day of September, both dates inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his possession any grouse; or who, between the first day of October and the thirty-first day of August, both dates inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his possession, any dove is guilty of a misdemeanor; *provided*, that in fish and game districts four, four and one-half, and four and three-quarters every person who between the first day of November and the thirty-first day of August, of the year following, both dates inclusive, hunts, pursues, takes, kills or destroys or has in possession, any dove is guilty of a misdemeanor; or who, between the sixteenth day of August and the thirty-first day of July, both dates inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in his possession, any sage hen, is guilty of a misdemeanor; *provided*, that in fish and game district one and one-half every person who, between the first day of January and the thirty-first day of October, both dates inclusive, of any year, hunts,

Stats. 1925.
p. 680,
amended.

Protection of
waterfowl,
rail, wood
duck, wild
pigeon, shore
bird, crane,
quail, rabbits,
grouse and
doves.

pursues, takes, kills or destroys or has in his possession any valley or mountain quail is guilty of a misdemeanor; *provided, further*, that nothing in this section shall prohibit the hunting, pursuing, taking, killing or destroying of any cottontail or brush rabbit by the owner or tenant of any premises, or by any person authorized in writing by such owner or tenant, but the rabbits so hunted, pursued, taken, killed or destroyed shall not be shipped or sold during the closed season.

Urgency
measure.

SEC. 2. This act is hereby declared to be an urgency measure, deemed necessary for the immediate preservation of the public peace and safety, within the meaning of section 1 of article four of the constitution of the State of California, and as such it shall take effect immediately.

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

Pursuant to that certain convention known as the "Migratory Bird Treaty" made and entered into between the United States of America and certain foreign powers, and under the authority of that certain act of congress known as the "Migratory Bird Treaty Act," the period of the open season for the hunting of wild ducks and certain other waterfowl was advanced two weeks, the limits now being October fifteenth to February first instead of October first to January fifteenth as formerly. This change has been made by regulation duly issued by the secretary of agriculture and promulgated by the President of the United States.

It is the known and established policy of the State of California that the laws of this state in relation to the protection of such waterfowl shall conform precisely to the corresponding regulations of the United States, and until the recent adoption of the regulations hereinabove referred to, said laws did so conform.

In reliance upon said known and established policy, and in the sincere and innocent belief that said federal regulations, by virtue of the treaty and the federal statutes, prevail over state law, many thousands of persons resident in this state, unless this act becomes immediately effective, would engage during the last two weeks of January, 1927, in the hunting of such waterfowl, contrary to the mandate of the laws of the state. These illegal practices would occur owing to the confusion produced by the discrepancy between federal regulation and state law.

All such persons would be subject to arrest and fine or incarceration, it being the solemn duty of the peace officers of this state faithfully and rigidly to enforce the mandate of the existing state law irrespective of the fact that the federal regulations permit such hunting. In consequence thereof it is believed that there will be numerous arrests, attended by resistance to officers of the law, and other breaches of the peace, together with an unusual and burdensome congestion in the business of the courts, involving the imposition of

sentences of fine and imprisonment, all against the dignity of the courts and of the state, and to the impairment of the public peace and safety.

In order to prevent all this, it is necessary that the law of this state be made to conform to treaty and the federal law and regulations by an act passed by this Legislature to take effect immediately.

CHAPTER 2.

An act making an appropriation to meet the deficiency in the appropriation for the mileage of state senators for the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor January 17, 1927. In effect immediately.]

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

SECTION 1. The sum of one thousand four hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for the mileage of state senators for the seventy-seventh and seventy-eighth fiscal years. Appropriation: legislative deficiency.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of article IV, section 1 of the constitution, take effect immediately. Urgency measure.

CHAPTER 3.

An act making an appropriation to meet the deficiency in the appropriation for the repair of the state armory at San Francisco.

[Approved by the Governor January 25, 1927. In effect immediately.]

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

SECTION 1. The sum of sixty-one thousand five hundred dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to meet the deficiency in the appropriation for the repair of the state armory at San Francisco. Appropriation: San Francisco Armory.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of article IV, section 1 of the constitution, take effect immediately. Urgency measure.

CHAPTER 4.

An act appropriating money for the support and maintenance of the judicial council for the period November 2, 1926, to June 30, 1927, inclusive.

[Approved by the Governor January 25, 1927. In effect immediately.]

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

Appropriation:
judicial
council.

SECTION 1. The sum of ten thousand dollars (\$10,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated for the support and maintenance of the judicial council for the period November 2, 1926, to June 30, 1927, inclusive.

Urgency
measure.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1, article IV of the constitution, take effect immediately.

CHAPTER 5.

An act appropriating money to pay the necessary expenses for travel, board, and lodging incurred by judges and justices sitting in the supreme court and the district courts of appeal, by direction of the chairman of the judicial council, for the period November 2, 1926, to June 30, 1927, inclusive.

[Approved by the Governor January 25, 1927. In effect immediately.]

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

Appropriation:
judges and
justices.

SECTION 1. The sum of five thousand dollars (\$5,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the necessary expenses for travel, board, and lodging incurred by judges and justices sitting in the supreme court and the district courts of appeal, by direction of the chairman of the judicial council, for the period November 2, 1926, to June 30, 1927, inclusive.

Urgency
measure.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1, article IV of the constitution, take effect immediately.

CHAPTER 6.

An act making an appropriation to meet the deficiency in the appropriation for the completion of the west wing of the Los Angeles exposition building.

[Approved by the Governor January 25, 1927. In effect immediately.]

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

SECTION 1. The sum of seventeen thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated to meet the deficiency in the appropriation for the completion of the west wing of the Los Angeles exposition building. Appropriation: Los Angeles exposition building.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1, article IV of the constitution, take effect immediately. Urgency measure.

CHAPTER 7.

An act making an appropriation to meet the deficiency in the appropriation for the repair and completion of the roof and building of the state armory at Exposition park in the city of Los Angeles.

[Approved by the Governor January 25, 1927. In effect immediately.]

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

SECTION 1. The sum of sixty thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to meet the deficiency in the appropriation for the repair and completion of the building and the roof of the state armory situated at Exposition park in the city of Los Angeles. Appropriation: Los Angeles armory.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of article IV, section 1 of the constitution, take effect immediately. Urgency measure.

CHAPTER 8.

An act making an appropriation to meet a deficiency in the appropriation for printing and distributing constitutional amendments submitted to the voters at the election held November 2, 1926.

[Approved by the Governor January 25, 1927. In effect immediately.]

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

Appropriation:
printing
constitutional
amendments.

SECTION 1. The sum of twenty thousand nine hundred forty dollars and thirty-nine cents is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for printing and distributing constitutional amendments, submitted to the voters at the election held November 2, 1926.

Urgency
measure.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 9.

An act to legalize bonds heretofore issued and sold, or to be issued and sold, by municipalities where authority for such issuance has already been given by a vote of not less than two-thirds of the electors of such municipalities voting upon the question of incurring such indebtedness and providing for a levy of taxes to pay the principal and interest of such bonds, and making same an urgency measure.

[Approved by the Governor January 27, 1927. In effect immediately.]

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

Municipal
bonds
validated.

SECTION 1. In all cases where the legislative branch of any municipality in this state has deemed it necessary to incur an indebtedness in excess of the ordinary annual income and the revenue of such municipality, and has called an election for the purpose of submitting to the qualified electors of such municipality the question whether such indebtedness shall be incurred, and where at such election so held, after due notice thereof was given, for the time and in the manner prescribed by law, not less than two-thirds of all the qualified electors voting thereat shall have voted in favor of incurring such indebtedness, and the mode of creating such indebtedness has been by the proposed issuance of the bonds of such municipality, the power of such municipality to issue

such bonds and all the acts and proceedings of such municipality leading up to and including the issuance and sale, or the proposed issuance and sale of such bonds are hereby legalized, ratified, confirmed and declared valid to all intents and purposes; and all such bonds, sold either before or after the passage of this act for not less than their par value, are hereby legalized and declared to be legal and valid obligations of and against such municipality so issuing and selling the same, and the faith and credit of such municipality is hereby pledged for the prompt payment and redemption of the principal and interest of said bonds.

SEC. 2. The legislative branch of such municipal corporation shall at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid, or until there shall be a sum in the treasury of said municipal corporation set apart for that purpose sufficient to meet all sums coming due for the principal and interest on such bonds a tax sufficient to pay the annual interest on such bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy; *provided, however*, that if the maturity of the indebtedness created by the issue of bonds be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid annually each year, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes and shall be collected at the time and in the same manner as other municipal taxes are collected and be used for no other purpose than for the payment of said bonds and the accruing interest thereon.

Payment of
interest and
principal.

SEC. 3. This act shall not operate to legalize any bonds of any municipality that have not, at the time of the passage of this act, been authorized by the vote of not less than two-thirds of the qualified electors of such municipality voting at any such election, or any bonds which have been sold for less than their par value, or any bonds which mature at a date more than forty years from the time of their issuance.

Bonds
not
validated.

SEC. 4. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public health, within the meaning of section one of article four of the constitution of the State of California, and shall take effect immediately. The following is a statement of the facts constituting such urgency: Many cities in said state are without an adequate supply of pure water for municipal and domestic use, and as a result the lives of the residents of such cities are seriously endangered by disease. Such cities, or some of them, have heretofore taken proceedings to incur

Urgency
measure.

bonded indebtedness for the purpose of acquiring, constructing and completing systems for the supply and distribution of pure water for municipal and domestic use, but by reason of minor irregularities and defects in such proceedings not jurisdictional such bonds can not now be sold, and for that reason said cities are unable to secure funds with which to acquire, construct, and complete systems of water supply.

CHAPTER 10.

An act appropriating money to pay the extra compensation of judges or justices sitting in courts, by direction of the chairman of the judicial council, wherein the compensation of the judges or justices is greater than their own, during the period November 2, 1926, to June 30, 1927, inclusive, and prescribing the manner of payment thereof.

[Approved by the Governor January 29, 1927. In effect immediately.]

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

Appropriation:
extra compensation of
judges.

SECTION 1. The sum of thirty-five thousand dollars (\$35,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the state's share of the extra compensation of judges or justices sitting in courts, by direction of the chairman of the judicial council, wherein the compensation of the judges or justices is greater than their own, during the period November 2, 1926, to June 30, 1927, inclusive. The extra compensation paid judges while sitting in the superior courts shall be paid one-half by the state and one-half by the county wherein the court is held. The extra compensation paid judges or justices sitting in the supreme court and district courts of appeal shall be paid by the state.

Urgency
measure.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1, article IV of the constitution, take effect immediately.

CHAPTER 11.

An act to amend an act entitled "An act providing for the organization of water districts by the board of supervisors of the different counties of the state upon petition therefor by the land owners; providing for the joint government and control thereof by the land owners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands

contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing that said bonds may be investigated by an appointive board of three hydraulic engineers; providing for the approval of said bonds by the state superintendent of banks in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased, or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; and providing for the dissolution of said districts for nonuser of corporate power," approved June 13, 1913, as amended by amending the title thereof and section seven thereof relating to the powers of the board of directors of water districts and declaring the same an urgency measure.

[Approved by the Governor January 31, 1927. In effect immediately.]

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

SECTION 1. The title of an act entitled "An act providing for the organization of water districts by the board of supervisors of the different counties of the state upon petition therefor by the land owners; providing for the joint government and control thereof by the land owners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing that said bonds may be investigated by an appointive board of three hydraulic engineers; providing for the approval of said bonds by the state superintendent of banks in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased, or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrator and special administrators; providing in certain cases for the transfer of districts from the supervision of one county

Stats. 1913,
p. 815,
amended.

board of supervisors to another; and providing for the dissolution of said districts for nonuser of corporate power," approved June 13, 1913, as amended, is hereby amended to read as follows:

Title.

An act providing for the organization of water districts by the board of supervisors of the different counties of the state upon petition therefor by the land owners; providing for the joint government and control thereof by the land owners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing for the transfer of the properties of such districts to any reclamation, drainage or irrigation project and the extension of contracts providing for such transfer in exchange for the right to receive and use water; providing for the approval of the state superintendent of banks of such contracts or transfers; providing that said bonds and contracts or transfers may be investigated by an appointive board of three hydraulic engineers; providing for the approval of said bonds and such transfers or contracts providing therefor by the state superintendent of banks in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased, or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; and providing for the dissolution of said districts for nonuser of corporate power.

Stats. 1913,
p. 819,
amended.

Duties and
powers
of board.

SEC. 2. Section 7 of said act is hereby amended to read as follows:

SEC. 7. It shall be the duty of the board of directors to manage and conduct the affairs of the district and to that end it shall, in the name of the district, have power to plan, construct, maintain and keep in repair the irrigations works necessary or proper to supply the lands contained therein with sufficient water for irrigation purposes; to acquire by purchase, condemnation or other legal means all water, water rights, lands, properties or rights in properties necessary or proper therefor; for a valuable consideration to lease or sell or contract for the sale of any property of any kind or rights therein including irrigation works, easements, rights of way, water, water rights, canals, distributing systems, or any other property belonging to the district whenever the

same may be necessary or advisable or for the best interests of the district, and to enter into any and all contracts, agreements and obligations with any irrigation or drainage district organized under the laws of the State of California as the board of directors shall deem proper or advisable in the interests of the district, or to carry out or execute any of the purposes authorized or permitted by the provisions of this act and particularly to enter into any contract or agreement with the United States, or the State of California, or any department or agency of either, or with any political subdivision of said state including irrigation and reclamation districts for the storage, regulation, control, development and distribution of water for the irrigation of lands within said district or for the use, control and distribution of any and all drainage waters within said district, or for the construction, extension, operation, control, maintenance and management of any works or other property constructed or acquired by the district, or over which it may have control, or which may be used or useful for the irrigation or drainage of lands within the district, or for providing or furnishing hydro-electric power, or for any one or more of said purposes, and to provide in any such contract or agreement that the lands included in any such water district shall be entitled upon the execution of said contract to become a part of any irrigation or drainage project or reclamation project operated directly or indirectly by or under the authority of the United States or the State of California, and to become entitled to receive water, electric power, drainage service or other works or property of such project, including revenues derived from any such work; the board of directors may provide in any such contract for the sale and conveyance to the United States, the State of California, or to any reclamation or irrigation project organized or operated by or under the authority of either thereof or to any irrigation or water district organized under the laws of the State of California on the condition that such district or project shall furnish water to said water district and upon such other terms and conditions as may be agreed upon; *provided, however,* that all such contracts and transfers shall be first approved by the state superintendent of banks upon recommendation of the board of hydraulic engineers provided for in section 18 hereof. Said board may also enter into any agreement and do any acts necessary or proper for the performance of such agreement for the transfer or delivery to such district of any irrigation system, canals, rights of way, or other property owned or acquired by said water district in exchange for the right to receive and use water or water supply to be delivered or furnished to said water district by the other party to said agreement; to take conveyances, contracts, leases or other assurances for property acquired by the district under the provisions of this

act; to execute by its president and secretary all contracts, leases, conveyances and other documents necessary to carry out the duties and powers specified herein; to institute, maintain and defend in person, or by attorneys, all actions, proceedings or suits at law or in equity necessary or proper to carry out the provisions of this act, or to enforce, maintain, protect or preserve the rights, privileges and immunities created by or acquired in pursuance thereof; to establish, print and distribute among the land owners of the district equitable rules and regulations for the distribution of water; to enter, for the above purposes, either in person or by its agents or employees, in and upon any lands contained in the district; to employ or fix the salary of such persons as may be necessary or proper to fully carry out the uses and purposes of the district; and to do any other lawful thing necessary or proper to carry out the provisions of this act for the uses and purposes for which the district is formed; *provided, however,* that the board of directors shall not let, or enter into, a contract for the construction of irrigation works, nor shall said board of directors construct the same by employees of the district until an election has been called and held to determine whether or not bonds of the district shall be issued as provided in section 13 of this act.

Not to
contract
until bonds
are
authorized.

Urgency
measure.

SEC. 3. The Legislature hereby declares that it deems it necessary for the immediate preservation of the public health and safety that this act shall go into immediate effect by reason of the following facts, to wit:

That certain water districts have been organized within the boundaries of certain irrigation districts but have been unable to secure water except from said irrigation districts and that said districts are unable to raise the funds necessary to construct distributing systems without the aid of said irrigation districts; that unless said distributing system is constructed without delay and water furnished to said lands, the effect will be to greatly damage a large area of land within the boundaries of the irrigation districts which will imperil the property and safety of the landowners therein; that no funds can be made available except as provided in this act for the purpose of cooperation between said irrigation districts and said water districts, but that through the means provided in this act the moneys will be available to complete said work and to enable water to be made available for the irrigation of said lands, and it is hereby declared that this act constitutes an urgency measure which under the provisions of section 1 of article IV of the constitution of the State of California shall be put into immediate effect.

This act shall take effect immediately.

CHAPTER 12.

An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace sitting in courts other than their own under assignments thereto by the chairman of the judicial council, for the period from November 2, 1926, to June 30, 1927, inclusive, and for the manner of payment of the necessary expenses, for said period, for travel, board and lodging of such justices and judges incurred in the discharge of such assignments, and declaring the same an urgency measure necessary for the immediate preservation of the public peace, health and safety and providing for its going into effect immediately.

[Approved by the Governor February 19, 1927. In effect immediately.]

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

SECTION 1. The extra compensation of judges and justices of the peace sitting in superior courts, or courts of lower jurisdiction than superior courts, under assignments thereto by the chairman of the judicial council under the provisions of section 1a of article VI of the constitution of this state, for the period from November 2, 1926, to June 30, 1927, inclusive, shall be paid one-half by the state and one-half by the county wherein the court is held. The necessary expenses of such judges and justices of the peace, for said period, incurred in the discharge of such assignments for travel, board and lodging shall be paid by such county. The county's payments under this section shall be made from its general fund.

Extra compensation of judges of trial courts.

SEC. 2. The extra compensation of justices, judges and justices of the peace sitting in the supreme court and district courts of appeal, upon assignment thereto by the chairman of the judicial council and the necessary expenses for travel, board and lodging incurred by them in the discharge of such assignments, for the period from November 2, 1926, to June 30, 1927, inclusive, shall be paid by the state.

Extra compensation of judges of appellate courts.

SEC. 3. That serious congestion in the calendars of the courts of this state, the transaction of legal business and the trial and determination of pending cases now exists, has existed since November 2, 1926, and will continue to exist until after June 30, 1927, which has constituted and does constitute a grave impediment in and a serious menace to the administration of justice and the preservation of the public peace, health and safety, and that, for the preservation of the public peace, health and safety, it has been necessary and will continue to be necessary for said period to assign judges of courts of this state to jurisdictions other than their own in order to transact said court business, under the provisions of section 1a of article VI of the constitution, and there now being

Urgency measure.

no provision by statute therefor, it is necessary to make proper provision by law for the payment of the extra compensation and expenses therein provided for.

Effective
immediately.

SEC. 4. That this act is required for the immediate preservation of the public peace, health and safety and shall go into effect immediately.

CHAPTER 13.

An act making an appropriation to meet a deficiency in the appropriation for rental and all other expenses necessary for the maintenance of rented state offices for the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor March 1, 1927. In effect immediately.]

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

Appropriation:
rental of
state
offices.

SECTION 1. The sum of sixty-four thousand one hundred fifty-four dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet a deficiency in the appropriation for rental and all other expenses necessary for the maintenance of rented state offices for the seventy-seventh and seventy-eighth fiscal years.

Urgency
measure.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 14.

An act making an appropriation to meet the deficiency in the appropriation for the mileage of members of the Assembly for the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor March 3, 1927. In effect immediately.]

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

Appropriation:
mileage of
assemblymen.

SECTION 1. The sum of two thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the appropriation for the mileage of members of the Assembly for the seventy-seventh and seventy-eighth fiscal years.

Urgency
measure.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of article IV, section 1 of the constitution, take effect immediately.

CHAPTER 15.

An act making an appropriation to meet a deficiency in the appropriation for support of Folsom Prison for the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor March 4, 1927. In effect immediately.]

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

SECTION 1. The sum of nineteen thousand two hundred fifty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet a deficiency in the appropriation for support of Folsom Prison for the seventy-seventh and seventy-eighth fiscal years. Appropriation:
Folsom
Prison
support.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately. Urgency
measure.

CHAPTER 16.

An act making an appropriation to meet a deficiency in the appropriation for support, San Quentin Prison, for the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor March 4, 1927. In effect immediately.]

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

SECTION 1. The sum of one hundred twelve thousand four hundred eighty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet a deficiency in the appropriation for support, San Quentin Prison, for the seventy-seventh and seventy-eighth fiscal years. Appropriation:
San Quentin
Prison
support.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately. Urgency
measure.

CHAPTER 17.

An act making an appropriation to meet a deficiency in the appropriation for salaries, San Quentin Prison, for the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor March 4, 1927. In effect immediately.]

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

Appropriation:
San Quentin
Prison
salaries.

SECTION 1. The sum of fifteen thousand six hundred forty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet a deficiency in the appropriation for salaries, San Quentin Prison, for the seventy-seventh and seventy-eighth fiscal years.

Urgency
measure.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 18.

An act making an appropriation to meet a deficiency in the appropriation for salaries of the railroad commission for the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor March 4, 1927. In effect immediately.]

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

Appropriation:
railroad
commission
salaries.

SECTION 1. The sum of fifty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet a deficiency in the appropriation for salaries of the railroad commission for the seventy-seventh and seventy-eighth fiscal years.

Urgency
measure.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 19.

An act to add three new sections to the Political Code to be numbered three thousand six hundred sixty-four aa, three thousand six hundred seventy bb and three thousand six hundred seventy cc, relating to taxation of highway transportation companies for state purposes.

[Approved by the Governor March 5, 1927. In effect immediately.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered 3664aa, to read as follows:

3664aa. 1. Taxes levied, assessed and collected as hereinafter provided upon companies owning, operating or managing any automobile, truck or auto truck, jitney bus, stage or auto stage used in the business of transportation of persons or property as a common carrier for compensation over any public highway in this state between fixed termini or over a regular route, other than busses used exclusively for the transportation of pupils to or from any public school, when owned or operated by the school or school district, shall be entirely and exclusively for highway purposes, and shall be assessed and levied by the state board of equalization and collected in the manner hereinafter provided. The word "companies," as used in this section, shall include persons, partnerships, joint stock associations, companies and corporations.

2. All such companies engaged in the business of transportation of persons, or persons and baggage, or persons and express, or persons, baggage and express where the same is transported on the same automobile, jitney bus, stage or auto stage transporting said persons shall annually pay to the state a tax upon their franchises, cars, equipment, and other property, or any part thereof, used exclusively in the operation of their business in this state, equal to four and one-quarter per cent of the gross receipts from operations of such companies, and each thereof, within this state.

3. All such companies operating trucks or auto trucks engaged in the business of transporting property shall annually pay to the state a tax upon their franchises, trucks, or auto trucks, equipment, and other property, or any part thereof, used exclusively in the operation of their business in this state, equal to five per cent of the gross receipts from operations of such companies, and each thereof, within this state.

4. When such companies are operating partly within and partly without this state, the gross receipts within this state shall be deemed to be all receipts on business beginning and ending within this state, and a proportion, based upon the proportion of the mileage within this state to the entire mileage

over which such business is done, of receipts on all business passing through, into, or out of this state.

Tax in lieu of what.

5. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property above enumerated of such companies; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount to be paid or required by law to be paid for any special privilege or franchise heretofore granted by any of the municipal authorities of this state.

Sections also applicable.

6. The provisions of sections 3664*e*, 3665*a*, 3665*b*, 3665*c*, 3666, 3666*c*, 3667*a*, 3667*b*, 3667*c*, 3668, 3668*a*, 3668*b*, 3668*c*, subdivisions two, three and four of section 3669, 3669*a*, 3669*b*, 3669*c* and 3669*e* of the Political Code, and any amendments thereto hereafter made, shall apply, and shall be construed to apply to all "companies" subject to state taxation under section 15 of article XIII of the constitution of this state, with the same force and effect as if said companies were expressly mentioned in said sections of the Political Code.

New section.

SEC. 2. A new section is hereby added to the Political Code to be numbered 3670*bb*, said section to read as follows:

Assessment and taxation for local bonded indebtedness.

3670*bb*. 1. Each county, city and county, city and district assessor must segregate on his assessment roll, as directed by the state board of equalization, the assessments made by said assessors of all property enumerated in section 15 of article XIII of the constitution of this state, which is located in the county, or city and county, or any city, town, township, or district in which it is subject to taxation, for paying the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district prior to the second day of October in the year 1925, as provided in section 15 of article XIII of the constitution of this state.

Duplicate roll to state board of equalization.

2. Immediately upon completion of the assessment and equalization of property for the purposes of taxation in each year, the auditor or clerk of each county, city and county, city, town, or district must transmit to the state board of equalization a duplicate of that part of the assessment roll containing the assessments referred to in subdivision one of this section.

Where assessment unjust.

3. Whenever the state board of equalization is satisfied after investigation that any county, city, or other assessor, or board of equalization, has assessed for taxation to pay the principal and interest of any bonded indebtedness created and outstanding by any county, city and county, city, town, township, or district prior to the second day of October in the year 1925, as provided in section 15 of article XIII of the constitution of this state, any of the property taxed exclusively for state purposes as provided in said section, above its full cash value and has thereby unjustly reduced the amount of taxes due the state on such property, said state board shall, under such rules of notice to the clerk of the

board of supervisors of the county, or city and county, or to the city clerk of the city affected thereby, as the board shall deem reasonable, equalize the assessed value of such property, and shall issue an order to said assessor or board of equalization and to the county or city auditor or clerk of the county, city and county, or city in which the property is located, fixing the assessed value of such property.

4. The value so equalized and no other, shall be deemed the value of said property, and its assessment for taxes levied to pay the principal and interest of any such outstanding bonded indebtedness. Value for taxation.

5. When making the tax levy and fixing the rates of taxation for county, city and county, city, town, township, or district purposes, the board of supervisors of any county, or city and county and the corresponding authority in any city having bonded indebtedness issued and outstanding on the first day of October in the year 1925, shall fix the tax rate for such bonded indebtedness separate and apart from all other tax rates whether for subsequent bonded indebtedness or for other purposes. Tax rate.

6. The county, city and county, or city auditor or clerk shall extend on the assessment roll against the assessments segregated as herein provided, the taxes necessary to pay the principal and interest of said bonded indebtedness at the same rate as said taxes for payment of principal and interest of said outstanding bonded indebtedness shall be levied upon the other classes of property within the same county, city and county, city, town, township or district, and the amount of each such taxes shall be certified by said auditor or clerk to the controller, and the amount so certified shall then be credited by the controller to the county, city and county, city, town, township or district to which it is due; and said amount shall be paid by said controller to the treasurer of such county, or city and county, as provided in section 3670cc of this code, and upon such payment said treasurer shall forthwith certify such fact to the auditor who shall thereupon mark upon the assessment roll the date of payment and the words "paid by the state treasurer." The city clerk or auditor shall in the certificate mentioned in this paragraph also state the date when taxes in such city shall become delinquent. Taxes certified to controller.

SEC. 3. A new section is hereby added to the Political Code to be numbered 3670cc, said section to read as follows: New section.

3670cc. 1. All taxes assessed and levied under the provisions of section 15 of article XIII of the constitution of this state and sections of this code applicable thereto shall be paid to the state treasurer, upon the order of the controller, without deduction for any taxes assessed and levied to pay the principal and interest of any bonded indebtedness mentioned in section 15 of article XIII of the constitution of this state, and the amount due to the cities, cities and counties, counties, towns, townships and districts, on account of said taxes Disposition of taxes collected.

assessed and levied for such bonded indebtedness shall be paid to said cities, cities and counties, counties, towns, townships or districts, in the manner provided by law. The controller must mark the date of payment of any tax on the record of assessments for state taxes.

Payments on
local bonded
indebtedness.

2. The controller, out of the taxes collected by him under the provisions of section 15 of article XIII of the constitution of this state and the provisions of the sections of this code applicable thereto, shall credit to the fund created by an act of the thirty-ninth session of the Legislature entitled "An act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district on the eighth day of November in the year 1910, which is provided for in section 14 of article XIII of the constitution of this state, and as provided in an act of the thirty-ninth session of the Legislature entitled 'An act to carry into effect the provisions of section 14 of article XIII of the constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the state, all relating to revenue and taxation,' " or any act or acts amendatory thereof or supplementary thereto, the money due to each county, city and county, city, town, township or district on account of taxes to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the first day of October in the year 1925.

Settlements
with local
treasurers.

3. The controller, in the months of October and March in each year shall settle with the treasurer of each county and city and county for the money collected by said controller under this section, for the moneys due said county or city and county and the townships and districts within such county, or city and county, in the same manner as settlements are made between the county or city and county treasurers and the controller as provided for in section 3866 of this code.

4. The controller shall settle, at the same times, with each city and town for the moneys due such city or town for the purposes mentioned in this section, and when ready for such settlement shall notify the city or town treasurer of the amount of money due the city or town for said purposes, and that upon receipt of proper authority so to do, he will forward to said city or town treasurer a warrant for the amount thereof; *provided, however*, that upon receipt of notice from any such city or town treasurer that any bond issue matures for principal or interest before the date of such settlement, which notice shall state the amount thereof due from the state, and the date of maturity, and that said amount due from the state is required in order to pay the same, the said state controller must, before said date of maturity, forward his warrant to

such city or town treasurer in the manner above provided for the amount ascertained by him to be due. The treasurer of the county or city and county shall forthwith, upon receipt by him of the moneys so hereinbefore directed to be paid by said controller, credit the amount so received by him to the county, city and county, township or district, respectively entitled thereto, and pay the same in the manner provided by law.

5. Any excess paid by the controller to a county, city and county, city, town, or to a county or city and county or any township or district, over and above the state's share of the amount actually expended by such county, city and county, city, town, township or district, to pay the interest and principal of said bonded indebtedness in any year, shall be repaid to the state in such manner as the controller shall direct. Excess payments.

SEC. 4. This act, inasmuch as it provides for a tax levy, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately. Urgency measure.

CHAPTER 20.

An act making an appropriation to meet a deficiency in the appropriation for support, division of architecture, department of public works, for the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor March 9, 1927. In effect immediately.]

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

SECTION 1. The sum of forty-five thousand six hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet a deficiency in the appropriation for support, division of architecture, department of public works, for the seventy-seventh and seventy-eighth fiscal years. Appropriation: division of architecture support.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately. Urgency measure.

CHAPTER 21.

An act making an appropriation to meet a deficiency in the appropriation for salaries, division of architecture, department of public works, for the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor March 9, 1927. In effect immediately.]

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

Appropriation:
division of
architecture
salaries.

SECTION 1. The sum of thirty-seven thousand four hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet a deficiency in the appropriation for salaries, division of architecture, department of public works, for the seventy-seventh and seventy-eighth fiscal years.

Urgency
measure.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 22.

An act making an appropriation to meet a deficiency in the appropriation for printing, binding and all other work performed and materials furnished by the division of printing of the department of finance to the Legislature for the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor March 9, 1927. In effect immediately.]

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

Appropriation:
legislative
printing.

SECTION 1. The sum of thirty-one thousand six hundred fifteen dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet a deficiency in the appropriation for printing, binding and all other work performed and materials furnished by the division of printing of the department of finance to the Legislature for the seventy-seventh and seventy-eighth fiscal years.

Urgency
measure.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 23.

An act making an appropriation to meet a deficiency in the appropriation for compensation benefits, state officers and employees, for the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor March 9, 1927. In effect immediately.]

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

SECTION 1. The sum of thirty-five thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet a deficiency in the appropriation for compensation benefits, state officers and employees, for the seventy-seventh and seventy-eighth fiscal years.

Appropriation: compensation benefits.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

Urgency measure.

CHAPTER 24.

An act to amend section fifteen of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition and construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, as amended, relating to powers and duties of board of directors.

[Approved by the Governor March 17, 1927. In effect immediately.]

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

SECTION 1. Section 15 of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition and construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, is hereby amended to read as follows:

Stats. 1925, p. 461, amended.

Sec. 15. The board of directors shall have the power and it shall be their duty to manage and conduct the business and affairs of the district; make and execute all necessary contracts; employ and appoint such agents, officers, and employees as may be required, and prescribe their duties. The board and its agents and employees shall have the right to enter upon any land and make surveys, and may locate the necessary irrigation works and the line for canal or canals,

Powers and duties of directors.

Powers and
duties of
directors
(cont'd).

and the necessary branches for the same on any lands which may be deemed best for such location. Said board shall also have the right to acquire, by purchase, lease, contract, condemnation, or other legal means, all lands, and waters, and water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvements of said canal, or canals, and works, whether in this or in other states or in a foreign nation, including canals, and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters, and all necessary appurtenances, and also, where necessary or convenient to said ends and for said uses and purposes, to acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, water works, franchises, concessions or rights. Said board may enter into, and do any acts necessary or proper for the performance of any agreements with the United States or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might lawfully be acquired or owned by the irrigation district, and may acquire the right to store water in any reservoirs or to carry water through any canal, ditch or conduit not owned or controlled by the district, and may grant to any owner or lessee of the right to the use of any water the right to store such water in any reservoir of the district or to carry such water through any canal, ditch or conduit of the district. Said board may also enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them, for the transfer or delivery to any such district, corporation, association, firm or individual, of any water right or water pumped, stored, appropriated, or otherwise acquired or secured for the use of the irrigation district or for the purpose of exchanging the same for other water or water right or water supply in exchange for water or water right or water supply to be delivered or transferred to said irrigation district by the other party to said agreement.

Urgency
measure.

SEC. 2. This act is hereby declared to be an urgency measure within the meaning of section 1 of article IV of the constitution of the State of California, and shall take effect immediately.

The following is a statement of facts constituting such urgency:

The people of the State of California, at the general election held in said state on the second day of November, 1926, duly approved and ratified an amendment to section 31 of article IV of the constitution of the State of California, whereby irrigation districts were authorized and empowered,

for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, to acquire and hold the stock of corporations owning waters, water rights, canals, waterworks, franchises or concessions, subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporations; that the power of the electors of irrigation districts to authorize, at a special election called therefor, the levy of special assessments, and the power of the board of directors of such districts to levy special assessments authorized at such election, is limited by the provisions of said California irrigation district act to the raising of money to be applied to any of the purposes, now expressed or specified in said act or any act supplementary thereto; that it is necessary to make said act conform to the provisions of section 31 of article IV of the constitution in so far as the same relate to irrigation districts, in order that said districts may be empowered to raise money by special assessments to be applied to the purchase of stock in water corporations for the purposes expressed in said constitutional provision; that it is necessary for the uses and purposes of some of the irrigation districts organized and now existing under the laws of this state, that they should immediately acquire stock in water corporations in order to make water available for the irrigation of lands within their boundaries at the earliest possible moment, and for domestic uses; that unless such water can be acquired and used for said purposes during the irrigation season of 1927, irreparable injury may be suffered by the owners of land situate therein and the inhabitants thereof; that unless this act goes into effect as an emergency measure, it can not take effect until ninety days from and after the adjournment of the present session of this Legislature, and the effective date thereof will be thereby postponed until the month of August or September of this year at which time the flow of the streams of California will be reduced to a minimum and no water will be available for irrigation purposes; that the public peace and safety require that this act shall go into immediate effect.

CHAPTER 25.

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

[Approved by the Governor March 17, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p. 488,
amended.

SECTION 1. Section 39 of an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, is hereby amended to read as follows:

Assessments
to pay
interest,
principal,
rentals,
warrants,
etc.

Sec. 39. The board of directors shall then, within fifteen days after the close of its session as a board of equalization, levy an assessment upon the lands within the district in an amount sufficient to raise the interest due or that will become due on all outstanding bonds of the district on the first day of the next ensuing January and the first day of the next ensuing July, or that the board of directors believes will become due on either or both of said dates, on bonds authorized but not sold; also sufficient to pay the principal of all bonds of the district that have matured or that will mature before the close of the next ensuing calendar year; also sufficient to pay in full all sums due or that will become due from the district before the close of the next ensuing calendar year on account of rentals, or charges for lands, water, water rights or other property acquired by said district under lease or contract; also sufficient to pay in full all sums due or that will become due from the district, before the close of the next ensuing calendar year on account of contracts entered into by the district for power or fuel used or to be used for the pumping of water for the irrigation of land within the district; *provided*, the payment of the cost of such power or fuel has not been provided for by the levying of tolls or charges for the use of water or otherwise; also sufficient to pay in full the amount of all unpaid warrants of the district issued in accordance with this act and the amount of any other contracts or obligations of the district which shall have been reduced to judgment; also sufficient to raise such amount not exceeding two per centum of the aggregate value of the lands within the district according to the latest duly equalized assessment roll thereof, as the board of directors shall determine may be needed to be raised by assessment for

any of the purposes of this act. The board of directors may also include in any annual assessment such an amount as it may deem proper, not exceeding one per centum of the total assessed value of the land in the district, to be apportioned to the bond fund and to be used as provided in section 52 of this act, for the redemption of immatured bonds of the district or for the creation of a sinking fund to pay any of such bonds as they become due; *provided, however, that notwithstanding any provision of this act or any act amendatory hereof, or supplementary hereto, the board of directors may in lieu either in whole or in part, of levying the annual assessment for the payment of interest on or principal of bonds, or for any other purposes of this act, use any income or revenue of the district derived from the sale of electric power or from the sale or lease of water or the use of water for power purposes.*

Income
from power
or water.

CHAPTER 26.

An act to amend section ninety-seven of the Code of Civil Procedure, relating to salaries of justices of the peace in cities and counties.

[Approved by the Governor March 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 97 of the Code of Civil Procedure is hereby amended to read as follows:

Stats. 1915,
p. 1440,
amended.

97. Salaries. The justices of the peace shall receive for their official services the following salaries and no other or further compensation, payable monthly, out of the city and county treasury, after being first allowed and audited, as other similar demands are by law required to be allowed and audited; to each of the justices of the peace five thousand four hundred dollars per annum.

Salaries.

CHAPTER 27.

An act to amend the title and also sections one and two of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county or incorporated city or town," approved April 23, 1913, by providing that the surplus funds in the treasury of municipal utility districts and flood control districts may be invested in like manner as those of other public corporations mentioned in said act.

[Approved by the Governor March 28, 1927. In effect July 29, 1927.]

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

Stats 1913,
p 76,
amended.

SECTION 1. Section 1 of an act entitled "An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county or incorporated city or town," approved April 23, 1913, is hereby amended to read as follows:

Investment
of surplus
funds.

Section 1. Any county, city and county, incorporated city or town, municipal utility district or flood control district, which now has, or hereafter shall have, any surplus money in the treasury thereof, not required for the immediate necessities of the said county, city and county, incorporated city or town, municipal utility district or flood control district, is hereby authorized to invest such portion of any such surplus as to the governing body of the said county, city and county, incorporated city or town, flood control district or municipal utility district, may be deemed wise or expedient in any bonds already issued or hereafter issued by such county, city and county, incorporated city or town, flood control district or municipal utility district respectively, or in bonds already issued or hereafter issued by any school district situated in whole or in part within the limits of such county, city and county, incorporated city or town, or within the county in which any part of such flood control district or municipal utility district is situated, or in bonds already issued or hereafter issued by the State of California, or the United States, and such investment may be made by direct purchase of any issue of bonds, or part thereof, at the original sale of such bonds, or by the purchase of such bonds after they have been thus issued. Any bonds thus purchased and held may, from time to time, be sold and the proceeds reinvested in bonds as above provided. Sales of any bonds thus purchased and held shall, from time to time, be made in season so that the proceeds may be applied to the purposes for which the money, with which the bonds were originally purchased, was placed in the treasury of the county, city and county, incorporated city or town, municipal utility district, or flood control district.

Sale of
bonds.

SEC. 2. Section 2 of the above entitled act is hereby amended to read as follows:

Stats. 1913,
p. 76,
amended.

Sec. 2. The functions and duties of this act authorized shall be performed by the legislative or governing body of the county, city and county, incorporated city or town, municipal utility district or flood control district, or under its authority.

Bodies
authorized
to act.

SEC. 3. The title of the above entitled act is hereby amended to read as follows:

Stats. 1913,
p. 76,
amended.

An act authorizing the investment and reinvestment and dispositions of any surplus moneys in the treasury of any county, city and county, incorporated city or town, or municipal utility district, or flood control district.

Title.

CHAPTER 28.

An act to amend section six of an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, as amended, relating to mortgages and liens on property of transportation companies.

[Approved by the Governor March 28, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 6 of an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, as amended, is hereby amended to read as follows:

Stats. 1919,
p. 459,
amended.

Sec. 6. No transportation company may issue any stock or stock certificate, or any bond, or any note or other evidence of indebtedness payable at a period of more than twelve months after the date thereof, nor execute any mortgage or other lien on any of its property to secure the payment of such indebtedness, unless such transportation company, in addition to the other requirements of law, shall first have

Order
authorizing
issue of
stocks and
bonds.

secured from the railroad commission an order authorizing such issue and stating the amount thereof and the purpose or purposes to which the issue or the proceeds thereof are to be applied and that, in the opinion of the railroad commission, the money, property or labor to be procured or paid for by such issue is reasonably required for the purpose or purposes specified in the order and that, except as otherwise permitted in the order in the case of bonds, notes and other evidences of indebtedness, such purpose or purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. Such order may be made, in the discretion of the railroad commission, either with or without a public hearing. Except as in this section otherwise provided, the provisions of section 52 of the public utilities act referring to the purposes for which stocks and stock certificates, bonds, notes and other evidences of indebtedness, may be issued and the application of and the accounting for the proceeds thereof, the powers and duties of the railroad commission and the rights and duties of public utilities with reference thereto, the legal status of stocks and stock certificates and of bonds, notes and other evidences of indebtedness, issued without an order of the railroad commission then in effect, and the relationship of the State of California to such stocks and stock certificates, and such bonds, notes and other evidences of indebtedness, shall apply to and govern the issue of stocks and stock certificates, and of bonds, notes and other evidences of indebtedness, of transportation companies with the same force and effect as though section 52 of the public utilities act were restated in this section with the substitution of the words "transportation companies" for the words "public utility" and of the words "transportation companies" for the words "public utilities." The provisions of section 57 of the public utilities act referring to fees to be charged and collected by the railroad commission for certificates authorizing the issue of bonds, notes or other evidences of indebtedness of public utilities shall apply to and govern authorizations by the railroad commission of the issue by transportation companies of bonds, notes or other evidences of indebtedness.

Application
of public
utilities act.

Fees.

CHAPTER 29.

An act providing for the distribution of any money appropriated by the State of California for the encouragement of county and district fairs.

[Approved by the Governor March 28, 1927. In effect July 29, 1927.]

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

SECTION 1. Any money appropriated by the State of California for the encouragement of county and district agricultural fairs to be held during the seventy-ninth and eightieth fiscal years shall be expended under the supervision of the state department of finance for premiums for agricultural, horticultural and live stock exhibits only. The state department of finance shall apportion the money hereby appropriated to the various agricultural fairs held in any county or by any group of counties on the basis of the amount which such fairs actually paid in premiums for agricultural, horticultural and live stock exhibits, at the fairs held in the preceding year. It shall be the duty of the secretary of any such fair desiring to take advantage of the provisions of this act to file with the state department of finance on or before August 1, 1927, and August 1, 1928, a sworn statement setting forth the actual amount paid for premiums by such county agricultural fair held in the preceding year. No allotment from the appropriation herein provided shall be made for more than one fair in any one year in any county. The fact that one county joins with another county, or with several others, to hold an agricultural fair shall not bar it from receiving a proper proportion of the moneys herein appropriated.

Distribution of appropriation for local fairs.

CHAPTER 30.

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

[Approved by the Governor March 28, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4267 of the Political Code is hereby amended to read as follows:

Stats. 1921, p. 690, amended.

4267. In counties of the thirty-eighth class the county officers and their deputies herein provided for, the township officers and grand jurors and trial jurors shall receive as compensation for the services required of them by law, or

Counties of 38th class: salaries and fees of officers.

by virtue of their office, the following salaries, per diem and mileage, to wit:

- Clerk 1. The county clerk, two thousand seven hundred dollars per annum; *provided*, (a) that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy who shall receive a salary of one thousand eight hundred dollars per annum, and one deputy who shall receive a salary of one thousand five hundred dollars per annum; the deputies herein provided for shall be appointed by the county clerk, and their salaries shall be paid by the said county in equal monthly installments at the same time in the same manner and out of the same funds as the salary of the county clerk is paid.
- Sheriff. 2. The sheriff, five thousand dollars per annum, and also his actual and necessary traveling expenses in the execution of a warrant outside of his county issued by a court magistrate of his county; *provided*, that in counties of this class the sheriff is hereby allowed one deputy who shall receive a salary of one thousand eight hundred dollars per annum; *and further provided*, that the sheriff shall pay into the county treasury, for use of the county, all fees, commissions or mileage for the service of all papers issued by any court of the state outside of his county.
- Recorder. 3. The recorder, two thousand seven hundred fifty dollars per annum; *provided*, that in counties of this class the recorder is hereby allowed one deputy who shall receive a salary of one thousand eight hundred dollars per annum, and one deputy who shall receive a salary of one thousand five hundred dollars per annum.
- Auditor. 4. The auditor, two thousand seven hundred fifty dollars per annum; *provided*, that in counties of this class the auditor is hereby allowed one deputy who shall receive a salary of one thousand eight hundred dollars per annum; and one deputy who shall receive a salary of one thousand five hundred dollars per annum; *provided*, that the auditor shall prepare for publication, without expense to the county, an annual statistical report.
- Treasurer. 5. The treasurer, three thousand dollars per annum; *provided*, that all commissions and fees authorized by any law to be collected by the treasurer shall be paid to the county.
- Tax collector 6. The tax collector, two thousand four hundred dollars per annum; *provided*, (a) that in counties of this class the tax collector is hereby allowed one deputy for a period of eight months during each year who shall receive a salary of one hundred fifty dollars per month.
- Assessor. 7. The assessor, four thousand dollars per annum; *provided*, that the assessor shall receive and retain for his own use four per cent only on personal property tax collections made by him as authorized by section 3820 of the Political Code.
- Attorney. 8. The district attorney, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall

be and is hereby allowed to the district attorney a stenographer or clerk which person shall receive the sum of one hundred dollars per month, said sum to be paid in monthly warrants at the same time, in the same manner and out of the same funds as the salary of the district attorney is paid.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

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

11. The superintendent of schools, three thousand two hundred dollars per annum and traveling expenses while visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of the superintendent of schools, and who shall serve as secretary of the county board of education without compensation; *provided*, (a) that in counties of this class the superintendent of schools is hereby allowed one deputy who shall receive a salary of one thousand two hundred dollars per annum. Supt. of schools

12. The surveyor, such fees as are now or may be hereafter allowed by law. Surveyor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population less than five hundred, twenty dollars per month. Justices.

14. Constables shall receive the following monthly salaries to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, twenty dollars per month; *provided*, that each constable shall receive his actual and necessary expenses, incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases each constable shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions. Constables.

15. Supervisors, the sum of one hundred twenty-five dollars per month each; mileage at the rate of twenty cents per mile for each mile actually traveled by them in the discharge of their duties either as road commissioner or supervisor, not exceeding in the aggregate six hundred dollars per annum. Supervisors shall also receive their necessary expenses when Supervisors.

the performance of duty as supervisor or road commissioner takes them out of the county.

Reporters. 16. The official reporters, same as now provided by law.

Jurors. 17. In counties of this class grand jurors and trial jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, the sum of fifteen cents; such mileage to be allowed but once during each session such jurors are required to attend.

Appointees. 18. The deputies, stenographers, clerks and assistants herein provided for shall be appointed by the officers to whom the same are allowed, and shall be paid by the county, in equal monthly installments, at the same time, in the same manner and out of the same funds that said officers are paid.

CHAPTER 31.

An act to amend section four thousand two hundred seventy-one of the Political Code, relating to salaries of county officers in counties of the forty-second class.

[Approved by the Governor March 28, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p. 39,
amended.
Counties of
42d class;
salaries and
fees of
officers.

SECTION 1. Section 4271 of the Political Code is hereby amended to read as follows:

4271. In counties of the forty-second class, the county officers shall receive as compensation for services required of them by law, or by virtue of their offices, the following salaries, to wit:

Clerk. 1. County Clerk. The county clerk, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed the county clerk, one deputy clerk, who shall be appointed by the county clerk, and shall be paid salary as follows: The sum of one thousand two hundred dollars per annum, which shall be paid by said county in equal monthly installments at the time and in the same manner and out of the same fund as the salary of the clerk is paid; *provided*, that the county clerk shall appoint as many deputy registration clerks as may be necessary for the convenient registration of voters of the county, which deputy registration clerks in all places in said county other than at the county seat shall receive as compensation for their services the sum of eight cents per name for each and every voter registered by them, said compensation to be paid out of the general fund of the county on the presentation or filing with the board of supervisors of the county a duly verified claim therefor, approved by the county clerk.

Recorder. 2. Recorder. The recorder shall receive a salary of one thousand five hundred dollars per annum, and in addition to

his salary fifty per cent of all fees collected by him as such recorder.

3. Sheriff. The sheriff shall receive four thousand dollars Sheriff. per annum, and the fees or commissions for the service of all papers issued by any court of the state outside of this county; also his traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county; *provided*, that in counties of this class the sheriff is hereby allowed one undersheriff and three deputies, who shall be appointed by the sheriff, the undersheriff shall receive a salary of one thousand eight hundred dollars per annum, and each of the other three deputies shall receive a salary of one thousand five hundred dollars per annum which shall be paid by the county in equal monthly installments at the time and in the same manner and out of the same funds as the salary of the sheriff is paid.

4. The auditor, two thousand four hundred dollars per annum; *provided*, that in counties of this class the auditor is hereby allowed one deputy, who shall be appointed by the auditor and who shall receive a salary of nine hundred dollars per annum, which shall be paid by the county in equal monthly installments, at the time and in the same manner and out of the same fund as the salary of the auditor is paid. Auditor.

5. The treasurer, two thousand dollars per annum, which shall be in full for all services rendered by him; and he shall pay all fees collected by him into the treasury of the county, in the manner provided by law. Treasurer.

6. The tax collector, one thousand one hundred dollars per annum. He shall also receive as compensation, to be paid to him for services, one-third of one per cent of all moneys collected by him as tax collector. Tax collector.

7. The assessor, three thousand dollars per annum. Assessor.

8. The district attorney, two thousand four hundred dollars per annum; *provided*, that in counties of this class the district attorney is hereby allowed a clerk or stenographer, who shall be appointed by the district attorney, and who shall receive a salary of one hundred twenty-five dollars per month, which shall be paid by the county at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid. Attorney.

9. The coroner, such fees as are now, or may hereafter be allowed by law. Coroner.

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

11. The superintendent of schools, two thousand four hundred dollars per annum and traveling expenses while visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of the superintendent of schools, and who shall serve as secretary Supt. of schools.

of the county board of education without compensation; *provided*, (a) that in counties of this class the superintendent of schools is hereby allowed one deputy who shall receive a salary of one thousand dollars per annum.

Surveyor.

12. The surveyor, one thousand five hundred dollars per annum, which shall be in full for all services required of him by the superior court or by the board of supervisors, and as ex officio county recorder; *provided*, that he shall be entitled to receive from the county his actual and necessary traveling expenses incurred in the performance of any order of the court or board of supervisors; for all other services the fees allowed by law.

Justices.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same funds as county officers are paid, which shall be in full for all services rendered by them; in townships having a population of two thousand five hundred or more, one hundred twenty-five dollars per month; in townships having a population of less than two thousand five hundred and more than nine hundred, seventy-five dollars per month; in townships having a population of less than nine hundred and one and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred and one, thirty dollars per month; *provided*, that in townships having a population of two thousand five hundred or more, justices of the peace shall be paid their necessary traveling expenses in the performance of their official duties; *and provided*, that in townships having a population of two thousand five hundred or more, the board of supervisors shall furnish and maintain at the expense of the county suitable offices for the justices thereof. All fees collected by the justices of the peace shall be paid into the county treasury at the end of each month.

Constables.

14. Constables shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid; also their necessary traveling expenses incurred while in the performance of their official duties, which shall be in full for all services rendered by them in criminal cases; in townships having a population of more than two thousand five hundred, one hundred dollars per month; and in townships having a population of less than two thousand five hundred and more than nine hundred, seventy-five dollars per month; in townships having a population less than nine hundred and more than five hundred, fifty dollars per month; in townships having a population of less than five hundred, thirty dollars per month. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as now or may hereafter be allowed by law for all services performed by him in civil actions; *provided, however*, in counties of this

class constables are required to devote all of their time to the duties of their office.

15. Supervisors shall receive one hundred twenty-five dollars per month, and mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioner or supervisor, not exceeding in the aggregate two hundred fifty dollars per annum. Supervisors shall also receive their necessary expenses when the performance of duty as supervisor or road commissioner takes them out of the county. Supervisors.

16. The official reporter, such fees as are now provided by law. Reporter.

17. Assistants to surveyor. The board of supervisors in counties of this class may, by resolution, authorize the county surveyor to employ such assistants as may be necessary to perform such work as may be ordered by the board of supervisors or prescribed by law, and fix the compensation of such assistants and their actual necessary traveling expenses while in the field; such compensation and expenses to be allowed and paid as county charges. Assistants to surveyor.

18. Grand and trial jurors of the superior court shall each receive for each day's attendance the sum of three dollars per day, and for each mile actually traveled in attending court, twenty cents per mile one way only. Jurors.

19. There is created for counties of the forty-second class a county librarian, who shall be appointed by the board of supervisors for a term of four years and shall receive a salary of one thousand eight hundred dollars per annum, to be paid at the time and in the manner as other county officers. Librarian.

20. The following provisions of this act, in relation to compensation, deputies, fees and expenses, to wit: subdivisions one and three, respectively, are intended to affect present incumbents. Effect on incumbents.

CHAPTER 32.

An act to amend section three hundred thirty-six of the Civil Code, relating to corporations.

[Approved by the Governor March 28, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 336 of the Civil Code is hereby amended to read as follows: Code amdts. 1873-74, p. 206, amended.

336. Publication and Service of Notice. The notice must be personally served upon each stockholder, or, in lieu of personal service, must be sent through the mail, addressed to each stockholder at his place of residence, if known, and if not known, at the place where the principal office of the corporation is situated, and be published once a week, for four Publication and service of notice.

successive weeks, in some newspaper of general circulation and devoted to the publication of general news, published at the principal place of business of the corporation, and also in some newspaper published in the county in which the works of the corporation are situated, if a paper be published therein. If the works of the corporation are not within a state or territory of the United States, publication in a paper of the place where they are situated is not necessary. If there be no newspaper published at the place designated as the principal place of business of the corporation, then the publication must be made in some other newspaper of the county, if there be one, and if there be none, then in a newspaper published in an adjoining county.

CHAPTER 33.

An act to amend section nineteen x fourteen of the "Juvenile court law," approved June 5, 1915, as amended, relating to the salaries of probation officers in counties of the fourteenth class.

[Approved by the Governor March 28, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p 669,
amended

SECTION 1. Section 19x14 of the "Juvenile court law," approved June 5, 1915, as amended, is hereby amended to read as follows:

Counties of
14th class:
probation
officers.

Sec. 19x14. In counties of the fourteenth class there shall be one probation officer whose salary shall be three thousand six hundred dollars per annum and one assistant whose salary shall be one thousand five hundred dollars per annum. Such probation officer shall be allowed a stenographer, whose salary shall be one hundred dollars per month.

CHAPTER 34.

An act to create a public corporation to be known as "The state bar of California," to provide for its organization, government, membership and powers, to regulate the practice of law, and to provide penalties for violations of said act.

[Approved by the Governor March 31, 1927. In effect July 29, 1927.]

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

Short title.

SECTION 1. This act may be known and cited as the state bar act.

State bar
created.

SEC. 2. There is hereby constituted a public corporation to be known as "The state bar of California," hereinafter

designated as the state bar, which shall have perpetual succession and a seal and may sue and be sued, and which may, for the purpose of carrying into effect and promoting the objects of said corporation, enter into contracts and acquire, hold, encumber, dispose of and deal in and with real and personal property. The term of existence and the powers of said corporation may be changed or terminated at any time by an act of the Legislature of the State of California.

SEC. 3. The first members of the state bar shall be all persons now entitled to practice law in this state. First members.

SEC. 4. Members of the state bar shall be divided into two classes, namely, active members and inactive, or retired, members. Classes of members.

SEC. 5. Active members shall be all those who are not classified as inactive, or retired members. Inactive, or retired, members shall be those who have, as hereinafter provided, requested to be enrolled as inactive members. Active and inactive members.

SEC. 6. Every person licensed to practice law in this state shall be deemed an active member until at his request he shall be enrolled as an inactive or retired member. Licensees deemed active members.

SEC. 7. After the organization of the state bar, as herein provided, all persons who are admitted to practice in accordance with the provisions of this act shall become by that fact members of the state bar. Admission to membership after organization.

SEC. 8. Active members who shall, after the taking effect of this act, retire from practice, shall be enrolled as inactive members at their request. Inactive members shall not be entitled to hold office or vote. They may, on application and payment of all registration fees required, become active members. Inactive members shall have such other privileges, not inconsistent with this act, as the board of governors may provide. Members may change class.

SEC. 9. There is hereby constituted a board of governors of the state bar, which shall consist of one (1) member elected from each congressional district of the State of California, and four (4) members elected from the state at large, who shall hold office for the period of one year and until their successors are elected and qualified; *provided, however*, that where a county or city and county contains more than one congressional district each member residing within such county or city and county may vote for and elect from residents of said county or city and county as many members of the board of governors as there are congressional districts within such county or city and county. Board of governors.

SEC. 10. The officers of the "state bar" shall be a president, three (3) vice presidents, a secretary and a treasurer. Officers.

SEC. 11. The president and vice presidents shall be elected by the board of governors from among their members at the time of the organization meeting of the state bar, as herein provided, and thereafter at the time of the annual meeting. The newly elected president and vice presidents shall assume President and vice presidents.

the duties of their respective offices at the conclusion of the annual meeting at which they are elected.

Chief justice
to appoint.

SEC. 12. Upon this act becoming effective, four members of the first board of governors shall be appointed by the chief justice of the supreme court of the State of California from among those qualified for active membership in the state bar.

Commission
to organize.

SEC. 13. The four members of the board of governors so appointed, with the chief justice of the supreme court of the State of California, shall constitute a commission to place this act in operation and to organize the state bar, and to adopt such rules and regulations for the time being as it may deem necessary to complete the organization thereof, and shall call the organization meeting and generally give effect to this act.

Remaining
places on
board.

SEC. 14. The remaining places on the board shall be filled by an election to be held as provided for in section fifteen hereof. The ballots shall be canvassed at the organization meeting. No governors from the state at large shall be elected to this first board of governors.

Election of
governors.

SEC. 15. Nominations for governors shall be by petition signed by at least twenty members entitled to vote for such nominees. The election shall be by ballot. The ballots shall be mailed to those entitled to vote at least thirty days prior to the date of canvassing the ballots and shall be returned by mail, and the ballots shall be canvassed at the ensuing annual meeting. In other respects the election shall be as the board of governors may by rule direct. Only active members of the state bar residing in the respective districts or in a county or city and county, as in section nine provided, shall be entitled to vote for the governor or governors therefrom. All active members of the state bar irrespective of their places of residence may vote for candidates for governors at large.

Vacancies.

SEC. 16. Vacancies in the board of governors shall be filled by the board by appointment.

Officers,
duties.

SEC. 17. It shall be the duty of the president to preside at all meetings of the state bar and of the board of governors, and in the event of his absence or inability to act, one of the vice presidents shall preside. Other duties of the president, vice presidents, and the duties of the secretary and the treasurer shall be such as the board of governors may prescribe.

Secretary
and
treasurer.

SEC. 18. The secretary and the treasurer shall be selected annually by the board of governors and need not be members of the state bar.

Officers,
hold over.

SEC. 19. The officers of the state bar shall continue in office until their successors are elected and qualify.

Government
of bar.

SEC. 20. The state bar shall be governed by the board of governors, which shall have the powers and duties in this act conferred.

Executive
functions.

SEC. 21. The board shall be charged with the executive functions of the state bar and the enforcement of the provisions of this act.

SEC. 22. The board shall have power to appoint such committees, officers and employees as it may deem necessary or proper, and fix and pay salaries and necessary expenses. Appointees.

SEC. 23. The board shall have power to aid in the advance of the science of jurisprudence and in the improvement of the administration of justice. Aid to research

SEC. 24. With the approval of the supreme court, and subject to the provisions of this act, the board shall have power to fix and determine the qualifications for admission to practice law in this state, and to constitute and appoint a committee of not more than seven members with power to examine applicants and recommend to the supreme court for admission to practice law those who fulfill the requirements. With the approval of the supreme court the board shall have power to fix and collect fees to be paid by applicants for admission to practice, which fees shall be paid into the treasury of the state bar; *provided, however*, that until otherwise fixed and determined, the requirements for admission to practice under this act shall be the same as those now prescribed by the supreme court for admission to practice in this state and shall be enforced as the same now are enforced through the state board of bar examiners. Admission to the bar.

SEC. 25. With the approval of the supreme court, the board shall have power to formulate and enforce rules of professional conduct for all members of the bar in the state. Professional conduct.

SEC. 26. The board of governors shall have power, after a hearing for any of the causes set forth in the laws of the State of California warranting disbarment or suspension, to disbar members or to discipline them by reproof, public or private, or by suspension from practice, and the board shall have power to pass upon all petitions for reinstatement. The board of governors shall keep a transcript of the evidence and proceedings in all matters involving disbarment or suspension and shall make findings of fact and a decision thereon. Upon the making of any decision resulting in disbarment or suspension from practice said board shall immediately file a certified copy of said decision, together with said transcript and findings, with the clerk of the supreme court. Any person so disbarred or suspended may, within sixty days after the filing of said certified copy of said decision, petition said supreme court to review said decision or to reverse or modify the same, and upon such review the burden shall be upon the petitioner to show wherein such decision is erroneous or unlawful. When sixty days shall have elapsed after the filing of said certified copy, if no petition for review shall have been filed, the supreme court shall make its order striking the name of such person from the roll of attorneys or suspending him for the period mentioned in said decision. If, upon review, the decision of said board of governors be affirmed, then said court shall forthwith make said order striking said name from the rolls or of suspension. The board shall have power to appoint Disciplinary authority.

one or more committees to take evidence and make findings on behalf of the board, or to take evidence on behalf of the board and forward the same to the board with a recommendation for action by the board. Nothing in this act contained shall be construed as limiting or altering the powers of the courts of this state to disbar or discipline members of the bar as this power at present exists.

Rules and regulations.

SEC. 27. Subject to the laws of this state the board shall have power to formulate and declare rules and regulations necessary or expedient for the carrying out of this act, and shall by rule fix the time and place of the annual meeting of the state bar, the manner of calling special meetings thereof and determine what number shall constitute a quorum of the state bar.

Meetings.

Disbursements.

SEC. 28. The board shall have power to make appropriations and disbursements from the funds of the state bar, to pay all necessary expenses for effectuating the purposes of this act, but no member of the board shall receive any other compensation than his necessary expenses connected with the performance of his duties as a member of the board.

Violation of rules.

SEC. 29. The rules and regulations adopted by the board when approved by the supreme court shall be binding upon all members of the state bar and the wilful breach of any of such rules shall be punishable by suspension from the practice of law for a period not to exceed one year.

Local administrative committees.

SEC. 30. The board shall have power to create such local administrative committees as it may deem advisable. Such committees shall be composed of active members of the state bar and each member of the board of governors, unless he decline to act, shall be ex officio a member of the local administrative committee where he maintains his principal office for the practice of the law.

Tenure of office.

SEC. 31. The members of local administrative committees (except ex officio members of the board of governors) shall hold at the pleasure of the board of governors.

Conduct of members.

SEC. 32. It shall be the duty of each local administrative committee, and it shall have the power, to receive and investigate complaints as to the conduct of members, make findings and recommendations and forward its report to the board of governors for action, which may either act upon the report or may take additional evidence, or set aside the report and hear the whole case de novo, as it may elect.

Other duties.

SEC. 33. The local administrative committees shall perform such other duties in furtherance of the execution of the provisions of this act as the board may direct.

Disciplinary proceedings and investigations.

SEC. 34. In all cases involving disbarment, suspension or reproof the hearing shall be held in the county of the residence of the party charged, or where the offense is committed. The board, or any local administrative committee shall, of its own motion and without the filing or presentation of any complaint, or upon any complaint, if a complaint be filed,

have power to initiate and conduct investigations of all matters affecting or relating to the state bar, or its affairs, or the practice of the law, or the discipline of the members of the state bar, or any other matter within the jurisdiction of the state bar, and in the conduct of such investigations shall have power to take and hear evidence touching the matters under investigation, administer oaths and affirmations, and upon such investigations, and upon the trial or hearing of all matters, jurisdiction to try or hear which is given the said board or committee, shall have power to compel the attendance of witnesses and the production of books, papers and documents pertaining to the matter under investigation, or to said trial or hearing, by subpoena issued as hereinafter provided. Whenever any person subpoenaed to appear and give testimony or to produce such books, papers or documents as required by such subpoena, shall refuse to appear or testify before said board or committee, or to answer any pertinent or proper questions, he shall be deemed in contempt of said board or committee, and it shall be the duty of the chairman or presiding officer of said board or committee to report the fact to the superior court of the State of California, in and for the county or city and county in which said investigation, trial or hearing is being held; thereupon the said court shall issue an attachment in the form usual in said superior court, directed to the sheriff of said county or city and county, commanding said sheriff to attach such person and forthwith bring him before said superior court. On the return of said attachment, and the production of the person attached, the said superior court shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a superior court of the State of California. Any member of said board shall have power to administer oaths and issue any subpoena herein provided for. No witness shall be compelled to attend a hearing outside of the county where such hearing is held and more than fifty (50) miles from the place of hearing. Depositions may be taken and used in the same manner as in civil cases provided for.

SEC. 35. Any person complained against, as herein provided, shall be given reasonable notice and have a reasonable opportunity and right to defend against the charge by the introduction of evidence, and the right to be represented by counsel, and to examine and cross-examine witnesses. He shall also have the right to the issuance of subpoenas for attendance of witnesses to appear and testify or produce books and papers, as above provided.

Rights of
persons
complained
against.

- Record of hearings.** SEC. 36. A record of all hearings shall be made and preserved by the board or committee.
- Mode of procedure.** SEC. 37. The board of governors, subject to the provisions of this act, may by rule, provide the mode of procedure in all cases of complaints against members.
- Review by supreme court.** SEC. 38. A review by the supreme court of the action of the board of governors, or of any committee authorized by it to make a determination on its behalf, pursuant to the provisions of this act, may be had by the person complained against, and the procedure upon such review shall be such as the supreme court may prescribe.
- Organization and annual meetings.** SEC. 39. The organization meeting of the state bar shall be held in the city and county of San Francisco within one hundred and twenty (120) days after the taking effect of this act. Thereafter there shall be an annual meeting at a time and place to be designated by the board of governors. The first annual meeting shall be held not less than six (6) months nor more than eighteen (18) months after the organization meeting.
- Matters to be considered.** SEC. 40. At the annual meeting reports of the proceedings by the board of governors since the last annual meeting, reports of other officers and committees and recommendations of the board of governors shall be received. Matters of interest pertaining to the state bar and the administration of justice may be considered and acted upon.
- Special meetings.** SEC. 41. Special meetings of the state bar may be held at such times and places as shall be provided by the board of governors.
- Membership fee prior to organization.** SEC. 42. For the period between the taking effect of this act and the organization meeting of the state bar the fee for each active member shall be the sum of three dollars, and upon payment of such fee he shall receive a certificate issued under the direction of the commissioners, which shall evidence his membership until two months after the date of the organization meeting of the state bar; *provided, however,* that no member shall vote until his fees shall have been paid.
- Active membership fee.** SEC. 43. The annual membership fee for active members shall be the sum of five dollars, payable on or before February first of each year; *provided, however,* the board of governors shall have power to increase such fee to a sum not exceeding ten dollars.
- Certificate.** SEC. 44. Upon the payment of such fees each member shall receive a certificate issued under the direction of the board of governors evidencing such payment.
- Inactive membership fee.** SEC. 45. The annual membership fee for inactive members shall be the sum of two dollars, payable on or before the first day of February of each year.
- Nonpayment of fees.** SEC. 46. Any member, active or inactive, failing to pay any fees after the same become due, and after two months written notice of his delinquency, must be suspended from membership in the state bar, but may be reinstated upon

the payment of accrued fees and such penalties as may be imposed by the board of governors, not exceeding double the amount of delinquent dues. All fees shall be paid into the treasury of the state bar, and, when so paid, shall become part of its funds. Disposition of fees.

SEC. 47. No person shall practice law in this state subsequent to the first meeting of the state bar unless he shall be an active member thereof as hereinbefore defined. Who may practice.

SEC. 48. It shall be the duty of the board of governors annually to have prepared a statement showing the total amount of receipts and expenditures of the state bar for the twelve months preceding. Such statement shall be promptly certified under oath by the president and treasurer to the chief justice of the supreme court of the State of California. Annual financial statement.

SEC. 49. Any person who, not being an active member of the state bar, or who after he has been disbarred or while suspended from membership in the state bar, as by this act provided, shall practice law, shall be guilty of a misdemeanor. Penalty for unlawful practice.

SEC. 50. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality.

CHAPTER 35.

An act to amend section six of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, and to add three new sections to said act to be numbered sections six a, six b, and six c respectively, relating to the annexation of territory to said district, and also adding a new section to said act to be numbered section six d, relating to the control of any existing publicly owned utility in such district.

[Approved by the Governor March 31, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 6 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of Stats 1921, p 247, amended.

works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, is hereby amended to read as follows:

Notice of election.

Sec. 6. Upon establishing the wards as aforesated, the board of supervisors of said county shall give notice of an election to be held within the proposed district for the purpose of determining whether the same shall be created and established, also for the purpose of electing directors if established. Said notice shall state the name of the proposed district, and describe the boundaries thereof; it shall also describe the boundaries of the wards or subdistricts provided for the purpose of electing directors. Said notice shall be published once a week for at least three weeks before the day of said election in each municipality included in the proposed district. In case no newspaper of general circulation is published in any of the municipalities included therein said notice shall be posted for at least three weeks in not less than three public places in each of such municipalities. In case unincorporated territory is included therein said notice shall be posted for a like period in at least three public places in such unincorporated territory.

Ballot.

The ballot for said election shall contain such instructions as are required by law to be printed thereon and in addition thereto shall appear thereon the following:

Shall the (giving the name thereof)	Yes
"municipal utility district" be created and established?	

Said ballots shall also contain the names of the persons nominated in each ward to serve as a member of the board of directors from such ward, showing separately each ward and its nominees. Any person may be nominated for the office of director upon written petition of fifty or more qualified electors of the ward or subdistrict in which such person resides.

General laws to govern.

Said election, including the nomination and election of directors and all matters pertaining thereto not otherwise provided for herein, shall be held and conducted and the result thereof ascertained, determined and declared in accordance with the general election laws of the state, as nearly as may be, and no person shall be entitled to vote at said election unless he or she be a qualified elector of the territory included in the proposed district. Said election may be held on the same day as any other state, county or city election and be consolidated therewith.

Canvass of votes.

Said board of supervisors shall meet on Monday next succeeding the day of said election and canvass the votes cast thereat.

They shall canvass the returns of each municipality and each parcel of unincorporated territory, if any, separately, and shall order and declare said district created and established of the municipalities and territory in which a majority of those who voted on the proposition voted in favor of the creation of said district; *provided, however*, that the total

number of electors in such approving municipalities and territory be not less than two-thirds the number of electors within the district as first proposed, according to the register used at said election.

No person shall be entitled to serve as a director unless he be a resident and elector of the district as finally determined, and any vacancies on the board of directors caused by the elimination of territory shall be filled by the remaining directors, in which case ward lines may be disregarded in their appointment thereof. Said board of supervisors shall also canvass the returns of the election with respect to the persons voted for as directors, and shall declare the persons receiving the highest number of votes for each ward, respectively, to be duly elected as directors of said district, providing they are residents and electors thereof as finally determined. Qualification of director.

The board of supervisors shall cause a certified copy of said order, declaring the result of said election to be filed in the office of the secretary of state, from and after which the establishment of said municipal utility district shall be deemed complete, and the persons elected as directors thereof shall enter immediately upon their official duties after qualifying according to law. Said directors shall hold their respective offices only until the next general election as provided by section 1041 of the Political Code, and until their successors are elected and qualified.

The board of supervisors calling the election shall make all provision for the holding thereof throughout the entire district as proposed, and shall pay the cost thereof. In case a special election is held exclusively on the proposition of organizing such a district, the expenditure therefor shall be reimbursed to the county which called the election by means of a special tax on all the taxable property within the municipalities and unincorporated territory which was proposed to be included in the district, which tax shall be added to the next county tax bills by the proper officials of the counties involved, respectively. Declaration of result.

No informality in any proceeding or in the conduct of said election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of any municipal utility district, and any proceedings wherein the validity of such incorporation is denied, shall be commenced within three months from the date of filing the aforesaid order with the secretary of state, otherwise such incorporation and the legal existence of said municipal utility district shall be held to be valid and in every respect legal and incontestable. Informality not to invalidate proceedings.

SEC. 2. A new section is added to the above entitled act to be numbered 6a, and to read as follows: New section.

Sec. 6a. Any municipality not in said district at the time of its creation, may subsequently be annexed thereto in the manner following: Annexation of municipality.

Notice of election.

The legislative body of such municipality shall negotiate with the board of directors of said district, and if satisfactory terms are agreed upon, the same shall be incorporated in an ordinance and adopted by said board of directors. If the referendum is not invoked on such ordinance by the electors of said district within thirty days after its final passage, the terms and conditions incorporated in said ordinance shall be deemed satisfactory so far as said district is concerned.

Thereupon the legislative body of the municipality proposed to be annexed shall call an election in said municipality to determine whether said municipality shall be annexed to said district on the terms and conditions stated in said ordinance, which ordinance shall be incorporated in the notice of election. The notice of said election shall be published at least once a week for two weeks before the day of said election, or be posted for at least two weeks in three public places in said municipality in case no newspaper of general circulation is published therein.

Ballots.

The ballots for said election shall contain such instructions as are required by law to be printed thereon and in addition thereto shall appear thereon substantially the following :

Shall the city (or town) of-----	Yes
be annexed to -----	
municipal utility district?	No

General laws to govern.

Said election, in all matters pertaining thereto not otherwise provided for herein, shall be held and conducted and the result thereof ascertained, determined and declared in accordance with the general election laws of the state so far as the same may be applicable.

Canvass of votes.

If, upon a canvass of the result thereof, it appears that a majority of all the votes cast at said election were cast in favor of annexation, the proposition shall be deemed to have been carried and approved by the electors; *provided, however,* if the terms and conditions aforementioned necessitate the incurring of an indebtedness by the municipality proposed to be annexed, in order to contribute its share of any expenditure theretofore authorized or incurred by said district, then and in that case the proposition of incurring such indebtedness shall be submitted at the same election, and the proposition for annexation shall not be deemed carried unless the proposition for incurring such indebtedness shall be approved by a vote of two-thirds of all the voters voting at such election. In such event the board of directors shall be authorized to levy such tax thereafter as shall be sufficient to pay such share of said indebtedness, and to comply with the terms and conditions of said annexation, in addition to the general district taxes.

Declaration of result.

Thereupon, the legislative body of said municipality shall enter in its minutes an order declaring the result of said election and shall cause a certified copy of said order declaring such result to be filed in the office of the secretary of state and with the secretary of the district, and from and after

which filing the annexation of said municipality to the said district shall be complete.

SEC. 3. A new section is added to the above entitled act to be numbered 6b, and to read as follows: New section.

Sec. 6b. Unincorporated territory may be annexed to said district in the manner following: Annexation of unincorporated territory.

A petition, signed by not less than fifteen per cent of the qualified electors residing in the territory proposed to be annexed, describing said territory and asking that proceedings be taken for its annexation, shall be addressed to the board of directors and filed with the secretary of the district. Thereupon the secretary shall compare the signatures on said petition with the affidavits of registration on file with the county clerk and if he finds that said petition has been signed by the required number of electors, he shall attach his signature thereto and present said petition to the board of directors.

If the board of directors shall determine that the annexation of said territory would facilitate the acquisition or operation of any public utility for the district, or be of advantage to the said district, then said board shall also determine the terms and conditions upon which said annexation should be made. In case the district has theretofore authorized or incurred any indebtedness, such terms and conditions shall specify whether the said territory to be annexed shall bear its share or any part of such indebtedness, and, if so, the method of payment thereof.

Such terms and conditions shall be incorporated in an ordinance and adopted by said board of directors. If the referendum is not invoked on such ordinance by the electors of said district within thirty days after its final passage, the terms and conditions incorporated in said ordinance shall be deemed satisfactory so far as said district is concerned.

Thereupon, the said board of directors shall call an election in said territory to be annexed, in accordance with the prayer of said petition, to determine whether said territory shall be annexed to said district on the terms and conditions stated in said ordinance, which ordinance shall be incorporated in a notice of election. Notice of election. All matters and things relating to said election, including the furnishing of sample and official ballots, establishment of election precincts, appointment of election officers and other things necessary and proper for conducting said election, shall be attended to by the board of directors and secretary of the district, and so far as may be applicable, said election shall be conducted substantially in accordance with the provisions hereinabove provided in section 6a for the annexation of a municipality to said district, and in accordance with the general election laws of the state. The notice of said election shall be published at least once a week for two weeks before the day of said election, in a newspaper published and circulated within the said territory proposed to be annexed, or be posted for at least two weeks in three public

places in said territory in case no newspaper of general circulation is published therein.

Canvass of
returns and
declaration
of result.

On the first Friday following said election the board of directors of the district shall canvass the returns thereof and if it finds that two-thirds or more of the electors of said territory voting at said election voted in favor of annexation to said district, and also voted in favor of incurring their share of any indebtedness, in case such question was also submitted, the board of directors of the district shall pass a resolution declaring said territory to be annexed to said district, and shall cause a certified copy of said resolution to be filed with the secretary of state and another with the secretary of the district, from and after which filing the annexation of said territory to said district shall be complete. In case two-thirds or more of the electors of said territory shall have voted at said election in favor of incurring a share of the indebtedness of said district, the board of directors shall be authorized to levy, in addition to the general district taxes, such tax thereafter as shall be sufficient to pay such share of said indebtedness, and to comply with the terms and conditions of said annexation.

New section.

SEC. 4. A new section is added to the above entitled act to be numbered 6c, and to read as follows:

Effect of
annexation.

Sec. 6c. Any territory heretofore or hereafter annexed in accordance with law to any municipality included in the district shall, upon the completion of such annexation proceeding, be deemed incorporated into and annexed to the said district, and shall thereafter become subject to taxation, along with the entire territory of the district in accordance with the assessable valuation of the property thereof, for general district purposes, and for the payment of any indebtedness theretofore or thereafter incurred by said district.

New section.

SEC. 5. A new section is added to the above entitled act to be numbered 6d, and to read as follows:

Control of
existing
utilities.

Sec. 6d. Nothing herein contained shall be deemed to authorize or empower the board of directors of the district to interfere with or exercise any control over any existing utility owned and operated by any municipality in said district unless by consent of the city council of such municipality and upon such terms as may be mutually agreed upon between the board of directors of the district and said city council.

CHAPTER 36.

An act defining credit unions, providing for their incorporation, powers, management and supervision.

[Approved by the Governor March 31, 1927. In effect July 29, 1927.]

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

SECTION 1. A credit union is a corporation organized for the two-fold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes. Credit union defined.

Corporations may be incorporated under and by virtue of this act in the same manner as corporations under and by virtue of chapter I of title I of part IV, division I of the Civil Code of the State of California, except as otherwise herein provided. Three or more persons residing in the State of California may form a corporation to be known as a credit union. The articles of incorporation shall set forth the following: Incorporation. Contents of articles.

1. The name of the corporation, which shall include the words "Credit Union."

2. The place where its business is to be transacted.

3. The par value of the shares, which shall not exceed ten dollars (\$10).

4. The full names, residence and post-office address of each of the incorporators and the number of shares subscribed for by each.

5. The term of its existence, not exceeding fifty years.

6. The number of its directors, which shall not be less than three, and the names and addresses of the incorporators who shall be its directors until the first annual meeting of shareholders.

7. The amount of its capital stock, the number of shares into which it is divided, the amount actually subscribed and by whom.

8. If formed without a capital stock, the number of membership shares to be issued.

SEC. 2. The by-laws shall prescribe the manner in which the business of the credit union shall be conducted with reference to the following matters: By-law provisions.

1. The purpose of the corporation.

2. The qualification for membership.

3. The date of the annual meeting during January; the manner of conducting meetings; the method by which members shall be notified of meetings, and the number of members which shall constitute a quorum.

4. The number of directors necessary to constitute a quorum, and the compensation and duties of officers elected by the directors.

By-law
provisions
(cont'd)

5. The powers and duties of the supervisory committee and the number of members, not less than seven, of which it shall be composed.

6. The powers and duties of the credit committee and the number of members, not less than three, of which it shall be composed.

7. The conditions upon which shares may be issued, paid for, transferred and withdrawn.

8. The fines, if any, which shall be charged for failure punctually to meet obligations to the corporation.

9. The conditions upon which certificates may be issued and withdrawn.

10. The manner in which the funds of the corporation shall be employed.

11. The conditions upon which loans may be made and repaid.

12. The maximum rate of interest that may be charged upon loans.

13. The method of receipting for money paid on account of shares, certificates or loans.

14. The manner in which the guaranty fund shall be accumulated.

15. The manner in which dividends shall be determined and paid to members.

Powers.

Sec. 3. Every credit union shall have power:

1. To issue shares to persons qualified for membership.
2. To charge an entrance fee to subscribers for such shares.
3. To charge a reasonable fee for the transfer of its shares.
4. To receive money and accumulate funds to be loaned and to loan the same to members and to execute certificates for the money received, which shall specify the date, amount, rate of interest, and when the principal and interest are payable.

5. To lend money to its members upon such terms and conditions as by-laws provide and as the credit committee shall approve, at rates not exceeding one per centum per month, inclusive of all charges incident to the making of such loan.

6. To deposit any moneys received by it and not lent to members, as provided in section 6 of this act.

7. To borrow money to an amount not exceeding forty per centum of the capital of such corporation.

8. To fine members for failure to meet punctually obligations to such credit union.

9. To expel members, as provided in section 12 of this act.

10. To impress a lien upon the shares and dividends of any member to the extent of any loans made to him and for any dues, or fines payable by him.

11. To cancel the shares of any member who withdraws or is expelled, and apply value thereof to the liquidation of such member's indebtedness to the corporation.

12. To invest any moneys received by it not lent to its members in the securities which are authorized as an investment for savings banks as set forth by statute and in building and loan certificates.

13. To fix the maximum amount of shares owned or held by any one member which shall not exceed two thousand dollars (\$2,000) in total par value.

14. In addition to the powers herein enumerated, every credit union shall have the general powers conferred upon corporations by chapter III, title I, part IV, division I of the Civil Code, except as herein otherwise provided.

SEC. 4. No credit union shall:

1. Pay any commission or compensation for securing mem- Prohibitions.
bers or for the sale of its shares.

2. Make any loan in excess of fifty dollars unless security therefor is taken nor in any event make a loan to any member in excess of two thousand dollars (\$2,000). The term "security" within the meaning of this subdivision shall include an indorsed note of any of the members.

3. Impose a fine, in case of failure of a member to make payments on shares, exceeding one per centum per month or fraction of a month on accounts due, except that a minimum fine of five cents per month or fraction thereof may be imposed.

4. Permit any director, officer or member of the credit committee or supervisory committee to borrow directly or indirectly, an amount greater than the amount invested by him in the credit union, or become surety for any loan or advance made by the corporation.

5. Issue shares or accept funds in trust, except in the name of the trustee, as such, for a specified beneficiary whose residence shall be disclosed to the credit union by such trustee.

6. Issue any shares except to those qualified for membership under its by-laws, and unless there is printed upon the certificate or other evidence of such shares the words "transferable only to qualified members."

7. Lend to any of its members without requiring at the time of such loan a surrender and pledge of any certificates or other evidence of membership, issued by such credit union to the member to whom such loan is to be made.

SEC. 5. The capital of a credit union shall consist of the Capital.
payments made by members on shares.

SEC. 6. The capital funds, undivided profits and guaranty Deposits and
investments
fund of any credit union may be deposited in one or more savings banks, state banks or trust companies, incorporated under the laws of the State of California, or in national banks located in the state or invested in certificates of building and loan associations which have been duly licensed to operate in the State of California, or in the securities which are authorized as an investment for savings banks and set forth by statute.

Guaranty
fund

SEC. 7. A guaranty fund shall be created and regulated as follows:

1. All entrance fees and transfer fees remaining after the payment of organization expenses shall be set aside to such fund.

2. At the close of each fiscal year, twenty per centum of the net earnings of the corporation for the year shall be carried to such fund; *provided*, that, upon the recommendation of the board of directors, the shareholders, at the annual meeting, may increase, or, if such fund equals or exceeds its capital, may decrease the proportion of net earnings to be thus set aside.

3. Any sums recovered on items previously charged to it shall be credited to such fund.

Losses.

Losses incurred by a credit union may be charged to its guaranty fund.

Certificates
not indebt-
edness.

SEC. 8. Issuing certificates in the transaction of business of corporations under the provisions of this act shall not be construed to be the creation of a debt within the meaning of the phrase "create debt" in section 309 of the Civil Code of the State of California, nor of "indebtedness" within the meaning of the phrase "the capital stock can not be diminished to an amount less than the indebtedness of the corporation" in section 359 of the Civil Code.

Profit and
loss account.

SEC. 9. On or after the date of the close of each fiscal year, in order to determine whether a dividend may be declared, and the amount thereof, the earnings from all sources may be credited to the credit union's profit and loss account and the following items shall be charged against such account:

1. All expenses paid or incurred of whatever nature in the management of its affairs, the collection of its debts or the transaction of its business.

2. The interest paid, or accrued and unpaid, on debts owing by it.

3. All losses sustained by it in excess of its guaranty fund. The credit balance of the profit and loss account as thus determined shall constitute the undivided profits of the credit union at the close of such period, and shall be applicable to the payment of dividends except as provided in the next succeeding section.

Dividends.

SEC. 10. The directors of any credit union may, at the close of each fiscal year, declare such dividends from its undivided profits as is provided for by law, but no credit union shall declare, credit or pay any dividends to its shareholders until it shall have:

1. Carried to its guaranty fund such part of its net earnings as is required by section 7 of this act.

Only fully paid shares shall be entitled to dividends, and shares which shall have been fully paid during any year in which dividends were declared shall be entitled only to a proportionate part of such dividend calculated from the first day of the month following such payment in full.

SEC. 11. The shares of members of any credit union and all the accumulation on such shares shall be exempt from sale on execution and proceedings supplementary thereto to the amount of six hundred dollars. Exemption from execution.

SEC. 12. A member may be expelled by a two-thirds vote of the members present at a special meeting called to consider the matter, but only after a hearing. Conviction of a criminal offense; failure to carry out his or her engagements with the credit union; refusal to comply with the provisions of this article, or of the by-laws, shall be cause for expulsion. Expulsion and withdrawal of members.

Any member may withdraw from the credit union at any time, but in such event such member shall give sixty days' notice of intention to withdraw shares and thirty days' notice of intention to withdraw certificates.

All amounts paid on shares or on certificates of an expelled or withdrawn member, with any dividends or interest credited thereto to the date thereof, shall, as funds become available, and after deducting all amounts due from the member to the credit union, be paid to him. Withdrawing or expelled members shall have no further rights in the credit union, but are not by such expulsion or withdrawal released from any remaining liability to the credit union or its creditors.

SEC. 13. An annual meeting for the election of directors, a credit committee and a supervisory committee shall be held upon such notice and at such time and place as the by-laws provide. Meetings.

At the request of ten members, or by order of the directors, special meetings may be held, after notice to the members as provided in the by-laws.

SEC. 14. Every director of a credit union shall be a shareholder in his own right; and every person elected to be a director, who, after such election, shall hypothecate, pledge or cease to be the owner in his own right of his qualifying share, shall thereby vacate his office, and shall be ineligible for reelection as a director for a period of one year from the date of the next succeeding annual meeting. Directors to be shareholders.

SEC. 15. Each director, officer and member of committee, when appointed or elected, shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of the credit union, and will not knowingly violate or willingly permit to be violated, any of the provisions of law applicable to such corporation, and that he is the owner in good faith and in his own right of at least one share subscribed for by him or standing in his name on the books of the credit union and that the same is not hypothecated, or in any way pledged as security for any loan or debt, and, in case of reelection, that such share was not hypothecated, or in any way pledged as security for any loan or debt during his previous term. Such oath shall be subscribed by the directors, officers and members of committees making it and verified by an officer authorized by law to administer Oath of office.

oaths, and immediately transmitted to the building and loan commissioner.

Board of directors.

SEC. 16. The board of directors of every credit union shall have the general management of the affairs, funds and records of the corporation. The directors shall hold an annual meeting within ten days after the annual meeting of shareholders for the purpose of electing a president, vice-president, secretary and treasurer of the corporation.

If the by-laws so provide the directors may elect the same person as secretary and treasurer.

No member of the board of directors shall receive any compensation for his services as a member of said board.

Whenever the directors or the credit committee shall deem any loan unsafe they may, in their discretion, require additional security to be given by the borrower, and if such security is not furnished as required by them, they may declare the loan due and take action to collect the same.

Duties of directors.

SEC. 17. Unless the by-laws shall expressly reserve any or all of the following duties to the shareholders it shall be a special duty of the directors:

1. To act upon all applications for membership and to expel members.

2. To fix the amount of surety bond required of each officer having the control or custody of funds.

3. To determine from time to time the rate of interest which shall be allowed on shares or certificates and interest rate on loans.

4. To fix the maximum number of shares which may be held by, and the maximum amount which may be lent to any one member.

5. To declare dividends.

6. To recommend amendments to the by-laws.

7. To fill vacancies in the board of directors or in the credit committee.

8. To direct the deposit or investment of funds, except loans to members, and to perform such other duties as the by-laws may prescribe.

Credit committee.

SEC. 18. The credit committee of every credit union shall meet as often as necessary, after due notice has been given to each member, for the purpose of passing upon applications of members for loans and advances. Every such application must be made in writing and must state the purpose for which the loan is desired and the security offered. No loan shall be made unless the application has received the unanimous approval of the members of the committee present at the meeting; *provided*, that a majority of the committee shall be present.

Any applicant for a loan may appeal from the decision of the credit committee to the board of directors.

In no case shall a member of the credit committee receive any compensation for his services as a member of such committee, or serve as a member of the supervisory committee.

SEC. 19. The supervisory committee shall have power:

Supervisory
committee.

1. To suspend at any time by unanimous vote, at a meeting called for that purpose, the credit committee or any member of the board of directors or any officer.

2. By a majority vote to call a meeting of the shareholders to consider any violation of this article or the by-laws, or any practices of the credit union which, in the opinion of the committee, are unsafe or unauthorized.

3. To inspect the securities, cash and accounts of the credit union and supervise the acts of its board of directors, officers and credit committee.

4. Within seven days after the suspension of the credit committee, to cause notice of a special meeting to be given to the shareholders to take such action regarding the suspension as may be deemed necessary.

5. To fill vacancies in the supervisory committee until the next annual meeting of the shareholders.

6. At the close of each fiscal year to make an audit of the books and records and an examination of the business and affairs of the credit union for the year, and to make a full report of its assets and liabilities, receipts and disbursements to the board of directors and to cause such reports to be read at the annual meeting of shareholders and filed with the records of such credit union.

In no case shall a member of the supervisory committee receive any compensation for his services as a member of such committee, or serve as a member of the credit committee.

SEC. 20. The powers, duties and compensation of the officers of any credit union shall be as are prescribed in the by-laws.

Officers'
duties, etc.

SEC. 21. Any officer, director or member of a committee of a credit union who knowingly permits a loan to be made or participates in a loan to a nonmember of the corporation, shall be guilty of a misdemeanor and shall be primarily liable to the corporation for the amount thus illegally loaned, and the illegality of such a loan shall be no defense in any action by the corporation to recover the amount lent.

Loans to
nonmembers.

SEC. 22. The use by any person, partnership, association or corporation, other than those authorized as provided in this act, of any name or title which contains the two words "credit" and "union," shall be a misdemeanor.

Use of
"credit
union."

SEC. 23. The powers of supervision and examination of all credit unions organized under the provisions of this act shall be vested in the commissioner of corporations of the State of California. It shall be the duty of the commissioner in person, or by one of his deputies, at least once in each year, without previous notice, to visit and examine into the affairs of every credit union, and on such occasions he shall have free access to all the books, records, securities and papers of every such credit union and shall examine the books, property, transactions and affairs, and ascertain the financial condition and solvency of every such credit union.

Supervision
by
commissioner
of
corporations

Suspension. If the commissioner upon any examination, or from any report made to him, shall find any credit union to be violating the provisions of this act, or to be insolvent, or to be conducting its business in an unsafe or unauthorized manner, he may notify such credit union to, and such credit union shall forthwith cease the transaction of any new business until the commissioner shall permit such credit union to continue business.

Fee. To provide for the cost of examination every credit union shall pay to the commissioner the sum of twenty-five dollars (\$25) each year, which sum shall be paid not later than thirty days after the commencement of business of such credit union.

Reports to commissioner of corporations. SEC. 24. On or before thirty days after the close of the fiscal year of each credit union, every such credit union shall make a written report to the commissioner which shall contain a statement of its condition, and, at the day of the close of the fiscal year, the said report shall be in form and contain the matters prescribed by the commissioner. Every such report shall be verified by the oath of the president, treasurer, secretary and a majority of the members of the supervisory committee. The verification shall state that the report is true and correct in all respects to the best of the knowledge and belief of the persons verifying it, and that the usual business of the credit union has been transacted at the location required by this act and not elsewhere.

Every such credit union shall also make such other special reports to the commissioner as he may from time to time require, which shall be in such form and filed at such date as may be prescribed by the commissioner, and shall, if required by him, be verified in such manner as he may prescribe.

If any such credit union shall fail to make any report required by this section on or before the day designated for the making thereof, or shall fail to include therein any matter required by the commissioner, such credit union shall forfeit to the people of the state the sum of five dollars for every day that such report shall be delayed or withheld, and, for every day that it shall fail to report any such omitted matter, unless the time therefor shall have been extended by the commissioner.

Constitutionality. SEC. 25. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 37.

An act to add a new section to be numbered six c to an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, as amended, relating to assuming of obligation of guarantor by transportation companies.

[Approved by the Governor March 31, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section to be numbered 6c is hereby added to an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, as amended, to read as follows:

Stats 1917,
p. 330,
amended.

Sec. 6c. No transportation company shall henceforth assume any obligation or liability as guarantor, endorser, surety or otherwise in respect of the securities of any other person, firm or corporation when such securities are payable at periods of more than twelve months after the date thereof, without having first secured from the railroad commission an order authorizing it so to do. Every such assumption made other than in accordance with the order of the railroad commission authorizing the same shall be void.

Guaranty of
securities
of others.

CHAPTER 38.

An act to add a new section to be numbered seven and one-half to an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations

thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, as amended, conferring jurisdiction upon the railroad commission to award reparation against transportation companies.

[Approved by the Governor March 31, 1927. In effect July 29, 1927.]

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

Stats. 1917,
p. 330,
amended.

SECTION 1. A new section to be numbered 7½ is hereby added to an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, as amended, to read as follows:

Reparation
for over-
charges.

Sec. 7½ (a) When complaint has been made to the commission concerning any rate, fare or charge for any service performed by any transportation company and the commission has found after investigation that the transportation company has charged an unreasonable, excessive or discriminatory amount for such service, the commission may order that the transportation company make due reparation to the complainant therefor with interest from the date of collection; *provided*, no discrimination will result from such reparation.

(b) If the transportation company does not comply with the order for the payment of reparation within the time specified in such order, suit may be instituted in any court of competent jurisdiction to recover the same. All complaints concerning unreasonable, excessive or discriminatory charges shall be filed with the commission within two years from the time the cause of action accrues, and the petition for the enforcement of the order shall be filed in the court within one year from the date of the order of the commission. The remedy in this section provided shall be cumulative and in addition to any other remedy or remedies in this act provided in case of failure of a transportation company to obey an order or decision of the commission.

CHAPTER 39.

An act to amend section three hundred eight of the Civil Code, relating to officers of corporations.

[Approved by the Governor March 31, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 308 of the Civil Code is hereby amended to read as follows:

Original
section
amended,

308. Immediately after their election, the directors must organize by the election of a president, who must be one of their number, one or more vice presidents, a secretary, and treasurer. They must perform the duties enjoined on them by law and the by-laws of the corporation. A majority of the directors is a sufficient number to form a board for the transaction of business, and every decision of a majority of the directors forming such board, made when duly assembled, is valid as a corporate act.

Organization
of board of
directors,
etc.

CHAPTER 40.

An act to amend sections seven, eight, nine, ten, eleven, twelve, fourteen, fifteen and twenty of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, and to add a new section to said act to be numbered section fifteen a, relating to the payment of the interest due on bonds of the district.

[Approved by the Governor March 31, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 7 of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, is hereby amended to read as follows:

Stats. 1921,
p 250,
amended.

Sec. 7. Except as otherwise provided herein, all subsequent elections and nominations of candidates for directors to be elected thereat shall be held and conducted in accordance with the general election laws of the state as near as they may be applicable. Nomination papers shall be circulated throughout the district. Notice of election shall be given by

Subsequent
elections.

publication in one or more newspapers published and circulated in such district.

Provided, that the board of directors may in the notice, ordinance, or resolution calling an election, consolidate the same with any election to be held at the same time in the respective counties wherein the district is located, and may authorize the respective boards of supervisors to canvass the returns of such district election, and it shall be the duty of the board or boards of supervisors so to do.

Terms of directors.

Of the directors elected at the next general state election following the election at which the district is created, those three elected by the highest vote shall hold office for four years, and the other two for two years, and until their successors are elected and qualified. Thereafter, at each biennial general election provided for under section 1041 of the Political Code, a number of directors corresponding to the number whose term of office expires shall be elected for the term of four years.

Stats. 1921,
p. 250,
amended.

SEC. 2. Section 8 of the above entitled act is hereby amended to read as follows:

Fixing
boundaries
of wards.

Sec. 8. The board of directors shall have authority by resolution or ordinance to fix the boundaries of the wards or sub-districts for the purpose of electing directors therefrom, after the first election creating and establishing the district. Such wards shall be established in ample time prior to each biennial general election to permit candidates for the position of directors to circulate nominating papers as provided by the general election law.

Compensation.

The board of directors may provide by ordinance or resolution that each of its members shall receive for each attendance at the meetings of the board the sum of ten dollars. They shall not receive any other compensation, and no director shall receive pay for more than two meetings in any one calendar month.

Stats 1921,
p 250,
amended.

SEC. 3. Section 9 of the above entitled act is hereby amended to read as follows:

President
of board.

Sec. 9. The board of directors shall choose one of its members president, and another vice president, who shall be authorized to act for the president during his absence or disability, and shall provide for the time and place of holding its meetings, which shall be held at least once each month. All legislative sessions of the board of directors, whether regular or special, shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. The board of directors shall establish rules for its proceedings.

Meetings.

Stats. 1921,
p. 250,
amended.
Vacancies.

SEC. 4. Section 10 of the above entitled act is hereby amended to read as follows:

Sec. 10. The board of directors shall fill all vacancies on the board, including those caused by the death or resignation of a member. The person appointed to fill any such vacancy

shall hold office for the remainder of the unexpired term of his predecessor.

The acts of the board of directors shall be expressed by motion, resolution or ordinance; *provided*, no ordinance shall be passed by said board on the day of its introduction, nor within three days thereafter, nor at any time other than a regular or adjourned regular meeting. No ordinance, resolution or motion shall have any validity or effect unless passed by the affirmative votes of at least three directors. All ordinances shall be published for at least one week in some newspaper of general circulation printed, published and circulated in such district.

Ordinances and resolutions.

The enacting clause of all ordinances shall be as follows:

“Be it enacted by the board of directors of _____ municipal utility district:”

All ordinances shall be signed by the president of the board of directors, or vice president, and be attested by the secretary.

SEC. 5. Section 11 of the above entitled act is hereby amended to read as follows:

Stats. 1921, p. 251, amended. Appointive officials.

Sec. 11. The board of directors shall constitute the legislative body of such district and determine all questions of policy. Said board may, in its discretion, appoint a general manager, an accountant, a secretary, a treasurer, an attorney, and such other subordinate officers as they deem necessary, and fix their compensation and duties, which appointees shall hold office during the pleasure of said board; they shall give such bonds and in such amounts as the board of directors may require. Said board may consolidate any of said offices in one and the same person. Said board may also provide for an assistant to any officer of the district, which assistant when appointed by the board may perform any and all acts that his principal may perform, when authorized so to do by the board.

The board of directors shall supervise and regulate every utility owned and operated by such district, including the fixing of rates, rentals, charges and classifications, and the making and enforcement of rules, regulations, contracts, practices and schedules, for or in connection with any service, product or commodity owned or controlled by such district.

Supervision of utilities.

SEC. 6. Section 12 of the above entitled act is hereby amended to read as follows:

Stats 1921, p. 251, amended Powers of district.

Sec. 12. Any municipal utility district incorporated as herein provided shall have power:

First—To have perpetual succession.

Second—To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

Third—To adopt a seal and alter it at pleasure.

Fourth—To take by grant, purchase, gift, devise, or lease, condemn in proceedings under eminent domain, or otherwise acquire, and to hold and enjoy, and to lease or dispose of, real and personal property of every kind within or without the

Powers of
district
(cont'd).

district, necessary to the full or convenient exercise of its powers.

Fifth—To acquire, construct, own, operate, control or use, within or without, or partly within and partly without, the district, works or parts of works for supplying the inhabitants of said district and municipalities therein, without preference to such municipalities, with light, water, power, heat, transportation, telephone service, or other means of communication, or means for the disposition of garbage, sewage, or refuse matter; and to do all things necessary or convenient to the full exercise of the powers herein granted; also to purchase any of the commodities or services aforementioned from any other utility district, municipality, person, or private company, and distribute the same. Whenever there is a surplus of water, light, heat or power above that which may be required by such inhabitants or municipalities within the district, such district shall have power to sell or otherwise dispose of such surplus outside of the district to persons, firms, and public or private corporations, or municipalities outside said district.

Whenever any of the facilities, works, or utilities of the district, or part thereof, is not used or employed to its fullest capacity for the benefit or requirements of the district or its inhabitants, such district shall have power to enter into an agreement or agreements with counties, cities, municipalities, irrigation districts, public utility companies, or any public corporations or agencies, upon such terms and conditions as may be satisfactory to its board of directors, for renting, leasing, or otherwise using the available portion or parts of such facilities, works, or utilities, and in connection with any such agreement, renting or leasing, the district may undertake or perform any services incidental thereto.

Sixth—To have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. To take any property necessary or convenient to the exercise of the powers herein granted, whether such property be already devoted to the same use or otherwise. In the proceedings relative to the exercise of such right the district shall have the same rights, powers and privileges as a municipal corporation.

Seventh—To construct works across or along any street or public highway, or over any of the lands which are now or may be the property of this state, and to have the same rights and privileges appertaining thereto as have been or may be granted to municipalities within the state, and to construct its works across any stream of water or watercourse. The district shall restore any such street or highway to its former state as near as may be, and shall not use the same in a manner to unnecessarily impair its usefulness.

Eighth—To borrow money and incur indebtedness, and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness that may exist against the

district; *provided*, no indebtedness shall be incurred exceeding the ordinary annual income and revenue of the district without the approval of a two-thirds vote of the electors voting on the proposition to incur such indebtedness.

Ninth—To levy and collect, or cause to be levied and collected, taxes for the purpose of carrying on the operations and paying the obligations of the district.

Tenth—To make contracts, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers herein in this act granted.

Eleventh—To proceed in the name of the district in case of condemnation proceedings.

SEC. 7. Section 14 of the above entitled act is hereby amended to read as follows: Stats. 1921, p. 253, amended.

Sec. 14. The accountant shall install and maintain a system of auditing and accounting which shall completely and at all times show the financial condition of the district. He shall draw all warrants for the payment of demands against the district when the same have been approved by the general manager and the board of directors. He shall perform such other duties as the board may require. Accountant.

The treasurer shall be the custodian of the funds of the district and shall make payments only upon warrants duly and regularly signed by the president or vice president of the board of directors, or other person authorized by the board of directors so to do, and attested by the secretary. He shall keep an account of all receipts and disbursements. Treasurer.

The attorney shall be one who has been duly admitted to practice law in the supreme court of the state, and shall have been actively engaged in the practice of his profession for a period of not less than three years next preceding his appointment. It shall be his duty to take charge of all suits and other legal matters to which the district is a party or in which it may be legally interested. He shall give his advice or opinion in writing whenever required by the board. He shall be the legal adviser of the manager and other district officers and shall prepare and approve the forms of all ordinances, resolutions, contracts, bonds and other legal documents connected with the business of the district. He shall perform such other and additional services as the directors may require. Attorney.

SEC. 8. Section 15 of the above entitled act is hereby amended to read as follows: Stats. 1921, p. 253, amended.

Sec. 15. Any district organized under this act may from time to time, as hereinafter provided, incur a bonded indebtedness to pay the cost of acquiring, constructing or completing the whole or any portion of any utility or works referred to in this act, or for acquiring any works, lands, structures, rights or other property necessary or convenient to carry out the objects, purposes or powers of such district. Bonded indebtedness

Whenever the board of directors of any such district shall, by resolution passed by vote of two-thirds of all its members, determine that the public interest or necessity demands the Resolution of intention

acquisition, construction or completion by the district of any public utility or utilities referred to in this act, or any part thereof, or any works, lands, structures, rights or other property necessary or convenient to carry out the objects, purposes or powers of such district, the cost of which will be too great to be paid out of the ordinary annual income and revenue of such district, it may at any subsequent meeting of said board of directors provide for the submission of the proposition of incurring a bonded debt for the purpose set forth in said resolution, to the qualified voters of such district, at an election held for that purpose; *provided*, that propositions for incurring indebtedness for more than one object or purpose may be submitted at the same election. The ordinance calling such election shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the utility, works, lands, structures, rights or other property proposed to be acquired, constructed or completed, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such election will be held, the manner of holding such election, and the voting for or against incurring such indebtedness, and in all particulars not recited in said ordinance, such election shall be held as provided by law for holding general elections in such district; *provided, however*, that if the rate of interest to be paid on such indebtedness shall not exceed four and one-half per centum per annum, payable semiannually, the rate of interest need not be recited in said ordinance, but in its discretion the board of directors may recite in said ordinance a maximum rate of interest to be paid on such indebtedness, not exceeding six per centum per annum, payable semiannually, which rate, when so recited, shall not be exceeded in the issuance of bonds for such indebtedness.

Ordinance
calling
election

Notice of
election.

Said ordinance shall be published once a day for at least seven days in some newspaper published at least six days a week in such district, or once a week for two weeks in some newspaper published less than six days a week in such district; and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week. In districts where no such newspaper is published, said ordinance shall be posted in three public places therein for two succeeding weeks. No other notice of such election need be given. It shall require the votes of two-thirds of all the voters voting at such election to authorize the issuance of the bonds herein provided; *provided, however*, should the proposition so submitted at such election fail to receive the requisite number of votes of the qualified voters voting at such election to incur the indebtedness for the purpose specified, the board of directors of such district shall have no power or authority within six months after such election to call or order another election for incurring any indebtedness for the acquisition, construction

or completion of improvements or property substantially the same as voted upon at such prior election, unless a petition signed by at least fifteen per centum of the qualified electors of such district computed upon the total number of votes cast therein for all candidates for governor at the last preceding election at which a governor was elected be filed with the board of directors of such district, requesting that said proposition, or a proposition substantially the same, be submitted at an election to be called for the submission of such proposition and to be held in accordance with the provisions of this act. The bonds so authorized shall mature serially in amounts to be fixed by the board of directors; *provided*, that the payment of said bonds shall begin not later than ten years from the date thereof and be completed in not more than fifty years from said date. Said bonds shall be issued in such denominations as the board of directors of the district determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day and at the place or places fixed in said bonds, and with interest at the rate specified therein, which interest shall be payable semiannually. Said bonds shall be signed by the president of the board of directors of the district or by such officer thereof as the board of directors shall, by resolution adopted by a two-thirds vote of all its members, authorize and designate for that purpose. They shall also be signed by the treasurer thereof, and be countersigned by the secretary thereof. The coupons of said bonds shall be numbered consecutively and be signed by the treasurer. In case any of such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of said bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the bonds. Said bonds may be issued and sold by the board of directors of the district as they determine, but for not less than their par value. The proceeds of said bonds shall be placed in the district treasury to the credit of the proper fund, and shall be used exclusively for the objects or purposes for which said bonds were voted.

No municipal utility district shall incur an indebtedness for public works which shall in the aggregate exceed twenty per centum of the assessed value of all the real and personal property of such district; *provided, however*, any indebtedness which has been incurred for the construction and operation of a public utility, where the revenue from said utility for three years or more next preceding has been sufficient to pay the interest and principal due on any bonds issued for its construction or acquisition, in addition to the cost of operation and maintenance, shall not be counted and included in ascertaining the limit of indebtedness.

Tax levy.

The board of directors of such district shall, at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid, or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds, and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy; *provided, however,* that if the maturity of the indebtedness created by the issue of bonds be made to begin more than one year after the date of the issuance thereof, said tax shall be levied and collected at the time and in the manner aforesaid annually each year, sufficient to pay the interest on said indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for district purposes, and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Petitions in lieu of resolution

In lieu of a resolution passed as hereinbefore provided by its board of directors, proceedings for the issuance of bonds for the purposes in this section provided may be initiated by petition of the qualified electors of such district.

Whenever any petition or petitions, each signed by electors of the district equal in number to fifteen per centum of the qualified electors of such district, computed upon the total number of votes cast therein for all candidates for governor at the last preceding election at which a governor was elected, shall be presented to the board of directors of said district asking for the acquisition, construction or completion of the whole or any portion of any utility, or works referred to in this act, or for acquiring any works, lands, structures, rights, or other property necessary or convenient to carry out the objects, purposes or powers of such district, and also asking that a bonded indebtedness be incurred to pay for the cost thereof, then it shall be the duty of the secretary of the district to immediately proceed to examine and verify the signatures of such petition or petitions, and to certify the result of such examination to the board of directors. If the required number of signatures be found to be genuine, the secretary shall transmit to the board of directors an authentic copy of such petition or petitions without the signatures thereto. Upon receiving the petition or petitions with the certificate of the secretary stating that it or they contain the required number of signatures, the board of directors shall formulate for submission to the electors of the district at a special election called for that purpose the proposition of incurring a bonded debt for the purposes set forth in said petition, and thereafter the said election and all things and proceedings with reference to the said bonds and the issuance thereof shall be conducted and

performed in the same manner as if the proceedings had been initiated by resolution of the board of directors of said district as hereinbefore provided. In its discretion the board of directors may defer the calling of said election until the next general election to be held in the district in order that the same may be consolidated therewith.

Any election called for the submission of any question or proposition under the provisions of this section, may be held separately, or may be consolidated with any other election authorized by law at which the qualified voters of such district are entitled to vote; *provided, however*, that in the event any such election called pursuant to the provisions of this section is consolidated with any other election, the provisions of this section setting forth the procedure for the calling and holding of the election called pursuant to the provisions of this section, shall be complied with, except that the ordinance calling such election need not set forth the election precincts, polling places and officers of election, but may provide that the precincts, polling places and officers of election shall be the same as those set forth in the ordinance, notice or other proceedings calling the election with which the election called pursuant to the provisions of this section, is consolidated, and shall refer to such ordinance, notice or other proceeding by number and title, or by other definite description.

Consolidation
of elections

SEC. 9. Section 20 of the above entitled act is hereby amended to read as follows:

Stats 1921.
p. 258,
amended

Sec. 20. (1) If, in the opinion of the board of directors, the revenues will not be sufficient to pay the principal or interest on any bonded debt as it becomes due, or to carry out the objects and purposes of the district, then said board shall levy a tax for such purpose or purposes and fix the amount of money necessary to be raised therefor by taxation. The words "revenue producing utilities" as used in this act shall be deemed to mean such utilities as those from which revenue is customarily or may be derived by means of charges, rates, or rentals imposed upon or collected from users, consumers or customers thereof, together with such works, facilities and appliances used or useful in connection therewith or incidental thereto.

Tax to pay
indebtedness.

"Revenue
producing
utilities"

(2) The board of directors may by ordinance provide for the assessment, levy and collection of taxes, including the sale of property to the district for delinquent taxes, with penalties, interest and cost.

Ordinance

(3) The board of directors may elect to avail itself of the assessment or assessments made by the assessor or assessors of the county or counties in which the district is situated, and may take such assessment or assessments as the basis for district taxation, and have its taxes collected by the county officials of such county or counties; *provided*, the board of directors shall declare its said election by resolution or ordinance and file a certified copy of the same with the auditor or auditors of the county or counties in which the district is situated, on or before

Assessment
and
collection
by county
officers

the first day of August. Thereafter, each year, and until otherwise provided by the board of directors, all assessments shall be made and taxes collected for such district by the county assessor and tax collector, respectively, (or county assessors and tax collectors) of the county or counties in which the district is situated. In such case, the auditor or auditors of such county or counties must, on or before the second Monday in August of each year, transmit to the board of directors of the district a statement in writing showing the total value of all property within the district, which value shall be ascertained from the assessment book of such county or counties for that year as equalized and corrected by the board or boards of supervisors of such county or counties. In case the board of directors shall so elect, as hereinabove provided, it shall, on or before the first week day in September, or if such week day falls upon a holiday then on the first business day thereafter, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property as assessed by the county assessor or assessors and returned to the board of directors of the district by the county auditor or auditors, as hereinabove provided, which rate of taxation shall be sufficient to raise the amount previously fixed by the board, as hereinabove prescribed. Said acts by the board of directors of the district shall constitute a valid assessment of such property and a valid levy of such taxes so fixed. The board of directors of the district must immediately thereafter transmit to the county auditor or auditors of the county or counties in which the district is situated a statement of the rate of taxes so fixed by said board.

Such taxes so levied shall be collected at the same time and in the same manner as county taxes; and when collected the net amount, ascertained as hereinafter provided, shall be paid to the treasurer of the district, under the general requirements and penalties provided by law for the settlement of other taxes.

Redemption
from tax
sale.

Whenever any real property situate in any municipal utility district formed under the provisions of this act, which district has availed itself of the provisions of this subdivision of this section, has been sold for taxes and has been redeemed, the money paid for such redemption shall be apportioned and paid by the county treasurer or treasurers receiving the same to such municipal utility district, in the proportion which the tax due to such district bears to the total tax for which such property was sold.

Taxes
a lien

(4) All taxes levied under the provisions of this act shall be a lien on the property on which they are levied; and unless the board of directors has by ordinance otherwise provided, the enforcement of the collection of such taxes shall be had in the same manner and by the same means as is provided by law for the enforcement of liens for state and county taxes, all the provisions of law relating to the enforcement of the

latter being hereby made a part of this act, so far as applicable.

(5) The amount of compensation to be charged by and paid to any county for the performance of services as in this section provided for and on behalf of any such municipal utility district shall be fixed by agreement between the board of supervisors of such county and the legislative body of such district; *provided, however*, that such compensation shall in no event exceed one-half of one per cent of all moneys collected for such district as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund.

Compensation to county.

SEC. 10. A new section is hereby added to the above entitled act, to be known as section 15a.

Stats 1921, p. 256, amended.

Sec. 15a. In lieu of the immediate levy of a tax to pay the interest or any part thereof on any bonded debt hereafter incurred as provided in section 15 of this act the board of directors may in the estimate of the amount of money necessary to be raised by such bonds include a sum sufficient to pay interest on all of such bonds or part thereof during the period of acquisition, construction or completion, and until revenues may be earned by the contemplated public utility or utilities, but for no period in excess of five years. Thereafter the board may use so much of the proceeds from the sale of the said bonds as may be necessary for the payment of such interest until the receipt of revenues, the amount used however not to exceed the sum so included by the board in its estimate for such purpose

Bonds to cover interest

CHAPTER 41.

An act to amend section ten of an act entitled "An act relative to estrays and providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other acts and parts of acts now in force relating to estrays," approved March 23, 1901, as amended, excepting certain counties from the provisions thereof.

[Approved by the Governor March 31, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 10 of an act entitled "An act relative to estrays and providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other acts and parts of acts now in force relating to estrays," approved March 23, 1901, as amended, excepting certain counties from the provisions thereof, is hereby amended to read as follows:

Stats. 1915, p. 639, amended.

Sec. 10. The act entitled "An act concerning lawful fences, and animals trespassing upon lawfully enclosed land

Acts not repealed.

passed March 30, 1850," and an act entitled "An act concerning lawful fences in the counties of San Bernardino, Colusa, Shasta, Tehama and Placer," approved April 18, 1859, in so far as the provisions of said acts and each thereof, apply to or affect the counties of Trinity, Shasta, Del Norte, Siskiyou, Modoc and Lassen are expressly continued in force, except as to swine or hogs, which may be taken up in said counties when said swine or hogs stray or trespass on lands of others and the provisions of this act shall apply to said swine or hogs in said counties, but in all other respects the acts named in this sections are continued in full force in said counties, it being determined that the conditions prevailing in said counties of Trinity, Shasta, Del Norte, Siskiyou, Modoc and Lassen demand the continued application of said statutes in said counties.

CHAPTER 42.

An act to amend section thirty-three of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended, and also to add two new sections thereto to be numbered two and one-quarter, and fifty and one-quarter, relating to the definition of and regulation of passenger stage corporations.

[Approved by the Governor April 2, 1927. In effect July 29, 1927.]

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

Stats. 1915,
p. 119,
amended

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, their officers, agents and employees and by other persons and corporations, creating the "railroad commission fund" and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code and all acts and parts of acts inconsistent with

the provisions of this act," approved April 23, 1915, as amended, to be numbered 2½, and to read as follows:

Sec. 2½. (a) The term "passenger stage" when used in this act, includes every stage, auto stage or other motor vehicle, used in the transportation of persons, or persons and their baggage or express, or persons or baggage or express, when such baggage or express is transported incidental to the transportation of passengers. "Passenger stage"

(b) The term "passenger stage corporation," when used in this act, includes every corporation, or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever engaged as a common carrier, for compensation, in the ownership, control, operation or management of any passenger stage over any public highway in this state between fixed termini or over a regular route; *provided, however*, that this term shall not include those whose operations are exclusively within the limits of a single incorporated city, town or city and county, or whose operations consist solely in the transportation of bona fide pupils attending an institution of learning between their homes and such institution of learning. "Passenger stage corporation"

(c) The words "between fixed termini or over a regular route," when used in this act, mean the termini or route between or over which any passenger stage corporation usually or ordinarily operates any passenger stage, even though there may be departures from said termini or route, or such departures be periodic or irregular. "Between fixed termini, etc."

(d) The term "common carrier," when used in this act, in addition to the definition herein otherwise given, shall include every "passenger stage corporation," their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating within this state. "Common carrier."

SEC. 2. Section 33 of said act, approved April 23, 1915, as amended, is hereby amended to read as follows: Stats 1915, p 132, amended

Sec. 33. Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that the rates, fares or charges in force over two or more common carriers, between any two points in this state, are unjust, unreasonable or excessive, or that no satisfactory through route or joint rate, fare or charge exists between such points, and that the public convenience and necessity demand the establishment of a through route and joint rate, fare or charge between such points, the commission may order such common carriers to establish such through route and may establish and fix a joint rate, fare or charge which will be fair, just, reasonable and sufficient, to be followed, charged, enforced, demanded and collected in the future, and the terms and conditions under which such through route shall be operated. The commission may order that freight moving between such points shall be carried by the different common carriers, parties to such through route and joint rate, without being Power to fix joint rates

Division
of rates
between
carriers.

transferred from the originating cars. In case the common carriers do not agree upon the division between them of the joint rates, fares or charges established by the commission over such through routes, the commission shall, after hearing, by supplemental order, establish such division; *provided*, that where any railroad, or passenger stage corporation which is made a party to a through route has itself over its own line an equally satisfactory through route between the termini of the through route established, such railroad, or passenger stage corporation shall have the right to require as its division of the joint rate, fare or charge its local rate, fare or charge over the portion of its line comprised in such through route, and the commission may, in its discretion, allow to such railroad or passenger stage corporation, more than its local rate, fare, or charge whenever it will be equitable so to do. The commission shall have the power to establish and fix through routes and joint rates, fares or charges over common carriers and stage or auto stage lines which may not be otherwise subject to the provisions of this act, and to fix the division of such joint rates, fares or charges.

Stats 1915,
p. 149,
amended
Passenger
stage
corporation
certificates of
convenience
and
necessity

SEC. 3. A new section is hereby added to the said act to be numbered section 50 $\frac{1}{4}$ and to read as follows:

Sec. 50 $\frac{1}{4}$. No passenger stage corporation shall hereafter operate or cause to be operated any passenger stage over any public highway in this state without first having obtained from the railroad commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required of any passenger stage corporation as to the fixed termini between which, or the route over which, it is actually operating in good faith at the time this act becomes effective in compliance with the provisions of an act known as chapter 213, statutes of 1917, of the State of California, approved May 10, 1917, and amendments thereto, nor shall any such certificate be required of any person or corporation who on January 1, 1927, was operating, or during the calendar year 1926 had operated a seasonal service of not less than three consecutive months duration, sight-seeing busses on a continuous sight-seeing trip with one terminus only. Any right, privilege, franchise or permit held, owned or obtained by any passenger stage corporation may be sold, assigned, leased, mortgaged, transferred, inherited, or otherwise encumbered as other property, only upon authorization by the railroad commission. Every applicant for a certificate shall file in the office of the commission an application therefor in such form as shall be required by the commission, and the railroad commission shall have power, with or without hearing, to issue said certificate as prayed for, or to refuse to issue the same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judg-

ment, the public convenience and necessity may require. The railroad commission, in the exercise of the jurisdiction conferred upon it by the constitution of this state and by this act, shall have power and authority to grant certificates of public convenience and necessity and make decisions and orders and to prescribe rules and regulations affecting passenger stage corporations, notwithstanding the provisions of any ordinance or permit of any incorporated city or town, city and county, or county and in case of conflict between any such order, rule or regulation and any such ordinance or permit, the certificate, decision, order, rule or regulation of the railroad commission shall in each instance prevail.

Jurisdiction
over
passenger
stage
corporations

When a complaint has been filed with the commission alleging that any passenger stage is being operated without a certificate of public convenience and necessity, contrary to or in violation of the provisions of this act, the commission shall have the power, with or without notice, to make its order requiring the corporation, or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating or managing such passenger stage, to cease and desist from such operation, until the commission makes and files its decision on said complaint, or until further order of the commission.

Order to
cease and
desist.

Whether or not any stage, auto stage, or other motor vehicle is being, or is proposed to be operated as a passenger stage corporation "between fixed termini or over a regular route" within the meaning of this act shall be a question of fact, and the finding of the railroad commission thereon shall be final and shall not be subject to review. Any act of transporting or attempting to transport any person or persons by stage, auto stage, or other motor vehicle upon a public highway of this state between two or more points not both within the limits of a single incorporated city, town, or city and county, where the rate, charge or fare for such transportation is computed, collected or demanded on an individual fare basis, shall be presumed to be an act of operating as a passenger stage corporation within the meaning of this act.

Operation
between
fixed
termini

Each application for a certificate of public convenience and necessity made under the provisions of this section must be accompanied by a fee of fifty dollars.

Fee.

CHAPTER 43.

An act to amend sections one and two of an act entitled "An act to provide for a general system based on investigation as to merit, efficiency, and fitness for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a

misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended, relating to the appointment and salaries of the state civil service commissioners.

[Approved by the Governor April 4, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p. 392,
amended.

SECTION 1. Section one of an act entitled "An act to provide for a general system based on investigation as to merit, efficiency, and fitness for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, as amended, is hereby amended to read as follows:

Words and
phrases
defined

Section 1. First—The term "commission" as used in this act means the "state civil service commission" herein created, and the term "commissioner" as used in this act means one of the three members of that commission, all unless such terms are plainly used with some other meaning.

Second—The terms "position" and "positions" as used in this act include all offices and employments under state authority, whether there be any salary or other compensation or emolument connected therewith, except offices held by elective officers as such and also except the militia and all offices and employments as now or hereafter provided by virtue of or under article eight of the constitution of the state, and except county and township offices and employments.

Third—The term "appointing power" as used in this act includes all persons whether acting singly or in conjunction with others in any way whatsoever, either by nomination or confirmation or as a board or commission or otherwise, in selecting any one to hold any position as that term is so used in this act.

Fourth—The term "appointment" as used in this act includes all means of selecting and employing any one to hold any position as that term is so used in this act.

Stats 1925,
p. 392,
amended.
State civil
service
commission.

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

Sec. 2. There is hereby created a commission known as the "state civil service commission" which shall consist of three commissioners one of whom shall be the executive member and the other two shall be associate members, each of which members shall be appointed by the governor for the term of four years from the expiration of the respective terms of the members in office at the time this amendatory act takes effect.

Vacancies shall be filled by appointments by the governor for the unexpired terms. Any commissioner may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house. The member appointed to the position of executive member of said commission shall be ex officio president of the commission. He shall receive as compensation for his service the sum of five thousand dollars per annum and devote all his time to the duties of his office, which shall be maintained at the city of Sacramento. Each of the associate members of said commission shall receive as compensation for their services ten dollars per day while actually engaged in the duties of their office, not to exceed five hundred dollars each in any one year. All members of the commission shall receive their actual and necessary traveling expenses incurred in the performance of their duties. The total and items of all expenditures and obligations made, authorized and incurred by the commission shall not exceed the sums appropriated therefor by law. The names "commission" and "commissioners" as used in the act of which this is amendatory shall be construed to mean the executive head of the commission except that, in relation to the enactment of rules and regulations, the classifications and exemptions of places of employment and the dismissals from the public service, the votes of two members of the commission shall be necessary. In all other respects the duties, powers and functions now or hereafter conferred upon the civil service commission or commissioners are hereby vested in and conferred upon the executive member of said commission.

CHAPTER 44.

An act to amend section fifty-one of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended.

[Approved by the Governor April 4, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 51 of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and

Stats. 1915,
p. 149,
amended.

duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons, and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title 15 of part IV of division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended, is hereby amended to read as follows:

Selling,
leasing, etc.
of public
utilities.

Sec. 51. (a) No public utility shall henceforth sell, lease, assign, mortgage, or otherwise dispose of or encumber the whole or any part of its railroad, street railroad, line, plant, system, or other property necessary or useful in the performance of its duties to the public, or any franchise or permit or any right thereunder, nor by any means whatsoever, directly or indirectly, merge or consolidate its railroad, street railroad, line, plant, system, or other property, or franchises or permits or any part thereof, with any other public utility, without first having secured from the railroad commission an order authorizing it so to do. Every such sale, lease, assignment, mortgage, disposition, encumbrance, merger or consolidation made other than in accordance with the order of the commission authorizing the same shall be void. The permission and approval of the commission to the exercise of a franchise or permit under section 50 of this act, or the sale, lease, assignment, mortgage or other disposition or encumbrance of a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit, or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit, or to waive any forfeiture. Nothing in this subsection contained shall be construed to prevent the sale, lease or other disposition by any public utility of property which is not necessary or useful in the performance of its duties to the public, and any sale of its property by such public utility shall be conclusively presumed to have been of property which is not useful or necessary in the performance of its duties to the public, as to any purchaser of such property in good faith for value.

Acquirement
of stock of
another
public
utility.

(b) No public utility shall hereafter purchase or acquire, take or hold, any part of the capital stock of any other public utility, organized or existing under or by virtue of the laws of this state, without having been first authorized to do so by the commission. Every assignment, transfer, contract or agreement for assignment or transfer of any stock by or through any person or corporation to any corporation or otherwise in violation of any of the provisions of this section shall be void and of no effect, and no such transfer shall be made on the books of any public utility. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired.

CHAPTER 45.

An act to amend section nineteen x fifty-six of the "Juvenile court law," approved June 5, 1915, as amended, relating to the salary of the probation officer in counties of the fifty-sixth class.

[Approved by the Governor April 4, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 19x56 of the "Juvenile court law," approved June 5, 1915, as amended, is hereby amended to read as follows: Stats. 1921,
p. 1431;
amended.

19x56. In counties of the fifty-sixth class there shall be one probation officer whose salary shall be thirty-five dollars per month. Counties of
56th class:
probation
officer.

CHAPTER 46.

An act to cure defects in maps or plats filed for record prior to January 15, 1927, and in deeds or conveyances referring to such maps.

[Approved by the Governor April 4, 1927. In effect July 29, 1927.]

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

SECTION 1. Any map or plat recorded or filed with the county recorder of the county in which the lands shown on said map or plat are situated prior to the fifteenth day of January, 1927, shall for all purposes be deemed to have been properly so recorded or filed and to comply with all the requirements of the laws in force at the time it was so recorded or filed, notwithstanding any defect, omission or informality in the preparation or execution of such map or plat or of the affidavits, certificates, acknowledgments, indorsements, acceptances of dedication or other matters thereon, or required to be thereon, by any law in force at the time of such recording or filing, and all sales or conveyances of land by reference to any such map or plat shall be valid as though said map or plat had been made, certified, indorsed, acknowledged and filed in all respects in accordance with the laws in force at the time said map or plat was so recorded or filed. And any deed or conveyance referring to any such map or plat, which prior to the passage hereof, was copied into the proper book of records kept in the office of any county recorder shall impart after the passage hereof notice of its contents to subsequent purchasers and incumbrancers, notwithstanding any defect, omission or informality in the preparation or execution of such map or plat or of the affidavits, certificates, acknowledgments, indorsements, acceptances of dedication or other matters thereon or required to be thereon by any law in force at the time of such recording or filing. Validation of
maps and
plats, and
references
thereto in
conveyances.

CHAPTER 47.

An act to be known as the "Bovine tuberculosis law" of California; to regulate the sale and restrict the use of tuberculin; to provide for the approval of veterinarians; to regulate the sale of milk and products of milk for live stock feeding; to regulate the importation, transportation and exhibition of cattle; to provide for the eradication of bovine tuberculosis by areas; to provide for the identification, branding and disposal of tuberculous animals; to provide regulations for the slaughter of tuberculous animals; to prescribe the duties of the director of agriculture in relation to this act including the making of rules and regulations to carry out the provisions of this act; to prescribe penalties for violation of the provisions hereof; and to repeal all acts or parts of acts in conflict herewith.

[Approved by the Governor April 4, 1927. In effect July 29, 1927.]

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

Short title

SECTION 1. This act shall be known as the "Bovine tuberculosis law" of California.

Words and phrases defined

SEC. 2. (a) The word "person" as used in this act shall be construed to import both the singular and plural, as the case demands, and shall include individuals, partnerships, firms, corporations, associations, commonwealths, their agents, and/or employees;

(b) The word "tuberculin" shall be construed to mean the product of the growth of the tubercle bacillus from any source, used in the diagnosis of tuberculosis in live stock and poultry.

(c) The term "accredited herd" shall be construed to mean a herd of cattle for which the owner holds a valid certificate of accreditation issued to him by the bureau of animal industry of the United States department of agriculture and the department of agriculture of the State of California;

(d) The term "tuberculosis eradication area" shall be construed to mean an area established and delimited by proclamation of the director of agriculture of the State of California for the purpose of promoting the eradication of bovine tuberculosis in said area in cooperation with the United States department of agriculture.

(e) The term "tuberculosis modified area" shall be construed to mean an area so declared by proclamations of the United States department of agriculture and department of agriculture of the State of California;

(f) The word "test" shall be construed to mean the use of tuberculin for the purpose of diagnosing tuberculosis in cattle;

(g) The term "grade animal" or "grade herd" shall be construed to mean an animal or a herd of animals not individually identified in the herd book of any breed record

association recognized by the United States department of agriculture;

(h) The term "purebred animal" or "purebred herd" shall be construed to mean an animal or a herd of animals individually identified in the herd book of a breed record association recognized by the United States department of agriculture.

SEC. 3. (a) It shall be unlawful for any person to sell or otherwise dispose of any tuberculin in the State of California that has not been produced under license of the bureau of animal industry of the United States department of agriculture;

Sale of tuberculin

(b) All sales and all other disposition of tuberculin to be used within the State of California shall be reported within five (5) days thereafter to the department of agriculture of the State of California.

SEC. 4. (a) It shall be unlawful for any person other than a veterinarian approved by the department of agriculture of the State of California to buy, possess, or use tuberculin as defined in section 2 (b) of this act for any purpose whatsoever;

Use of tuberculin.

(b) The use of tuberculin for any purpose whatsoever by said approved veterinarian shall be reported within five (5) days thereafter to the department of agriculture of the State of California;

(c) The result of every test shall be reported within five (5) days thereafter to the department of agriculture of the State of California by the veterinarian conducting said test.

SEC. 5. It shall be unlawful for any person to sell, or otherwise convey to another, for the feeding of live stock or poultry, any milk or product of milk from animals which have not passed a tuberculin test applied by a veterinarian approved by the department of agriculture of the State of California, until such milk or product of milk has been pasteurized, or heated to a temperature as efficient as pasteurization in the destruction of pathogenic bacteria, in a manner acceptable to the department of agriculture of the State of California.

Milk for live stock or poultry.

SEC. 6. (a) It shall be unlawful for any person to bring into the State of California, or to aid in bringing into, or to cause to be brought into said State of California by others, any cattle unless said cattle shall be accompanied by a certificate of health and tuberculin test record signed by a qualified veterinarian, or a signed statement issued by the director of agriculture, or other authority in charge of live stock sanitary work in the state in which the shipment or movement of said cattle originated, showing each of said cattle to be free from communicable diseases including tuberculosis; a copy of such certificate and tuberculin test record shall be mailed to the department of agriculture of the State of California on the day the shipment or movement of said cattle starts from its place of origin, together with a statement giving manner of transportation, routing and destination within the state, except as hereinafter provided;

Importation of cattle.

Purebred
cattle.

(b) Such cattle, if purebred, shall be kept under the supervision of the department of agriculture of the State of California for a period of not less than sixty (60) or more than ninety (90) days from the date of arrival within the State of California, and during said period shall be subjected to a test with tuberculin. Should any of said purebred cattle react to this test, they shall be slaughtered within thirty (30) days under the supervision of the department of agriculture of the State of California or returned, at the option of the owner, to the place of origin under permit of the bureau of animal industry of the United States department of agriculture;

Grade
cattle.

(c) Such cattle, if grade animals, for dairy or breeding purposes, shall be kept under the supervision of the department of agriculture of the State of California for a period of not less than sixty (60) or more than ninety (90) days from the date of arrival within the State of California, and during said period the director of agriculture shall have the authority to retest such cattle with tuberculin. Should any of said grade animals react to this test, they shall be branded with a letter "T," as provided in section 11 of this act.

Feeders.

(d) Cattle not to be used or sold for dairy purposes may be admitted into the State of California without a tuberculin test record or tuberculin test, if the owner of such animals shall first file with the department of agriculture of the State of California his affidavit specifying the predominating breed, and that said animals are to be brought into California for feeding purposes, and that none of said animals, either males or females, will be used or sold for dairy purposes.

Cattle for
slaughter.

(e) Cattle for immediate slaughter may be brought into the State of California without a tuberculin test record or tuberculin test; *provided* said cattle are shipped, transported, or otherwise moved to a place where meat inspection service is maintained by the department of agriculture of the State of California or the United States bureau of animal industry, or to a place designated by the department of agriculture of the State of California.

Taking cattle
into or
through
certain areas.

SEC. 7. (a) No cattle, except as hereinafter provided, shall be permitted to enter any tuberculosis eradication or modified area by common carrier, or otherwise, except as provided under the rules and regulations of the United States department of agriculture applicable to the shipment or movement of cattle into tuberculosis eradication or modified areas; *provided, however*, that in the case of cattle which have been brought into any tuberculosis eradication or modified area to be sold at public or private sale, the place where such sale is made shall not be construed to be the final destination as defined in this act, but said cattle may be reshipped, under permit of the department of agriculture of the State of California, and the destination of such reshipment shall be considered to be the final destination; *and provided, further*, that cattle, whether tuberculin tested or not, shall, under suitable regulations of the department of agriculture of the State

of California, be permitted to pass through tuberculosis eradication or modified areas when transported by common carrier and not otherwise.

(b) Cattle which have shown a positive reaction to the tuberculin test, and which have been branded on the left jaw in accordance with the provisions of section 11 of this act, and intended for immediate slaughter, may be transported, under written permit of the department of agriculture of the State of California, by common carrier only, through or into a tuberculosis eradication or modified area.

SEC. 8. It shall be unlawful to exhibit any cattle, or to use any bovine female as a nurse cow at any live stock fair or show in the State of California, unless said animal is free from communicable diseases including tuberculosis as evidenced by a tuberculin test record approved by the department of agriculture of the State of California. Cattle at fairs.

SEC. 9. (a) No tests for tuberculosis shall be made under the provisions of this act, except as provided in sections 6, 7 and 10 hereof, unless said test is made upon request of, or with the consent of the owner of the cattle which are to be tested; Tests for tuberculosis.

(b) Whenever an owner requests of the department of agriculture of the State of California that his cattle be tested for tuberculosis, the expense of such test shall be borne by the owner, unless said request shall be made under the provisions of the pure milk law of California, or unless said owner shall agree in writing to cooperate in all respects with the department of agriculture of the State of California and the bureau of animal industry of the United States department of agriculture.

SEC. 10. (a) The director of agriculture of the State of California shall, when requested by the board of supervisors of any county, cause a survey to be made of the cattle in said county for the purpose of ascertaining the extent of tuberculosis among said cattle. Survey at request of supervisors

(b) Every animal reacting to the tuberculin test during the conduct of such survey shall be quarantined in accordance with section 402d of the Penal Code and in accordance with the provisions of an act entitled "An act to protect domestic live stock from contagious and infectious diseases, to prescribe the duties of officials to carry into effect the provisions of this act, to provide for the appointment of a veterinarian, and to repeal an act entitled 'An act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor,' approved March 18, 1899, as amended," approved June 3, 1921, as amended. If the county wherein such reactors are located is declared a tuberculosis eradication area, such animals shall be disposed of in accordance with the provisions of this act, and if such tuberculosis eradication area is not declared, then the said quarantine shall be revoked. Disposition of reacting cattle.

Eradication
areas.

(c) Should the director of agriculture of the State of California, after said survey has been made, find that ninety (90) per cent of the cattle in said county are free from tuberculosis, he shall thereupon establish by proclamation a "tuberculosis eradication area" in accordance with the provisions of this act. Said proclamation shall designate the territorial boundaries of such area and shall be published for three (3) successive weeks in one newspaper of general circulation printed and published in said county.

Modified
areas.

Whenever to the satisfaction of the department of agriculture of the State of California and the bureau of animal industry of the United States department of agriculture the extent of tuberculosis among the cattle in said eradication area has been reduced to a minimum fixed by the United States department of agriculture, such area shall, by proclamation of the director of agriculture of the State of California and the bureau of animal industry of the United States department of agriculture, be declared a "tuberculosis modified area." Said proclamation shall designate the territorial boundaries of such area and shall be published for three (3) successive weeks in one newspaper of general circulation printed and published in said county.

Enforcement
of act.

(d) For the purpose of carrying out the provisions of this act, the director of agriculture or his duly authorized inspectors or agents, may, at any time or place, enter upon any premises, except dwelling houses. No person shall obstruct, hamper, or interfere with the work of said director, his agents or inspectors, while enforcing the provisions of this act. Should any owner or person in charge of cattle subject to examination under the provisions of this act, after ten days notice in writing, refuse properly to confine in corrals or stanchions all cattle in his charge, possession, or control, in order to permit of a proper examination under the provisions of this act, the director of agriculture, his agents or inspectors are authorized to employ help and incur such expense as is necessary in order properly to examine for tuberculosis any and all of said cattle, and the expense of rounding up, driving, corralling, and holding for the purpose of said examination shall become and remain a lien upon said cattle, and such lien, unless paid within ten (10) days after written notice of the amount of the same has been given by the department of agriculture of the State of California to the owner or person in possession of said cattle, shall be foreclosed in the manner provided in section 1208 of the Code of Civil Procedure.

Branding of
reacting
cattle.

SEC. 11. (a) Every bovine animal which gives a positive reaction to the tuberculin test shall be branded by its owner or his agent, under the supervision of an agent of the department of agriculture of the State of California, or a veterinarian approved by said department, with a hot iron with the letter "T" on the left jaw; *provided*, that prior to July 1, 1929, owners of herds containing one or more purebred females may, at their option, use the following method of identification of

such reacting purebred animals in lieu of branding with the letter "T" with a hot iron, to wit: the nonbranded reacting purebred animals shall be reported to the department of agriculture of the State of California and identification shall be established by filing with said department of agriculture of the State of California the registration name and number of every such animal as recorded in the herd book of the breed record association of the breed to which said animal belongs, together with a photograph of each side of said animal; said photographs shall be taken, by or at the expense of the owner or his agent, at the time of the test to which the said animal reacted; and said animal shall not be removed from the premises whereon it was located at the time it reacted to the tuberculin test until it has been branded as hereinbefore provided.

(b) The letter "T" as used for the branding of reacting animals shall be not less than three (3) inches in length from top to bottom, and two (2) inches wide at the top, and the branding edge of the "T" shall be not less than one-eighth ($\frac{1}{8}$) of one inch in width.

SEC. 12. (a) Animals known to be affected with tuberculosis shall under permit in writing from the director of agriculture, and after being branded in accordance with the provisions of this act, be removed from a tuberculosis eradication or modified area, or slaughtered, within sixty days, under the supervision of the department of agriculture of the State of California, or of the United States bureau of animal industry;

Removal or slaughter of affected animals.

(b) The slaughtering of all animals, under the provisions of this act, shall be under the supervision of an inspector of the department of agriculture of the State of California, or of the United States bureau of animal industry, except that in any chartered or incorporated city or city and county that maintains a regular meat inspection service by persons who have passed the civil service meat and/or market inspectors' examination the slaughtering of said animals under the provisions of this act shall be under the supervision of such an inspector or inspectors of such chartered or incorporated city or city and county. The carcasses shall be disposed of in accordance with the rules and regulations of the department of agriculture of the State of California, or of the United States bureau of animal industry governing meat inspection.

SEC. 13. In order to carry into effect the provisions of this act, the director of agriculture is hereby authorized to make such rules and regulations as may, in his judgment, be necessary, proper or advisable.

Rules and regulations

SEC. 14. Any person, whether principal, agent or otherwise, who violates any of the provisions of this act, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500), or not more than thirty (30) days in jail, or by both such fine and imprisonment.

Penalties.

SEC. 15. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional,

Constitutionality

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

Repealed. SEC. 16. All acts or parts of acts in conflict with any of the provisions of this act, are hereby repealed; *provided*, that nothing herein contained shall be construed or held to repeal an act known as the "Pure milk law" of the State of California, approved June 15, 1923.

CHAPTER 48.

An act to add a new section to the Code of Civil Procedure, to be numbered nine hundred fifty-three d, relating to notices of entry of judgments and orders.

[Approved by the Governor April 4, 1927. In effect July 29, 1927.]

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

New section. SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 953*d* and to read as follows:
 Notice of entry of judgment or order. 953*d*. Any notice of entry of judgment, or of order granting or denying a motion for a new trial, required by the provisions of section 650, section 659 or section 953*a* of this code, must be given in writing, unless written notice thereof be waived in writing or by oral stipulation made in open court and entered in the minutes.

CHAPTER 49.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two h, embracing sections three hundred sixty-seven to three hundred sixty-seven g, relating to a department of social welfare.

[Approved by the Governor April 4, 1927. In effect July 29, 1927.]

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

New sections. SECTION 1. The Political Code is hereby amended by adding a new article to chapter III, of title I, of part III of the Political Code to be numbered article II*h*, embracing sections 367 to 367*g*, both inclusive, and to read as follows:

ARTICLE II*h*.

DEPARTMENT OF SOCIAL WELFARE.

Department of social welfare created. 367. A department of the government of the State of California to be known as the department of social welfare is hereby created. The department shall be under the control of

a governing body, as hereinafter prescribed. Except as in this article otherwise prescribed, the provisions of article II of this chapter, title and part of the Political Code as it now exists and as the same may be amended from time to time shall govern and apply to the conduct of the department of social welfare in every respect the same as if such provisions were herein set forth at length, and wherever in said article II, the term "head of the department," "head of a department," or similar designation occurs, the same shall, for the purposes of this article, mean the governing body of the department of social welfare.

367a. For the purpose of administration the department shall be forthwith organized by the governing body or head thereof, subject to the approval of the governor, in such manner as it shall deem necessary to properly segregate and conduct the work of the department. The governing body or head of the department, subject to the approval of the governor, may create such divisions and subdivisions as may be necessary, and change or abolish the same from time to time, subject to the approval of the governor.

Organization
of
department.

367b. The social welfare board is hereby created to consist of the director of social welfare, appointed and holding office as hereinafter provided, and six persons, each appointed by the governor for a term of four years. The members other than the director shall receive no compensation for their services but shall receive the actual necessary traveling expenses incurred in the discharge of their duties. The members of the executive board of the state department of public welfare in office at the time this act takes effect shall be and become members of the social welfare board, to serve for the remainder of their respective terms. The director of social welfare shall be appointed by and hold office at the pleasure of the governor and shall receive the salary of four thousand dollars per year. The director shall be chairman and executive officer of the board.

Social
welfare
board

Director of
social
welfare.

No person shall be appointed to the office of director or member of said board or continue to act as such while he or she is a trustee, manager, director or other administrative officer of an institution which is subject to examination or inspection or supervision by the department of social welfare.

367c. The social welfare board shall constitute the governing body, or head, of the department of social welfare.

Governing
body.

A majority of the members of the governing body of the department shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power of the department. No vacancies in the governing body of the department shall impair the right of the remaining members to exercise all the powers thereof.

367d. Except as in this article otherwise provided, the department of social welfare shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the state board of charities and corrections,

Duties,
powers,
etc., of
department

the department of public welfare, the executive board of the department of public welfare and of the several officers, deputies and employees of such bodies and offices and of the children's agents of the state board of control; and whenever by the provisions of any statute or law now in force or that may hereafter be enacted, a duty or jurisdiction is imposed or authority conferred upon any of said bodies, officers, deputies or employees or upon any other person by any statute, the enforcement of which is transferred to the department of social welfare such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of social welfare with the same force and effect as though the title of said department of social welfare had been specifically set forth and named therein, in lieu of the name of any such board, commission, office, officer, deputy or employee thereof as the case may be.

References to
department
of public
welfare, etc

For the purpose of this article, when the terms "state board of charities and corrections," "department of public welfare," "executive board of the department of public welfare," "children's agents," or any thereof are used, the same shall be construed to mean and refer to the department of social welfare; and whenever in any statute or law now in force or that may hereafter be enacted reference is made to the state board of control or to the department of finance, such reference, in so far as it relates to the appointment, employment or supervision of children's agents or to the inspection or approval of public or private institutions for the care of orphans, half-orphans or abandoned children or to aid for needy children, shall be construed to mean and refer to the department of social welfare.

Department
of public
welfare
abolished.

367e. The department of public welfare, the executive board of the department of public welfare and the positions of all deputies, officers and employees thereunder, are and each of them is hereby abolished, but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction together with all lawful laws, rules and regulations established thereunder, are hereby expressly continued in force.

Possession
and control
of records,
etc

367f. The department of social welfare shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of the department of public welfare, or the executive board of the department of public welfare, and the title to all property now or hereafter held by any of said boards, offices or officers for the use and benefit of the state is hereby transferred to the State of California to be held in the possession of said department of social welfare.

Expenditure
of appropria-
tions

367g. From and after the date on which this act takes effect, the department of social welfare shall be and is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remain-

ing or made available by law for the administration of the provisions of all the statutes the administration of which is committed to the department of social welfare or for the use, support or maintenance of the department of public welfare, the executive board of the department of public welfare or the children's agents of the state board of control.

CHAPTER 50.

*An act to add a new section to the Political Code, to be numbered two thousand three hundred twenty, declaring the cultivated black currant (*Ribes nigrum*), a public nuisance, and providing for its eradication; and providing a penalty for the violation of the provisions of this act.*

[Approved by the Governor April 4, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered 2320, and to read as follows: New section.

2320. The cultivated black currant (*Ribes nigrum*), is hereby declared to be a public nuisance; and the director of the state department of agriculture and the county commissioners of horticulture of every county are hereby invested with the power to abate the nuisance in a summary manner. Black currant a nuisance

Every person, firm, or corporation, who or which grows, propagates, or distributes cultivated black currants (*Ribes nigrum*), in the State of California is guilty of a misdemeanor.

CHAPTER 51.

An act to amend section four thousand two hundred sixty-one of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirty-second class.

[Approved by the Governor April 4, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4261 of the Political Code is hereby amended to read as follows: Stats. 1923, p. 1062, amended.

4261. In counties of the thirty-second class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Counties of 32d class: salaries and fees of officers.

1. The county clerk, three thousand two hundred fifty dollars per annum; and also such compensation as is now or may hereafter be allowed by law; and in each year in which a new and complete registration of voters is required by law he Clerk.

shall receive such an amount as shall be necessary to pay deputy registration clerks for taking affidavits of registration outside of the office at the rate of ten cents each, and such an amount as shall be necessary to pay deputies in the office for enrolling the registrations upon the great register at the rate of four cents each, the claims for which shall be presented and allowed by the board of supervisors as other claims are presented and allowed; he may also appoint a deputy clerk, which office of deputy clerk is hereby created, whose salary shall be one thousand eight hundred dollars per annum, payable as the salaries of county officers are paid. The provisions of this subsection relating to the office of deputy clerk do not increase the compensation of a county officer and shall take effect ninety-one days after the final adjournment of the 1927 session of the Legislature.

Sheriff.

2. The sheriff, six thousand dollars per annum.

Recorder

3. The recorder, two thousand two hundred fifty dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required by law to be so collected; *and provided*, that when the amount of said fees so collected shall amount to more than two hundred dollars in any one month, the said recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of two hundred dollars in one month so collected; *and provided*, that in counties of this class the recorder may appoint two deputy recorders for service in his office, which offices of deputies for the county recorder are hereby created, one of said deputies shall receive as compensation for his services the sum of one thousand two hundred dollars per annum; and one of said deputies shall receive as compensation for his services the sum of one thousand twenty dollars per annum, to be paid out of the county treasury in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder is paid.

Auditor

4. The auditor, two thousand five hundred dollars per annum; he may also appoint a deputy auditor, which office of deputy auditor is hereby created, whose salary shall be seventy-five dollars per month, payable as the salaries of all other county officers are paid. The provisions of this subsection do not increase the compensation of a county officer and shall take effect immediately.

Treasurer

5. The treasurer, two thousand dollars per annum; *and provided*, that in counties of this class the treasurer may appoint a deputy treasurer, which office of deputy treasurer is hereby created, and said deputy treasurer shall receive as compensation for such service the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid.

6. The tax collector, one thousand dollars per annum; *provided*, that said tax collector shall perform the duties and receive and retain for his own use, the fees provided by law for the license tax collector. Tax collector.

7. The assessor, four thousand two hundred fifty dollars per annum; *provided*, that in counties of this class the assessor may appoint a field deputy, which office of field deputy is hereby created, who shall hold office from the first day of March of each year up to and including the last day of July of each year. The salary of said field deputy herein provided for is fixed at the sum of one hundred fifty dollars per month, to include expenses for each month during which the said field deputy holds office, as herein provided. The salary of said field deputy shall be paid at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid; *and provided, further*, the assessor is allowed and may appoint two additional deputies which offices are hereby created. The salaries of said two deputies herein provided for are fixed at one thousand four hundred forty dollars and nine hundred sixty dollars per annum, respectively, and shall be paid at the same time, in the same manner and out of the same fund as the salaries of other county officers are paid. The provisions of this subsection relating to the two additional deputies of the assessor do not increase the compensation of a county officer and shall take effect ninety-one days after the final adjournment of the 1927 session of the Legislature. Assessor.

8. The district attorney, two thousand four hundred dollars per annum; he may also appoint a deputy, which office of deputy district attorney is hereby created, whose salary shall be one thousand dollars per annum, payable as the salaries of other county officers are paid. Attorney.

In counties of this class the district attorney is allowed and may appoint one clerk which office is hereby created. The salary of said clerk is fixed at one thousand two hundred dollars per annum payable at the same time, in the same manner and out of the same fund as the salaries of the county officers are paid. The provisions of this subsection relating to the appointment of one clerk by the district attorney do not increase the compensation of a county officer and shall take effect ninety-one days after the final adjournment of the 1927 session of the Legislature.

9. The coroner, such fees as are now or may hereafter be allowed by law. Coroner.

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

11. The superintendent of schools, two thousand four hundred dollars per annum, including services on the board of education. He shall be allowed his actual traveling expenses not to exceed five hundred dollars per annum; he shall also be allowed one deputy whose salary shall be seventy-five dollars per month, payable the same as the salary of county Supt. of schools

officers; *provided*, that he shall keep his office open from nine o'clock a.m. to five o'clock p.m., of each business day.

Surveyor

12. The surveyor shall receive a per diem of ten dollars for all work performed for the county; in addition thereto all necessary expenses and transportation on work performed in the field.

Classification
of
townships

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors upon the enactment of this act, and also at the time of the formation of any new township or townships.

Townships having a population of over three thousand shall belong to and be known as townships of the first class; townships having a population of one thousand five hundred and less than three thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than one thousand five hundred shall belong to and be known as townships of the third class; townships having a population of four hundred and less than one thousand shall belong to and be known as townships of the fourth class; townships having a population of three hundred and less than four hundred shall belong to and be known as townships of the fifth class; townships having a population of less than three hundred shall belong to and be known as townships of the sixth class.

Justices of
the peace.

Justices of the peace shall receive the following salaries: In townships of the first class, the sum of nine hundred dollars; in townships of the second class, the sum of six hundred sixty dollars; in townships of the third class, three hundred twenty dollars; in townships of the fourth class, one hundred eighty dollars; in townships of the fifth class, one hundred twenty dollars; in townships of the sixth class, sixty dollars.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month.

Constables.

14. The constable shall receive the following fees, to wit: For serving summons and complaint, for each defendant served, one dollar; for each copy of summons for service when made by him, twenty-five cents; for levying writ of attachment or execution or executing order of arrest or for the delivery of personal property, one dollar; for keeping personal property, such sum as the court may order, but no more than two dollars per day shall be allowed for a keeper when necessarily employed; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except summons, complaints and subpoenas, per folio ten cents; *provided*, that when correct copies are furnished him for use, no charge

shall be made for copies, for serving any writ, notice or order, except summons, complaint or subpœnas, for each person served, fifty cents; for writing and posting each notice of sale of property, twenty-five cents; for serving subpœnas, each witness, including copy, twenty-five cents; for collecting money on execution, two and one-half per cent, to be charged against the defendant named in the execution; for executing and delivering a certificate of sale, one dollar; for executing and delivering constable's deeds, two dollars; for every mile necessarily traveled in his township, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to a prison, twenty-five cents, outside of his township, but within his county, twenty cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the more distant if they live in the same direction; for each mile traveling outside his county in making criminal arrests, both going and returning from the place of arrest, ten cents; in transporting prisoners to the county jail, or before a magistrate either upon arrest or for trial or examination or after conviction, he shall receive in addition to the above mileage his actual and necessary expenses for himself and prisoners; *provided*, that if two or more prisoners are transported at the same time, no more than one mileage shall be allowed; for making each arrest in criminal cases, one dollar and fifty cents; for sales of estrays, the same fees as for sales on execution; for summoning a jury, two dollars, including mileage; for all other services, the same fees as are allowed sheriffs for like services; *provided, further*, that no more than sixty dollars shall be allowed to any constable in counties of this class in any one month for fees and mileage in criminal matters.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to and from the county seat; *provided*, such mileage shall not be allowed more than once a month; and for his services as road commissioner he shall receive twenty cents a mile one way, for all distances actually and necessarily traveled by him in the performance of his duties; *provided*, he shall not in any one year receive more than six hundred dollars as such road commissioner. The road commissioner shall be reimbursed for all traveling, personal and other necessary expenses while actually engaged in the performance of their duties upon the road; *provided*, that the full amount of expenses incurred shall not exceed six hundred dollars in any one year, to be allowed as any other claim by the board of supervisors. Supervisors

16. The county traffic officer, two thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county traffic officer one deputy, which office is hereby created. Said deputy shall be appointed by said county traffic officer and shall receive a salary of two thousand two hundred dollars per annum which shall be paid by said county in monthly installments at Traffic officer.

the same time, in the same manner and out of the same fund as the salary of the county traffic officer is paid. Said traffic officer and his deputy shall provide their own motorcycles or other vehicles and shall pay all of the expense of the upkeep of such machines and the said county shall provide gasoline and oil for the purpose of propelling the same; *and provided, further*, that there shall be and there is allowed to the county traffic officer a sum not to exceed one thousand two hundred dollars in any one year to be used in carrying out the duties of his office. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputy whenever said office of county traffic officer is created by law.

Jurors.

17. In counties of this class grand jurors and jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from residence to county seat the sum of twenty-five cents; such mileage to be allowed but once during each session such jurors are required to attend.

Effect of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 52.

An act to amend section two of an act entitled "An act providing for the publication of an index of the laws of California and making an appropriation therefor," approved May 23, 1919, as amended, relating to the price of such index.

[Approved by the Governor April 4, 1927. In effect July 29, 1927.]

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

Stats 1921,
p. 82,
amended.

SECTION 1. Section 2 of an act entitled "An act providing for the publication of an index of the laws of California and making an appropriation therefor," approved May 23, 1919, is hereby amended to read as follows:

Distribution
of index
to laws.

Sec. 2. One copy of said index shall be distributed to each member of the Legislature and the balance of the copies printed shall be offered for sale to the public at a price to be fixed by the department of finance. Such portion of the receipts as may be required to complete the cost of printing, publication and distribution shall be paid into the state printing fund, and the balance of such receipts shall be paid into the general fund in the state treasury.

CHAPTER 53.

An act to amend section nineteen x forty-four of the "Juvenile court law" approved June 5, 1915, relating to the salary of probation officers in counties of the forty-fourth class.

[Approved by the Governor April 4, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 19x44 of the "Juvenile court law," Stats. 1921, p. 1431, amended. approved June 5, 1915, as amended, is hereby amended to read as follows:

19x44. In counties of the forty-fourth class there shall be one probation officer whose salary shall be one hundred dollars Counties of 44th class: probation officer. per month.

CHAPTER 54.

An act to amend section four thousand one hundred ninety of the Political Code, relating to establishment and government and the creation of a fund for the law library.

[Approved by the Governor April 4, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4190 of the Political Code is hereby Stats. 1923, p. 508, amended. amended to read as follows:

4190. On the commencement in, or removal to, the superior court of any county in this state of any civil action, proceeding, or appeal, except, however, the filing of a petition for letters of adoption and the filing of a disclaimer, on filing the first papers therein, the party instituting such proceeding, or filing the first said papers, and thereafter any defendant or respondent or adverse party, or intervening party, on his first appearance therein, or any number of such defendants or respondents or adverse parties appearing jointly therein, shall pay to the clerk of said court in addition to fees fixed by law, the sum of one dollar as costs, for a fund which shall be designated as the "law library fund," to be expended in the purchase of law books and periodicals, and in the establishment and maintenance of a law library at the county seat of said county, which law library shall be governed and controlled, and said fund be expended by the board of trustees hereinafter provided; *provided, however,* that the board of Use of fund. law library trustees shall have power in their discretion to establish and maintain a branch of the county law library in any city other than the county seat in the same county in which a session of the superior court or a session of the municipal court is now or shall hereafter be held which branch shall be in all respects a part of the county law library and shall be established, managed, controlled, regulated and maintained as part of the county law library. Branches.

CHAPTER 55.

An act to amend section seventeen of the "California economic poison act of 1921," approved June 3, 1921, relating to disposition of fees.

[Approved by the Governor April 4, 1927. In effect July 29, 1927.]

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

Stats 1921,
p. 1263,
amended
Disposition
of moneys
collected

SECTION 1. Section 17 of the "California economic poison act of 1921" is hereby amended to read as follows:

Sec. 17. The director of agriculture shall, at least once each month, report to the state controller the amount of fees and moneys collected, and, at the same time, he shall pay into the state treasury the entire amount of such receipts. All such receipts shall be credited to the general fund. Any balance remaining in the fund now known as the "division of chemistry fund" shall revert to and become a part of the general fund.

CHAPTER 56.

An act to amend section nine of an act entitled "An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for enforcement of the act," approved March 20, 1903, as amended, relating to the disposition of fees.

[Approved by the Governor April 4, 1927. In effect July 29, 1927.]

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

Stats 1915,
p. 42,
amended.

SECTION 1. Section 9 of an act entitled "An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for enforcement of the act," approved March 20, 1903, as amended, is hereby amended to read as follows:

Disposition
of moneys
collected.

Sec. 9. All moneys, whether received from registry or analytical fees or special license fees, shall be reported monthly to the state controller by the director of agriculture and remitted to the state treasury to the credit of the general fund.

CHAPTER 57.

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

act," approved April 12, 1923, by amending section four thereof with reference to the security to be given for such deposits.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county or municipality within this state, and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, is hereby amended to read as follows:

Stats. 1923
p. 26,
amended.

Sec. 4. For the security of inactive deposits there shall be deposited with such treasurer treasury notes or bonds of the United States, or of this state or of any county, city and county, city, town, municipal utility district, flood control district, school district or irrigation district within this state, which bonds shall be approved by the treasurer and attorney of the county or municipality. The market value of the bonds furnished shall be at least ten per cent in excess of the amount of the deposit secured thereby; but the amount of the deposit shall in no case exceed the face value of the bonds furnished as security therefor. For the security of active deposits, there shall be deposited with such treasurer, treasury notes or bonds of the United States or of this state, or of any county, city and county, city, town, municipal utility district, flood control district, school district or irrigation district within this state, or the surety bond or bonds of any corporation or corporations qualified to act as sole surety on bonds or undertakings required by the laws of this state; provided, that the furnishing of surety bonds shall be optional with the treasurer; provided, however, that when there is no qualified bank within the county owning the money, or the county within which the municipality owning the money is situated requesting such active deposit, and offering any of the classes of securities, including surety bonds, herein provided for such deposits, then no such surety bond or notes or bonds shall be accepted as security for active deposit in banks outside of such county while any notes or bonds of the United States, or of this state, or of any county, city and county, city, town, municipal utility district, flood control district, school district, or irrigation district within the state shall be offered as security for active deposits by any bank in the state qualified to accept such deposits; provided, further, that the penalty or the aggregate of the penalties of any surety bond or bonds covering deposits in any one bank given by any surety company shall not exceed ten per cent of the capital and surplus of such company, according to the statement thereof contained in the last preceding report issued by the United States treasury department, but in fixing such limit there shall be deducted from

Security of
inactive
deposits

Active
deposits

Deposits
outside of
county.

Limit.

such penalty the amount of any reinsurance the terms of which inure directly to the county or municipality making the deposit, placed with a company qualified to execute bonds hereunder within the limits applicable to said company and evidence of such reinsurance shall be furnished to the treasurer making the deposit within twenty days after the date of such surety bond.

Approval.

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

CHAPTER 58.

An act to amend an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the state and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, by amending section four thereof with reference to the security to be given for such deposits.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

Stats 1923,
p. 23,
amended.

SECTION 1. Section 4 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the state and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, is hereby amended to read as follows:

Security of
inactive
deposits

Sec. 4. For the security of inactive deposits, there shall be deposited with the treasurer treasury notes or bonds of the United States, or of this state or of any county, city and county, city, town, municipal utility district, flood control district, school district, or irrigation district within this state, which bonds shall be approved by the governor, controller and treasurer, to an amount in value at least ten per cent in excess of the amount of the deposit with such bank or banks. For the security of active deposits, there shall be deposited with the treasurer treasury notes or bonds of the United States or of this

Active
deposits.

state or of any county, city and county, city, town, municipal utility district, flood control district, school district or irrigation district within this state, or the surety bond or bonds of any corporation or corporations qualified to act as sole surety on bonds or undertakings required by the laws of this state; *pro-* Limit.
vided, that the penalty or the aggregate of the penalties of any surety bond or bonds covering deposits in any one bank given by any surety company shall not exceed ten per cent of the capital and surplus of such company, according to the statement thereof contained in the last preceding report issued by the United States treasury department, but in fixing such limit there shall be deducted from such penalty the amount of any reinsurance the terms of which inure directly to the State of California, placed with a company qualified to execute bonds hereunder within the limits applicable to said company, and evidence of which reinsurance shall be furnished to the treasurer within twenty days after the date of such surety bond. Such securities shall be approved by the gover- Approval
nor, controller and treasurer to an amount in value at least ten per cent in excess of the amount of the deposit with such bank or banks. No surety bond shall be accepted from any surety company, unless said company shall be approved by the insurance commissioner of the state as a company possessing the qualifications herein required to secure deposit of state funds, and it shall be the duty of said commissioner to issue such certificate on demand of the state treasurer showing the qualifications of such companies; and, unless said company shall also hold a certificate of authority from the United States treasury department as being acceptable as a surety on federal bonds. The form of bonds required under this act shall be prescribed by the attorney general of the state.

CHAPTER 59.

An act to amend section fourteen of an act entitled "An act to regulate the examination of applicants for license and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts

in conflict with this act," approved June 2, 1913, as amended, relating to the revocation of licenses.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p. 282,
amended.

SECTION 1. Section 14 of an act entitled "An act to regulate the examination of applicants for license and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, as amended, is hereby amended to read as follows:

Unprofes-
sional
conduct of
applicant

Sec. 14. Said board must refuse a certificate to any applicant guilty of unprofessional conduct. On the filing with the secretary of a sworn complaint, charging the applicant with having been guilty of unprofessional conduct, the secretary must forthwith issue a citation, under the seal of the board, and make the same returnable at the next regular session of said board, occurring at least thirty days next after filing the complaint. Such citation shall notify the applicant when and where the charges of said unprofessional conduct will be heard, and that the applicant shall file his written answer, under oath, within twenty days next after the service on him of said citation or that default will be taken against him and his application for a certificate refused. The attendance of witnesses at such hearing may be compelled by subpoenas issued by the secretary of the board under its seal. Said citation and said subpoenas shall be served in accordance with the statutes of this state then in force as to the service of citation and subpoenas generally, and all the provisions of the statutes of this state then in force relating to subpoenas and to citations are hereby made applicable to the subpoenas and citations provided for herein. Upon the secretary's certifying to the fact of refusal of any person to obey a subpoena or citation to the superior court of the county in which the service was had, said court shall thereupon proceed to hear said matter in accordance with the statutes of this state then in force as to contempts for disobedience of process of the court, and should said court find that the subpoena or citation has been legally served, and that the party so served has wilfully disobeyed the same, it shall proceed to impose such penalty as provided in cases of contempt of court. In all cases of alleged

unprofessional conduct, arising under this act, depositions of witnesses may be taken, the same as in civil cases and all the provisions of the statutes of this state then in force as to the taking of depositions are hereby made applicable to the taking of depositions under this act. If the applicant shall fail to file with the secretary of said board his answer, under oath, within twenty days after service on him of said citation, or within such further time as the board may allow, and the charges on their face shall be deemed sufficient by the board, default shall be entered against him, and his application refused. If the charges on their face be deemed sufficient by the board, and issue be joined thereon by answer, the board shall proceed to determine the matter, and to that end shall hear such proper evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him.

Whenever any holder of a certificate herein provided for is guilty of unprofessional conduct, as the same is defined in this act, and the said unprofessional conduct has been brought to the attention of the board granting said certificate, in the manner hereinafter provided or whenever a certificate has been procured by fraud or misrepresentation or issued by mistake or that the certificate upon which a reciprocity certificate has been issued was procured by fraud or misrepresentation or issued by mistake or the person holding such certificate is found to be practicing contrary to the provisions thereof and of this act, it shall be the duty of the board and the board shall have power to suspend the right of the holder of said certificate to practice for a period not exceeding one year or to place the holder of said certificate upon probation or suspend judgment in such cases or revoke his certificate, or take such other action in relation to the punishment of the holder of said certificate as in its discretion it may deem proper. In the event of such suspension, the holder of such certificate shall not be entitled to practice thereunder during the term of suspension; but, upon the expiration of the term of said suspension, he shall be reinstated by the board and shall be entitled to resume his practice, unless it shall be established to the satisfaction of the board that said person so suspended from practice, has, during the term of such suspension, practiced in the State of California, in which event the board shall revoke the certificate of such person. No such suspension or revocation shall be made unless such holder is cited to appear and the same proceedings are had as is hereinbefore provided in this section in case of refusal to issue certificates. Said secretary in all cases of suspension or revocation shall enter on his register the fact of such suspension or revocation, as the case may be, and shall certify the fact of such suspension or revocation under the seal of the board, to the county clerk of the counties in which the certificates of the person whose certificate has been revoked is recorded; and said

Unprofessional
conduct of
certificate
holder.

clerk must thereupon write upon the margin or across the face of his register of the certificate of such person, the following: "The holder of this certificate was on the ----- day of ----- suspended for -----," or, "The certificate was revoked on the ----- day of -----," as the case may be, giving the day, month and year of such revocation or length of suspension, as the case may be, in accordance with said certification to him by said secretary. The record of such suspension or revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all the proceedings of said board in the matter of said suspension or revocation. The words "unprofessional conduct" as used in this act, are hereby declared to mean:

"Unprofessional conduct" defined

First—The procuring or aiding or abetting or attempting or agreeing or offering to procure a criminal abortion.

First (a)—To violate or attempt to violate, directly or indirectly, or to assist in or to abet the violation of, or to conspire to violate any provision or term of this act.

Second—The wilful betraying of a professional secret.

Third—All advertising of medical business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons, and so be harmful or injurious to public morals or safety.

Fourth—All advertising of any medicine or of any means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed.

Fifth—Conviction of any offense involving moral turpitude in which case the record of such conviction shall be conclusive evidence.

Fifth (a)—The purchase, sale or barter, or offering to purchase, sell or barter any medical degree, or any degree, diploma, certificate or transcript, made or purporting to be made, pursuant to any laws regulating the license and registration of physicians under this act, or any prior medical practice act, passed by the Legislature of the State of California, or the altering with fraudulent intent, in any material regard, a diploma, certificate or transcript, or the use of any such diploma, certificate or transcript that has been purchased, fraudulently issued, counterfeited or materially altered.

Fifth (b)—The impersonation or acting as proxy in any examination required under the medical practice act of any applicant for a certificate provided for in the medical practice act.

Fifth (c)—The adjudication of insanity by a superior court in which case the record of such adjudication or judgment or order of commitment shall be conclusive evidence; *providing, however,* that a licentiate whose license has been revoked for the foregoing cause may, upon restoration to or declaration of sanity, apply to the board of medical examiners for a restoration of his certificate (license).

Sixth—Habitual intemperance or excessive use of cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine,

or chloral hydrate or any of the salts, derivatives or compounds of the foregoing substances.

Sixth (a)—The prescribing, selling, furnishing, giving away or administering or offering to prescribe, sell, furnish, give away or administer any of the drugs or compounds mentioned in the sixth subdivision hereof, to a habitue or addict, except that this shall not apply to the emergency treatment of a patient whose addiction is complicated by the presence of incurable disease, serious accident or injury, or the infirmities attendant upon age; *and provided, further*, that this shall not apply to the treatment of habitues or addicts in institutions approved by the state board of medical examiners where the patient is kept under restraint and control, or in city or county jails or state prisons; *and provided* that in all cases covered by the exceptions hereto the drugs are administered or applied by a licensed physician and surgeon of this state or a registered nurse acting under his instructions and supervision.

"Unprofessional conduct" defined (cont'd).

Seventh—The personation of another licensed practitioner or permitting or allowing another person to use his certificate in the practice of any system or mode of treating the sick or afflicted.

Seventh (a)—Employing directly or indirectly any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted or the aiding or abetting any unlicensed person to practice any system or mode of treating the sick or afflicted.

Eighth—The use, by the holder of any certificate, in any sign or advertisement in connection with his said practice or in any advertisement or announcement of his practice, of any fictitious name, or any name other than his own.

Ninth—The use, by the holder of a "drugless practitioner certificate" of drugs or what are known as medicinal preparations, in or upon any human being, or the severing or penetrating by the holder of said "drugless practitioner certificate" of the tissues of any human being in the treatment of any disease, injury, deformity, or other physical or mental condition of such human being, excepting the severing of the umbilical cord.

Tenth—Advertising, announcing or stating, directly, indirectly, or in substance, by any sign, card, newspaper, advertisement or other written or printed sign or advertisement, that the holder of such certificate or any other person, company, or association by which he is employed or in whose service he is, will cure or attempt to cure, or will treat, any venereal disease, or will cure or attempt to cure or treat any person or persons for any sexual disease, for lost manhood, sexual weakness, or sexual disorder or any disease of the sexual organs; or being employed by, or being in the service of, any person, firm, association, or corporation so advertising, announcing or stating.

Eleventh—The use by the holder of any certificate or any letter, letters, word, words, or term or terms used either as

“Unprofessional conduct” defined (cont’d).

prefix or affix or suffix indicating that such certificate holder is entitled to practice a system or mode of treating the sick or afflicted for which he was not licensed in the State of California.

Eleventh (a)—The use by the holder of a physician and surgeon certificate of the term “M.D.” unless the said holder has been granted the degree of doctor of medicine after the completion of a full course of study as prescribed by a medical school in accordance with the provisions of this act or any prior medical practice act of the State of California.

Eleventh (b)—The use by the holder of a physician and surgeon certificate of the term “D.O.” unless the said holder has been granted the degree of doctor of osteopathy after the completion of a full course of study as prescribed by an osteopathic school in accordance with the provisions of this act or any prior medical practice act of the State of California.

Twelfth—The employment of “cappers” or “steerers” or other persons in procuring practice for a practitioner for a system or mode of treating the sick or afflicted provided for in this act.

Thirteenth—The certificate issued herein for the practice of midwifery may be revoked when it appears to the satisfaction of the board that in any case or cases that the licentiate may have treated, that due caution and circumspection was not used or that the holder of said certificate in its treatment of any case or cases had not used proper aseptic and antiseptic precautions.

Fourteenth—The certificate to practice midwifery herein may be revoked upon conviction for the violation of any health statute, order or ordinance or for the neglect or refusal to comply with the health rules and regulations of any state, county, city and county, city or township.

Fifteenth—The certificate issued herein for the practice of midwifery may be revoked for the treatment by any midwife in any case of labor in which case there is a complicated vertex presentation in which said licentiate did not call or attempt to call a licentiate licensed to practice a system including the practice of obstetrics under this act or any preceding medical practice act in this state.

Sixteenth—The certificate issued herein for the practice of midwifery may be revoked for a failure to refer to a licentiate under this act or any preceding act in the State of California licensed to practice a system including obstetrics, a case which during pregnancy has, or develops any of the following conditions: a contracted pelvis or other deformity that will interfere with labor; bleeding from the uterus; swelling of the face and hands; excessive vomiting; persistent headache; dimness of vision; convulsions; or for failure to call or summons a physician if any of the following conditions exist or develop at the beginning of or during labor: Complicated presentation of a vertex (head); convulsions, excessive bleeding; prolapse of the cord; a swelling or tumor that obstructs the birth of

the child; signs of exhaustion or collapse; unduly prolonged labor; or the failure to refer to a licentiate in this act or any preceding act in the State of California licensed to practice a system including obstetrics, a case, which during the lying-in period, develops the following conditions: Convulsions; excessive bleeding; foul smelling discharge (lochia); persistent rise of temperature to one hundred one degrees Fahrenheit for twenty-four hours; swelling and redness of the breasts; severe chill (rigor) with rise of temperature; inability to nurse the child; or for a failure to refer to a licentiate under this act or any preceding act in the State of California licensed to practice a system including obstetrics, a case where the child has or develops any of the following conditions: Deformities or malformations or injuries; inability to suckle or nurse; inflammation around or discharge from the navel; swelling and redness of the eyelids with a discharge of pus from the eyes (ophthalmia neonatorum); bleeding from the mouth, navel or bowels; inability to urinate.

"Unprofessional conduct" defined (cont'd).

Seventeenth—The certificate issued herein for the practice of midwifery may be revoked for the treatment by the said midwife licentiate known as the introduction of the hand into the vagina or uterus to remove placenta or membranes.

Eighteenth—The certificate issued herein for the practice of midwifery may be revoked for the failure to have the following equipment (in each case): Nail brush; wooden or bone nail cleaner; jar of green or soft castile soap; rubber gloves; tube of sterile vaseline; clinical thermometer; agate or glass douche reservoir; two rounded vaginal douche nozzles; two rectal nozzles, large and small; one soft rubber catheter; blunt scissors for cutting cord; either lysol, carbolic acid or bichloride of mercury tablets; boric acid powder; one per cent solution of nitrate of silver; medicine dropper; narrow tape or soft twine for tying cord; absorbent cotton (preferably in one-quarter pound packages); no other instruments are to be used by a midwife.

CHAPTER 60.

An act to amend sections eight and eight and one-half of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to narcotic drugs.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 8 of an act entitled "An act to regulate the sale and use of poisons in the State of California and

Stats. 1919,
p. 1276,
amended.

providing a penalty for the violation thereof," is hereby amended to read as follows:

Unlawful
sale of
narcotics

Sec. 8. It shall be unlawful for any person, firm or corporation to sell, furnish or give away or offer to sell, furnish or give away or to have in their or his possession any cocaine, opium, morphine, codeine, heroin, alpha eucaine, beta eucaine, flowering tops and leaves, extracts, tinctures and other narcotic preparations or hemp or loco weed (*cannabis sativa*), Indian hemp, peyote (*anhalonium*), or chloral hydrate or any of the salts, derivatives or compounds of the foregoing substances or any preparation or compound containing any of the foregoing substances or their salts, derivatives or compounds excepting upon the written order or prescription of a physician, dentist or veterinary surgeon, licensed to practice in this state, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, written in by the person writing said prescription, or if ordered by a veterinary surgeon it shall state the kind of animal for which ordered and shall be signed by the person giving the prescription or order. Such order or prescription shall be permanently retained on file by the person, firm or corporation who shall compound or dispense the articles ordered or prescribed, and it shall not be again compounded or dispensed if each fluid or avoirdupois ounce contains more than ten grains of chloral hydrate, or four grains of Indian hemp or loco weed excepting upon the written order of the prescriber for each and every subsequent compounding and dispensing. No copy or duplicate of such written order or prescription shall be made or delivered to any person but the original shall be at all times open to inspection by the prescriber and properly authorized officers of the law and shall be preserved for at least three years from the date of the filing thereof; *provided*, that the above provisions shall not apply to sales at wholesale by jobbers, wholesalers and manufacturers to pharmacies, as defined in section 1 of an act entitled "An act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 20, 1905, and acts amendatory thereof; or physicians, nor to each other, nor to the sale at retail in pharmacies by pharmacists to physicians, dentists or veterinary surgeons duly licensed to practice in this state; *provided, further*, that all such wholesale jobbers, wholesalers and manufacturers, in this section mentioned shall keep in a manner readily accessible, the written orders or blank forms required to be preserved under the provisions of section 2 of the act of congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves and salts, derivatives or preparations. And said records shall always be open for inspection by any peace

Physician's
prescription

Permanent
record

Copy or
duplicate

Wholesaler's
record.

officer or any member of the board of pharmacy or any inspector authorized by said board and such records shall be preserved for at least two years after the date of the last entry therein. The taking of any order, or making of any contract or agreement, by any traveling representative, or any employee, of any person, firm or corporation, for future delivery in this state, of any of the articles or drugs mentioned in this section shall be deemed a sale of said articles or drugs by said traveling representative, or employee, within the meaning of the provision of this act; *provided, further*, that a true and correct copy of all orders, contracts or agreements, taken for narcotic drugs specified in this section shall be forwarded by registered mail to the secretary of the California state board of pharmacy within twenty four hours after the taking of such order, contract or agreement, unless such order, contract or agreement is recorded as required under the provisions of section 2 of an act of congress, approved December 17, 1914, relating to the production, importation, manufacture, compounding, sale, dispensing or giving away of opium or coca leaves, their salts, derivatives or preparations of some wholesale jobber, wholesaler, or manufacturer permanently located in this state, as provided for in this section. It shall be unlawful for any practitioner of medicine, dentistry or veterinary medicine to administer to himself as a habitual user or furnish to or prescribe for the use of any other habitual user of the same, or of anyone representing himself as such, any cocaine, opium, morphine, codeine, heroin, or chloral hydrate, or any salt, derivative or compound of the foregoing substances or their salts, derivatives or compounds; and it shall also be unlawful for any practitioner of medicine or dentistry to prescribe or give any of the foregoing substances for himself or any person not under his treatment in the regular practice of his profession, or for any veterinary surgeon to prescribe or furnish any of the foregoing substances for the use of himself or any other human being; *provided, however*, that the provisions of this section shall not be construed to prevent any duly licensed physician from furnishing or prescribing in good faith as their physician by them employed as such, for any habitual user of any narcotic drugs who is under his professional care, such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the purposes of this act; *provided*, that such licensed physician shall report in writing, over his signature, by registered mail, to the office of the California state board of pharmacy, within twenty-four hours after the first treatment, each and every habitual user of such narcotic drugs as are enumerated in this section, whom he or she has taken, in good faith, under his or her professional care, for the cure of such habit, such report to contain the date, name and address of such patient, and the name and quantity of the narcotic or narcotics prescribed in

Order to
traveling
agent.

Copy of
order to
board.

Habitual
users.

Report of
habitual
users.

such treatment; *and provided, further*, that the above provisions shall not apply to preparations of the United States pharmacopœia and national formulary or other recognized or established formula or remedies sold or dispensed without a physician's prescription containing not more than two grains of opium, or one-fourth grain of morphine, or one grain of codeine, or one-eighth grain of heroin, or ten grains of chloral hydrate or four grains of Indian hemp or loco weed in one fluid ounce, or, if a solid preparation, in one ounce, avoirdupois, except tincture opii camphorata (commonly known as paregoric) which may be sold only upon the prescription of a physician licensed to practice in this state and said prescription shall not be again refilled or dispensed.

Stats. 1919,
p. 1278,
amended.
Limit on
prescriptions
to addicts.

SEC. 2. Section 8½ of said act is hereby amended to read as follows:

Sec. 8½. Any of the drugs mentioned in section 8 of this act employed in treating a habitue or addict must be applied or administered by a licensed physician and surgeon of this state, or a registered nurse acting under his instructions, and except during emergency treatment or where the patient's addiction is complicated by the presence of incurable disease, serious accident or injury, or the infirmities attendant upon age shall be permitted only in institutions approved by the state board of medical examiners, where the patient is kept under restraint and control, or in city or county jails or state prisons; *provided, further*, that any licensed physician treating any habitue under section 8 of this act shall not prescribe for or furnish such habitue more than eight grains of opium, or four grains of morphine, or two grains of cocaine, or two grains of heroin for each daily treatment and at the end of fifteen days of such treatment the said physician shall not prescribe for or furnish to such habitue, for each daily treatment, more than four grains of opium, or two grains of morphine, or one grain of cocaine, or one grain of heroin, and at the end of thirty days from the first treatment, the prescribing or furnishing of any of the narcotic drugs above enumerated shall be entirely discontinued; and the physician shall report by registered mail as required in section 8 of this act, and shall in the same manner further report in fifteen days, and in thirty days, the progress of the patient under the treatment so administered by him; otherwise, said treatment shall not be considered in good faith as provided in section 8 of this act; *provided, however*, that any licensed physician may prescribe for or furnish his patient as their physician employed by them as such, and who is suffering with some incurable disease, ailment, or injury, any of the narcotic drugs mentioned in section 8, in such quantity as may be necessary for a reasonable length of time and the physician prescribing or furnishing any of the narcotic drugs must personally furnish a signed, detailed report in writing, to the office of the California state board of pharmacy, by registered mail, within

Persons
suffering
from
incurable
diseases, etc.

twenty-four hours after writing the first prescription or furnishing the narcotic drug to such patient; *and provided, further*, that the California state board of pharmacy may employ a licensed physician to interview, examine and report the result of such interview or examination of any patient coming under the provisions of this section; *provided, further*, that the California state board of health shall furnish, upon request in writing from the California state board of pharmacy, a list of incurable diseases or ailments which, in its judgment, might require excessive amounts of narcotic drugs to be prescribed for or furnished by a physician for relief or benefit.

Investigators

Diseases
requiring
narcotics.

CHAPTER 61.

An act to amend section four thousand three hundred g of the Political Code, relating to witness fees.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4300g of the Political Code is hereby amended to read as follows:

Stats. 1909,
p. 765,
amended.

4300g. Witness' fees, except as in this title otherwise provided:

Witness
fees.

For each day's actual attendance, when legally required to attend upon the superior court, per day, two dollars in civil cases and one dollar and fifty cents in criminal cases.

Mileage actually traveled, one way only, per mile, ten cents; *provided, however*, that in criminal cases such per diem and mileage shall only be allowed upon a showing to the court, by the witness, that the same are necessary for the expenses of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

For each day's actual attendance, when legally required to attend before a grand jury, one dollar and fifty cents per day.

For each mile actually traveled in attendance as such witness before a grand jury, one way only, ten cents.

For each day's actual attendance, when legally required to attend, before a coroner's jury, per day one dollar.

For each mile actually traveled in attendance as a witness before a coroner's jury, one way only, ten cents, and such per diem and mileage shall be a county charge.

For each day's attendance upon a justice's court, in civil cases only, when legally required to attend, per day, one dollar.

For each mile actually traveled, in civil cases only, in a justice's court, in going only, ten cents.

Witnesses in civil cases may demand the payment of their mileage and fees for one day, in advance, and when so demanded shall not be compelled to attend until the same shall have been paid.

CHAPTER 62.

An act to amend section one thousand eight hundred seventy-five of the Code of Civil Procedure, relating to judicial notice.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

Original
section
amended.
Judicial
notice.

Section 1875 of the Code of Civil Procedure is hereby amended to read as follows:

1875. Courts take judicial notice of the following facts:

1. The true signification of all English words and phrases, and of all legal expressions;
 2. Whatever is established by law;
 3. Public and private official acts of the legislative, executive and judicial departments of this state and of the United States, and the laws of the several states of the United States and the interpretation thereof by the highest courts of appellate jurisdiction of such states;
 4. The seals of all the courts of this state and of the United States;
 5. The accession to office and the official signatures and seals of office of the principal officers of government in the legislative, executive, and judicial departments of this state and of the United States;
 6. The existence, title, national flag, and seal of every state or sovereign recognized by the executive power of the United States;
 7. The seals of courts of admiralty and maritime jurisdiction, and of notaries public;
 8. The laws of nature, the measure of time, and the geographical divisions and political history of the world.
- In all these cases the court may resort for its aid to appropriate books or documents of reference.

CHAPTER 63.

An act to amend section two of "The state medical practice act," approved June 2, 1913, as amended.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

Stats. 1917,
p. 94,
amended.

SECTION 1. Section 2 of "The state medical practice act," approved June 2, 1913, as amended, is hereby amended to read as follows:

Organization
of board.

Sec. 2. The board shall be organized on or before the first Tuesday of September, 1913, by electing from its number a president, vice president, and a secretary who shall also be the

treasurer, who shall hold their respective positions during the pleasure of the board. The board shall hold one meeting annually beginning on the third Monday in October in the city of Sacramento and at least two additional meetings annually, one of which shall be held in the city of Los Angeles and the other in the city of San Francisco, with power of adjournment from time to time until its business is concluded; *provided, however*, that examinations of applications for certificates may, in the discretion of the board, be conducted in any part of the state designated by the board. Special meetings of the board may be held at such time and place as the board may designate. Notice of each regular or special meeting shall be given twice a week for two weeks next preceding each meeting in one daily paper published in the city of San Francisco, one published in the city of Sacramento, and one published in the city of Los Angeles, which notice shall also specify the time and place of holding the examination of applicants. The secretary of the board upon an authorization from the president of the board or the chairman of a committee, may call meetings of any duly appointed committee of the board at a specified time and place and it shall not be necessary to advertise such committee meetings. The board shall receive through its secretary applications for certificates provided to be issued under this act and shall, on or before the first day of January of each year, transmit to the governor a full report of all its proceedings together with a report of its receipts and disbursements. The board shall, on or before the first day of January of each year, compile and may thereafter publish and sell, a complete directory giving the addresses of all persons within the State of California who hold unrevoked licenses to practice under any medical practice act of the State of California, which license shall in any manner authorize the treatment of human beings for diseases, injuries, deformities, or any other physical or mental conditions. The board is hereby authorized to require said persons to furnish such information as it may deem necessary to enable it to compile the directory. The directory shall contain in addition to the names and addresses of said persons, the names and symbols indicating the title, name or names, school or schools, which such person has attended and from which graduated, the date of issuance of the license, the present residence of said person and a statement of the form of certificate held. The directory shall be prima facie evidence of the right of the person or persons named therein to practice. It shall be the duty of every person holding a license to practice under any medical act of this state, or who may hereafter be so licensed to practice, to report immediately each and every change of residence, giving both the old and the new address. To comply with the provisions of this section relating to the compilation, publication and sale of a directory in addition to the fee required for the filing of any application, or the issuance of any certificate hereinafter provided for, each licentiate granted a certificate

Meetings.

Examinations

Notice.

Secretary
may call

Report.

Directory

Change
of address

Fees.

under the provisions of this act, or any preceding medical practice act of the State of California, shall, on or before the first day of January of each year, pay to the secretary-treasurer of the board of medical examiners an annual tax and registration fee of one dollar (\$1). Receipt or acknowledgment of payment by the secretary-treasurer shall be evidence that the holder and possessor of such certificate is entitled to practice the particular system for which he was granted such certificate for a period of one year from the first day of January; but notwithstanding the possession by any certificate holder of such receipt or acknowledgment of payment, the license or certificate issued to such licentiate to practice any system recognized by this or any preceding medical practice act of the State of California, may, at any time, be forfeited or revoked for a violation of the further provisions and requirements of this act. The failure, neglect and refusal of any person holding a license or certificate to practice a system under this or any preceding medical practice act of the State of California, to pay said annual tax of one dollar (\$1) during the time his or her license remains in force, shall, after a period of sixty days from the first day of January of each year, ipso facto, work a forfeiture of his or her license or certificate, and it shall not be restored except upon the written application therefor, and the payment to the said board of a fee of ten dollars (\$10) except that such licentiate who fails, refuses or neglects to pay such annual tax within a period of sixty days after the first day of January of each year shall not be required to submit to an examination for the reissuance of such certificate. It shall be the duty of the executive officer herein designated as the secretary-treasurer of said board of medical examiners to mail to the last known address of each licentiate who has paid said annual tax a copy of the said directory, and all new issues thereof and copies of all supplements thereto. The receipts of the said annual tax referred to herein shall be paid into the contingent fund of the board of medical examiners of California, and after the expenses of issuing said directories have been paid, in the event that there shall be a surplus of such funds, the board may from time to time, in its discretion, apply said surplus for any other expenses incurred by the board under the provisions of this act; *provided*, that this act shall not be construed as affecting or limiting the powers or duties of the "board of osteopathic examiners of the State of California" under the "osteopathic act" approved November 7, 1922.

Revocation of license.

Forfeiture for failure to pay fee.

Restoration

Directories to licentiates.

Disposition of fees.

Osteopathic examiners.

CHAPTER 64.

An act to amend section five of an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks,

stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, as amended, relating to the granting of certificates of public convenience and necessity to foreign corporations.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 5 of an act entitled "An act providing for the supervision and regulation of the transportation of persons and property for compensation over any public highway by automobiles, jitney busses, auto trucks, stages and auto stages; defining transportation companies and providing for the supervision and regulation thereof by the railroad commission; providing for the enforcement of the provisions of this act and for the punishment of violations thereof; and repealing all acts inconsistent with the provisions of this act," approved May 10, 1917, as amended, is hereby amended to read as follows:

Stats 1923,
p. 644,
amended.

Sec. 5. No transportation company shall hereafter begin to operate any automobile, jitney bus, auto truck, stage or auto stage for the transportation of persons or property, for compensation, on any public highway in this state without first having obtained from the railroad commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required of any transportation company as to the fixed termini between which or the route over which it is actually operating in good faith at the time this act becomes effective, or for operations exclusively within the limits of an incorporated city, town, or city and county. Any right, privilege, franchise or permit held, owned or obtained by any transportation company may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the railroad commission. The railroad commission shall have power, with or without hearing to issue said certificate as prayed for, or to refuse to issue the same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity may require; *provided*, that no such certificate may be granted to a foreign corporation.

Certificates
of
convenience
and
necessity

The railroad commission may at any time for a good cause suspend and upon notice to the grantee of any certificate and opportunity to be heard, revoke, alter or amend any certificate issued under the provisions of this section.

Each application for a certificate of public convenience and necessity must be accompanied by a fee of fifty dollars.

Fee.

CHAPTER 65.

An act authorizing municipal corporations to expend money for advertising or publicity purposes.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

Municipal
publicity
fund

SECTION 1. The legislative body of any municipal corporation within this state may appropriate by ordinance any sum or sums not to exceed in the aggregate during any fiscal year five cents on each one hundred dollars of assessed valuation for the purpose of providing a fund to be used for publicity or advertising for such municipal corporation, and the money so appropriated may be used and expended in the manner and for such purposes as shall be set forth in the ordinance making any such appropriation.

Alternative

SEC. 2. This act shall be alternative to all other acts giving similar powers.

CHAPTER 66.

An act to amend section eleven of the state medical practice act relating to subjects of examination for certificates licensing the practice of medicine, drugless healing, chiropody and midwifery, approved June 2, 1913, as amended.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p 1319,
amended.
Additional
requirements
for
certificate

SECTION 1. Section 11 of the state medical practice act is hereby amended to read as follows:

Sec. 11. In addition to above requirements, all applicants for "physician and surgeon certificate" must pass an examination to be given by the board in the following subjects:

1. Anatomy, including histology.
2. Physiology.
3. Bacteriology and pathology.
4. Biochemistry.
5. Obstetrics and gynecology.
6. Materia medica, pharmacology and therapeutics.
7. General medicine, including clinical microscopy.
8. Surgery.
9. Public health and preventive medicine.

All applicants for "drugless practitioner certificate" must Drugless practitioners pass an examination in the following subjects:

1. Anatomy, including histology.
2. Physiology.
3. General diagnosis.
4. Elementary pathology and elementary bacteriology.
5. Obstetrics.
6. Toxicology and elementary chemistry.
7. Public health and preventive medicine.

Provided, that a person who holds a "drugless practitioner certificate," issued upon satisfactory proof of the course of instruction and minimum requirements demanded in section 10 hereof and who presents evidence of having successfully completed the additional courses required for the "physician and surgeon certificate" as hereinbefore provided, shall be permitted to take his examination in subjects required for a "physician and surgeon certificate" without being reexamined in "drugless practitioner" subjects.

The subjects for such examination shall be:

1. Biochemistry.
2. Advanced bacteriology and pathology.
3. Surgery.
4. Materia medica, pharmacology and therapeutics.
5. General medicine, including clinical microscopy.
6. Advanced obstetrics and gynecology.

All applicants for a certificate to practice chiropody must Chiropodists pass an examination in the following subjects:

1. Anatomy and histology.
2. Physiology, chemistry and hygiene.
3. Pathology and bacteriology.
4. Dermatology and syphilis.
5. Orthopedics and surgery.
6. Chiropody and therapeutics.

All applicants for a certificate to practice midwifery must Midwives pass an examination in the following subjects:

1. Anatomy and physiology.
2. Obstetrics.
3. Hygiene and sanitation.

All examinations shall be practical in character and Character of examinations designed to ascertain the applicant's fitness to practice his profession and shall be conducted in the English language, and at least a portion of the examination in each of the subjects shall be in writing. The board in its discretion upon the submission of satisfactory proof from the applicant that Interpreters he is unable to meet the requirements of the examination in the English language, may allow the use of an interpreter either to be present in the examination room or to thereafter interpret and transcribe the answers of the applicant. The

selection of such interpreter is to be left entirely to the board and the expenses thereof to be borne by the applicant, the payment therefor to be made before such examination is held.

Average
required

There shall be at least ten questions on each subject, the answers to which shall be marked on a scale of zero to one hundred. Each applicant must obtain no less than a general average of seventy-five per cent, and not less than sixty per cent in any two subjects; *provided*, that any applicant shall be granted a credit of one per cent upon the general average for each year of actual practice since graduation; *provided, further*, that any applicant for "physician and surgeon certificate" obtaining seventy-five per cent each in seven subjects and any applicant for "drugless practitioner certificate" obtaining seventy-five per cent each in five subjects and an applicant for a certificate to practice chiroprody obtaining over seventy-five per cent in five subjects, and an applicant for a certificate to practice midwifery obtaining seventy-five per cent in one subject, shall be subsequently reexamined in those subjects only in which he failed, and without additional fee. Any person who at any time prior to January 1, 1916, shall pay to the secretary of said board the fee of twenty-five dollars and submits satisfactory proof of good moral character and of a resident one-year course of not less than one thousand hours in a legally chartered school approved by the board and satisfactory proof of three years of actual practice of a drugless system of the healing art, such three years of actual practice to have been in the State of California, shall be admitted to the drugless practitioner examination; *provided, however*, that in the event of a license being granted to such applicant he will not be eligible thereafter for the physician's and surgeon's certificate without a full and complete compliance with the terms and provisions of sections 9 and 10 hereof.

Admission
to drugless
practitioner
examination

License to
practitioner.

Any one who shall pay the fee of fifty dollars to the secretary of the board prior to January 1, 1916, and submits to the board satisfactory proof of good moral character and proof of six years' actual practice of a drugless system of the healing art, three years of which must have been in the State of California, and satisfactory proof of a resident one-year course of not less than one thousand hours in a legally chartered school approved by the board and upon proof of competency in a drugless system may be granted a certificate to practice a drugless system in this state; *provided, however*, that such licensee shall not be permitted to take the physician's and surgeon's examination without a full and complete compliance with the terms of sections 9 and 10 hereof.

Examination
papers kept
on file

The examination papers shall form a part of the records of the board, and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept

secret until after the board has finally voted upon the application. The secretary of the board shall in no instance participate as an examiner in any examination held by the board. All questions on any subject in which examination is required under this act shall be provided by the board of medical examiners upon the morning of the day upon which examination is given in such subject, and when it shall be shown that the secretary or any member of the board has in any manner given information in advance of or during examination to any applicant it shall be the duty of the governor to remove such person from the board of medical examiners, or from the office of secretary.

All certificates issued hereunder must state the extent and character of practice which is permitted thereunder and shall be in such form as shall be prescribed by the board.

Form of
certificates

CHAPTER 67.

An act to amend an act known as "The building and loan commission act," approved April 5, 1911, as amended, by adding thereto a new section to be numbered fifteen b, which section relates to the furnishing of bonds by certain officers and employees of building and loan associations.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to the act known as "The building and loan commission act," approved April 5, 1911, as amended, to be numbered 15b, and to read as follows:

Stats 1911,
p 614,
amended

Sec. 15b. The commissioner shall require all officers and employees of every association, corporation or society licensed by him or coming under his supervision, having access to moneys or negotiable securities of such association, corporation or society in the regular discharge of their duties, before entering upon their duties and throughout the entire term of office and employment, and any subsequent term of office or employment, of such officers or employees to give to the employing association, corporation or society a good and sufficient bond. Such bond shall guarantee the faithful performance of duty on the part of said officers and employees and the safekeeping and proper application of all moneys or property coming into their hands. The commissioner shall prescribe the amount and form of said bond and the term during which it shall run, and the sufficiency of the surety or sureties thereon shall at all times be subject to the approval of the commissioner. Each of such officers and employees shall

Bonding of
employees of
associations

renew his bond upon the expiration of its term. The commissioner may at any time require an additional bond or security when, in his opinion, any such bond then in force is insufficient. All such bonds shall be filed in the commissioner's office.

CHAPTER 68.

An act to amend sections nine hundred eighty-three, nine hundred eighty-four and nine hundred eighty-five of the Code of Civil Procedure and to add nine new sections to said code to be numbered respectively nine hundred eighty-six, nine hundred eighty-seven, nine hundred eighty-eight, nine hundred eighty-eight a, nine hundred eighty-eight b, nine hundred eighty-eight c, nine hundred eighty-eight d, nine hundred eighty-eight e, nine hundred eighty-eight f, nine hundred eighty-eight g, and nine hundred eighty-eight h, relating to appeals from municipal courts.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

Stats 1925,
p 942,
amended.
Appeals to
superior
court.

SECTION 1. Section 983 of the Code of Civil Procedure, is hereby amended to read as follows:

983. Any party to a civil action in a municipal court, aggrieved by any final judgment entered therein, or by any order discharging or refusing to discharge an attachment, or changing or refusing to change the place of trial, or by any special order made after final judgment, except an order granting or denying a new trial, may appeal therefrom to the superior court of the county, on questions of law alone, at any time after the rendition of the judgment or making of the order, and within thirty days after notice of the entry of such judgment or making of such order; *provided*, that if proceedings on motion for a new trial are pending, the time for appeal from the judgment shall not expire until fifteen days after entry of an order determining such motion for a new trial, or after other termination in the municipal court of the proceedings upon such motion.

Stats 1925,
p 942,
amended
Method of
appealing

SEC. 2. Section 984 of the Code of Civil Procedure is hereby amended to read as follows:

984. An appeal from a judgment or order of a municipal court is taken by filing with the clerk of said court a notice stating the appeal from the same, or some specific part thereof.

Death of
party

In the event of the death of any person having at his death a right of appeal, the attorney of record representing the decedent in the court in which the judgment was rendered may appeal therefrom at any time before the appointment of an executor or administrator of the estate of the decedent.

SEC. 3. Section 985 of the Code of Civil Procedure is hereby amended to read as follows:

985. (a) An appeal from a municipal court is not effectual for any purpose unless an undertaking be filed on the part of the appellant with two or more sureties, in the sum of one hundred dollars, conditioned for the payment of all costs of appeal and any damages that may be awarded against the appellant on the appeal.

(b) If a stay of execution be desired on such appeal, such undertaking shall also be for the additional sums and contain the additional conditions hereinafter stated, to wit:

1. When the judgment or order is for the recovery of money, the undertaking shall be for an additional sum equal to twice the amount of the judgment, including costs, and must be conditioned that if the judgment or order appealed from, or any part thereof, be affirmed or the appeal withdrawn or dismissed, the appellant will pay the amount directed to be paid by such judgment or order, or the part of such amount as to which the judgment or order is affirmed, if affirmed only in part, and that if the appellant does not make such payment within thirty days after the filing of the remittitur from the superior court in the court from which the appeal was taken, judgment may be entered on motion of the respondent in his favor against the sureties for such amount, together with the interest that may be due thereon and the damages and costs which may be awarded against the appellant on the appeal.

2. When the judgment is for the recovery of specific personal property, the undertaking shall be for an additional sum equal to twice the value of the property and the costs included in the judgment, and must be conditioned that the appellant will pay the judgment appealed from, including costs, and obey the order of the court made therein, if the appeal be withdrawn or dismissed or the judgment be affirmed.

3. When the judgment directs the delivery of possession of real property, the undertaking shall be for such additional sum as may be fixed by a judge of the municipal court, and must be conditioned that during the possession of such property by the appellant, he will not commit, or suffer to be committed, any waste thereon, and that if the appeal be withdrawn or dismissed, or the judgment affirmed, he will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof, not exceeding the sum specified in the undertaking.

4. If the judgment direct the sale of personal property upon the foreclosure of a mortgage or other lien thereon, the undertaking shall be for such additional amount as may be fixed by a judge of the municipal court, and must be conditioned that the appellant will, on demand, deliver the said property to the proper officer, if the appeal be withdrawn or dismissed or the judgment affirmed, and that in default of such delivery the appellant and sureties will, on demand, pay to the proper officer the full value of such property at the date of the appeal.

Stats. 1925,
p. 942,
amended.

Appeal bond

Stay of
execution.

Recovery of
money

Recovery of
personal
property.

Possession of
real
property

Sale of
personal
property

Deposit
with
clerk

(c) A deposit with the clerk of the municipal court of the sum of one hundred dollars shall be equivalent to the filing of the undertaking provided for in subdivision (a) of this section; and a deposit with said clerk of such additional sum as is provided for in any paragraph of subdivision (b) of this section shall be equivalent to the filing of an undertaking to stay execution in the sum provided for in such paragraph. Upon the affirmance of the judgment or order appealed from, or the withdrawal or dismissal of the appeal, the municipal court may order any money so deposited to be applied in accordance with the conditions required for the undertaking in place of which it was deposited.

New section

SEC. 4. A new section is hereby added to the Code of Civil Procedure, to be numbered 986 and to read as follows:

Time for
filing bond

986. The undertaking on appeal must be filed within five days after the filing of the notice on appeal, and notice of the filing of the undertaking must be given to the respondent. The adverse party may except to the sufficiency of the sureties within five days after the notice of the filing of the undertaking, and unless they or other sureties justify before a judge of the municipal court within five days thereafter, upon notice to the adverse party, to the amounts stated in their affidavits, the appeal must be regarded as if no such undertaking had been given.

Sureties.

New section

SEC. 5. A new section is hereby added to the Code of Civil Procedure, to be numbered 987 and to read as follows:

Effect of
filing bond.

987. Upon the filing of the undertaking staying proceedings, if an execution be issued, the judge must, by order, direct the officer to stay all proceedings on the same. Such officer must, upon payment of his fees for services rendered on the execution, thereupon relinquish all property levied upon and deliver the same to the judgment debtor, together with all moneys collected from sales or otherwise. If his fees be not paid, the officer may retain so much of the property or proceeds thereof as may be necessary to pay the same.

New section.

SEC. 6. A new section is hereby added to the Code of Civil Procedure, to be numbered 988 and to read as follows:

Payment
of fees

988. No appeal taken from a municipal court in civil matters shall be effectual for any purpose whatever unless the appellant shall, at the time of filing the notice of appeal, pay, in addition to the fee payable to the clerk of said court on appeal, the fees provided by law to be paid to the county clerk for filing the appeal and for placing the action on the calendar in the superior court. Upon transmitting the papers on appeal, the clerk shall transmit to the county clerk the sum thus deposited for filing the appeal in the superior court and for placing the action on the calendar. No notice of appeal shall be filed unless the fees herein provided for are paid in accordance with the provisions of this section.

SEC. 7. A new section is hereby added to the Code of Civil Procedure, to be numbered 988*a* and to read as follows: New section

988*a*. A party appealing or intending to appeal from a municipal court may have a bill of exceptions settled for use on such appeal by proceedings taken under the provisions of sections 649, 650 and 651 of this code, which sections are hereby made applicable to proceedings in municipal courts. If the judge in any case refuses to allow a bill of exceptions in accordance with the facts, the party desiring the bill settled may apply by petition to the superior court to prove same. The application may be made in such mode and manner and under such regulations as may be prescribed by rules adopted for that purpose; and the bill, when proved, must be certified by the judge of the superior court by whom said application is determined, and filed with the clerk of the municipal court, and when so filed, it has the same force and effect as if settled by the judge who tried the cause. Bill of exceptions

SEC. 8. A new section is hereby added to the Code of Civil Procedure, to be numbered 988*b* and to read as follows: New section

988*b*. The record on appeal from a judgment of a municipal court shall consist of copies of the notice of appeal and of the judgment roll, and the original of any bill of exceptions settled for use on such appeal. The record on appeal from an order of said court shall consist of copies of the notice of appeal and of the order appealed from, and the original of any bill of exceptions settled for use on such appeal. Said copies shall be certified to be correct by the clerk or by the attorneys of the respective parties. If it appear that there is any paper or record in the custody of the clerk of the municipal court which was before said court but which is not included in the record on appeal, and that an examination of such paper or record will assist in the determination of the appeal on its merits, the superior court may, on motion of either party, or on its own motion, require the production of a certified copy of such paper or record, and the same shall thereupon be deemed a part of the record on appeal. Record on appeal.

SEC. 9. A new section is hereby added to the Code of Civil Procedure to be numbered 988*c* and to read as follows: New section

988*c*. Upon the filing of the notice of appeal and the undertaking on appeal, and the payment of all fees required to be paid by the appellant, and upon the certification by the judge of any bill of exceptions, or on the expiration of the time in which such bill of exceptions may be proposed without such bill having been proposed by the appealing party, the clerk of the municipal court must, within five days, transmit to the clerk of the superior court the record on appeal, and he may be compelled by the superior court, by an order entered upon motion, to transmit such record, and may be punished for contempt in case of his neglect or refusal to transmit the same in accordance with such order. Where the inspection of an original paper which was offered in evidence in the municipal Transmission of record and other papers.

court is shown to be necessary to a correct decision of the appeal, the superior court may order the clerk of the municipal court to transmit such original paper, if in his possession, to the clerk of the superior court; and if such paper be in possession of a party to the action, he may produce the same on the hearing of the appeal, or he may, on motion and notice to the adverse party, be required by the superior court to produce such paper at such hearing; and in default thereof, the court will presume the paper to be, in all respects, as alleged by the party giving such notice.

New section. SEC. 10. A new section is hereby added to the Code of Civil Procedure to be numbered 988*d*, and to read as follows:

Dismissal
for failure
to prosecute
appeal.

988*d*. For a failure to prosecute an appeal from a municipal court, or unnecessary delay in bringing it to a hearing, the superior court, after notice, may order the appeal to be dismissed, with costs. Every such appeal shall be dismissed as for a failure to prosecute the same, if the appellant shall fail to bring the appeal on for hearing within six months after the record on appeal is filed in the superior court, and said time may be shortened by any rule of court heretofore or hereafter adopted for that purpose; *provided*, that if an appeal is properly placed on the calendar for hearing within the time limited by this section or by such rule, the court may continue the hearing beyond such time without losing jurisdiction of the appeal.

New section. SEC. 11. A new section is hereby added to the Code of Civil Procedure to be numbered 988*e* and to read as follows:

Effect of
dismissal

988*e*. The dismissal of an appeal is in effect an affirmation of the judgment or order appealed from, unless the dismissal is expressly made without prejudice to another appeal.

New section. SEC. 12. A new section is hereby added to the Code of Civil Procedure to be numbered 988*f*, and to read as follows:

Judgment
reversed or
modified

988*f*. When the judgment or order is reversed or modified, the appellate court may make complete restitution of all property and rights lost by the erroneous judgment or order, so far as such restitution is consistent with protection of a purchaser of property at a sale ordered by the judgment, or had under process issued upon the judgment, on the appeal from which proceedings were not stayed; and for relief in such cases the appellant may have his action against the respondent enforcing the judgment for the proceeds of the sale of the property, after deducting therefrom the expenses of the sale.

New section SEC. 13. A new section is hereby added to the Code of Civil Procedure to be numbered 988*g*, and to read as follows:

Certification
of judgment
on appeal

988*g*. When judgment is rendered upon the appeal, it must be certified by the clerk of the appellate court to the clerk with whom the judgment roll is filed, or the order appealed from is entered. In cases of appeal from the judgment, the clerk with whom the roll is filed must attach the certificate to the judgment roll, and enter a minute of the judgment of the appellate court on the docket, against the original entry. In cases of appeal from an order, the clerk must enter at length

in the records of the court the certificate received, and minute against the entry of the order appealed from a reference to the certificate, with a brief statement that such order has been affirmed, reversed or modified, by the appellate court on appeal.

SEC. 14. A new section is hereby added to the Code of Civil Procedure to be numbered 988h, and to read as follows:

988h. Upon an appeal from a municipal court, the superior court may review the verdict or decision and any intermediate ruling, proceeding, order or decision which involves the merits or necessary affects the judgment or order appealed from or which substantially affects the rights of a party, including, on an appeal from the judgment, any order on motion for a new trial, and may affirm, reverse or modify any judgment or order appealed from, and may direct the proper judgment or order to be entered, and may, if necessary or proper, direct a new trial or further proceedings to be had. If there be a new trial, it must be in the municipal court. If it appears to the superior court that any appeal was taken solely for delay, it may, on dismissal of such appeal or affirmation of the judgment, or order appealed from, add to the costs of appeal such damages as may be just, not exceeding twenty-five per cent of the judgment appealed from, if it be a judgment for money, or twenty-five per cent of the value of the property if it be a judgment for the recovery of specific personal property.

New section

Powers of superior court on appeal

CHAPTER 69.

An act to add a new section, to be numbered section twenty-two a, to the "Juvenile court law," approved June 5, 1915, as amended, relating to maintenance of public schools in detention homes.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section, to be numbered section 22a, is hereby added to the "Juvenile court law," approved June 5, 1915, as amended, and to read as follows:

Stats. 1915, p. 1247, amended.

Sec. 22a. (1) The board of supervisors shall have power to provide for the establishment and maintenance of an elementary public school and of a secondary public school in connection with the detention home of such county, for the education of such children as may be in said detention home. Said board, by ordinance, may provide for the establishment and maintenance of school facilities in such detention home, and the schools maintained in such detention home shall be maintained by the governing board of the elementary school district and of the high school districts respectively in which the detention home is situated, and shall be conducted in the same manner and under the same conditions, as nearly as may be possible,

Schools at detention home.

as are other elementary and secondary schools of the school districts, except that the schools shall not be closed on school days, to wit: Monday, Tuesday, Wednesday, Thursday, and Friday of each school week during the calendar year, except on school holidays and during the day or days in which the teachers' institute is in session, and the week in which Christmas Day occurs. Either school board is hereby authorized to close its school when it deems such closing necessary.

Grounds,
buildings and
furnishings.

(2) Whenever such schools have been established in accordance with the provisions of this section the board of supervisors shall provide suitable grounds, buildings, and furnishings for the school, and shall lease the same on or before July first at a nominal rental to the school districts in which such detention home is situated and shall make an agreement with the governing bodies of the school districts in which the detention home is situated to transfer from the general fund of the county to the current expense fund of each district sixteen hundred dollars for each teacher employed in such detention home school for the first school year. The transfer of funds shall be made on or before the first Monday in January.

Supplies

(3) The governing bodies of the school district shall provide all supplies for their respective schools and shall furnish such teachers as are needed to conduct accredited schools. The teachers shall be under the jurisdiction of the regular school officials and shall make such reports as are required by law.

Teachers

Allowance
of teachers
and funds

(4) The average daily attendance of each school shall be made up by dividing the total days' attendance by the total number of days the school in the detention home is maintained for the year. The superintendent of schools of the county in which the detention home is located shall allow one teacher for each twenty-five pupils, or fraction not less than five, in average daily attendance in the elementary school and shall add this number of teachers to the total number of teachers to which the elementary district is entitled under the provisions of section 1858 of the Political Code. The average daily attendance of the elementary school shall be added to the average daily attendance of such school district. The amount of money to be received by the high school district from the state and county school funds because of the maintenance of a secondary school at any detention home shall be determined as in the case of other schools maintained by such district.

Additional
funds

The board of supervisors of the county may agree with the governing board of each of the respective districts in which the detention home is, or may be located, to transfer from the general fund of the county to the current expense fund of such districts such sums in excess of the amount of money received from the state and county school funds by each district as are necessary to maintain its school in the detention home.

CHAPTER 70.

An act granting certain tidelands and submerged lands of the State of California to the city of Newport Beach upon certain trusts and conditions.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

SECTION 1. There is hereby granted to the city of Newport Beach, a municipal corporation of the State of California, and to its successors, all of the right, title, and interest of the State of California held by said state by virtue of its sovereignty, in and to all of the tidelands and submerged lands bordering upon, in, and under Newport bay, situated below the line of mean high tide of the Pacific ocean not heretofore granted to said city or to the county of Orange, to be forever held by the city of Newport Beach and by its successors in trust for the uses and purposes and upon the express conditions following, to wit:

Lands
granted to
Newport
Beach.

(a) Said lands shall be used by said city and by its successors solely for the establishment, improvement and conduct of a harbor and for the establishment and construction of bulkheads or breakwaters for the protection of lands within its boundaries, or for the protection of its harbor, and for the construction, maintenance, and operation thereon of wharves, docks, piers, slips, quays, ways and streets, and other utilities, structures and appliances necessary or convenient for the promotion or accommodation of commerce and navigation, and for the protection of the lands within said city. And said city or its successors shall not at any time grant, convey, give or alien said lands or any part thereof to any individual, firm, or corporation, for any purpose whatever; *provided*, that said city or its successors may grant franchises thereon for a period not exceeding twenty-five years for wharves, and other public uses and purposes, and may lease said lands or any part thereof for limited periods, in any event not to exceed twenty-five years for any and all purposes which shall not interfere with commerce or navigation, and are not inconsistent with the trusts upon which said lands are held by the State of California or with the requirements of commerce or navigation at said harbor.

Use of
lands.

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

Harbor

No discrimi-
nation

(c) In the management, conduct, or operation of said harbor or any of the utilities, structures, or appliances mentioned in paragraph (a) no discrimination in rates, tolls, or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city, or by its successors. The absolute right to fish in the waters of said harbor with the right of convenient access to said water over said lands for said purpose is hereby reserved to the people of the State of California.

Right to
fish

CHAPTER 71.

An act to amend section twelve of an act entitled "An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the act," approved March 20, 1903, as amended, relating to the revocation of licenses.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

Stats 1903,
p 262,
amended.

SECTION 1. Section 12 of an act entitled "An act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the act," approved March 20, 1903, as amended, is hereby amended to read as follows:

Cancellation
or refusal of
registration.

Sec. 12. The director of agriculture shall have the power, after a hearing as provided in section 353 of the Political Code, to cancel the registration of or to refuse to register any manufacturer, agent of or dealer in any commercial fertilizer who sells, offers for sale or proposes to sell or offer for sale any commercial fertilizer or material to be used for manurial purposes which is generally detrimental or seriously injurious to plants when applied as directed or which is known to be of little or no value for the purposes for which it is intended, or for which fraudulent, untrue or misleading claims are made or implied. Said director shall have the power to cancel the registration or refuse to register any manufacturer, agent of or dealer in any commercial fertilizer or material to be used for manurial purposes who repeatedly violates the provisions of this act.

CHAPTER 72.

An act authorizing the state board of forestry to receive in the name of the State of California gifts or donations of lands for forest and watershed purposes.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

SECTION 1. The state board of forestry is hereby authorized and empowered to receive, in the name of the State of California, gifts or donations of such forest or brush-covered lands, as may be, in the opinion and judgment of the said board of forestry, suitable and valuable for forestry purposes or for the conservation of water or watershed protection. The state board of forestry may designate each parcel or area of lands so given or donated, as aforesaid, by such name or other official designation as may be chosen by the donor and approved by said board. Gift of forest lands to state

SEC. 2. Before accepting conveyance of such lands the state board of forestry shall have the title to said lands examined and shall not accept title from the grantor or donor unless a good and merchantable title, free and clear of all taxes, liens or incumbrances, is shown to be vested in said grantor or donor. Such title shall be passed upon and approved by the attorney general of the State of California. Title to lands

CHAPTER 73.

An act to amend sections five and eighteen of the "California warehouse act," approved June 3, 1921, as amended.

[Approved by the Governor April 5, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 5, of the California warehouse act, approved June 3, 1921, as amended, is hereby amended to read as follows: Stats 1921, p 1179, amended.

Sec. 5. Each license issued under sections 4 and 9 of this act shall terminate as therein provided, or in accordance with the terms of this act and the regulations thereunder, and may from time to time be modified or extended by a written instrument. Term.

SEC. 2. Section 18 of the California warehouse act, approved June 3, 1921, as amended, is hereby amended to read as follows: Stats 1921, p 1181, amended.

Sec. 18. Every receipt issued for agricultural products stored in a warehouse licensed under this act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; Contents of receipts.

Contents of
receipts
(cont'd)

(*b*) the date of issue of the receipts; (*c*) the consecutive number of the receipt; (*d*) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (*e*) the rate of storage charges; (*f*) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (*g*) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made; *provided*, that such grade or other class shall be stated according to the official standard of the State of California applicable to such agricultural products as the same may be fixed and promulgated under authority of law; *provided, further*, that until such official standards of the State of California for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the director of agriculture; (*h*) a statement that the receipt is issued subject to the California warehouse act and the rules and regulations prescribed thereunder; (*i*) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (*j*) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien; *provided*, that if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (*k*) such other terms and conditions within the limitations of this act as may be required by the director of agriculture; and (*l*) the signature of the warehouseman, which may be made by his authorized agent; *provided*, that unless otherwise required by law, unless a statement of the grade is requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (*g*) of this section may be issued, without any reference on the receipt as to the reason why the grade of the product has been omitted therefrom.

CHAPTER 74.

An act to amend section seven of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of

such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to the constitution of municipal courts and the compensation of judges, officers and attaches of such courts in cities or cities and counties of the first and one-half class.

[Approved by the Governor April 6, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 7 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, is hereby amended to read as follows:

Stats. 1925,
p. 651,
amended.

Sec. 7. The municipal court in a city or city and county of the first and one-half class shall be constituted and the judges, officers and attaches thereof shall receive compensation as follows:

Cities of
1½ class,
judges, etc.

(a) There shall be twenty-six judges, each of whom shall receive six thousand dollars per annum, payable in equal monthly installments;

(b) There shall be one clerk to be appointed by the judges of the court who shall receive five hundred dollars per month;

(c) The clerk shall appoint the following deputies and attaches who shall each receive as monthly compensation the sum set opposite the title of their respective offices or positions:

One chief deputy clerk, three hundred fifty dollars.

One deputy clerk (chief clerk civil department), three hundred dollars.

One deputy clerk (head counter clerk—civil department), two hundred fifty dollars.

One deputy clerk (chief clerk criminal department), three hundred dollars.

One deputy clerk (head counter clerk—criminal department), two hundred fifty dollars.

One deputy clerk (cashier), two hundred seventy-five dollars.

One referee, three hundred dollars.

One deputy clerk (secretary to presiding judge who shall also act as jury commissioner), two hundred fifty dollars.

Thirty-three deputy clerks (court clerks), two hundred twenty-five dollars.

One deputy clerk (assistant cashier and bookkeeper), two hundred twenty-five dollars.

Twelve deputy clerks, one hundred seventy-five dollars.

One bookkeeping machine operator, one hundred seventy-five dollars.

Cities of 1 $\frac{1}{2}$
class, judges,
etc.
(cont'd).

One stenographic secretary, one hundred seventy-five dol-
lars.

Six stenographers, one hundred fifty dollars.

Five deputy clerks, one hundred sixty dollars.

Twenty deputy clerks, one hundred fifty dollars.

Nine deputy clerks, one hundred thirty dollars.

Five stenographers, one hundred thirty dollars.

One head file clerk—civil department, one hundred fifty
dollars.

Three file clerks—civil department, one hundred twenty-
five dollars.

(d) There shall be one marshal to be appointed by the
judges of the court, who shall receive five hundred dollars per
month;

(e) The marshal shall appoint the following deputies and
attaches who shall each receive as monthly compensation the
sum set opposite the title of their respective offices or positions:

One assistant marshal, three hundred fifty dollars.

One deputy marshal (chief clerk), two hundred twenty-
five dollars.

One deputy marshal (cashier), two hundred dollars.

One deputy marshal (secretary—male) one hundred seventy-
five dollars.

Six deputy marshals (desk clerks), one hundred seventy-
five dollars.

Two deputy marshals (stenographers—male), one hundred
fifty dollars.

Five deputy marshals (typist clerks), one hundred twenty-
five dollars.

One deputy marshal (head bookkeeper), two hundred
dollars.

One bookkeeper, one hundred sixty-five dollars.

Three bookkeepers, one hundred fifty dollars.

Two deputy marshals, one hundred ninety dollars.

Thirty-seven deputy marshals, one hundred seventy-five
dollars.

One hundred deputy marshals (custodians), four dollars
per day.

The deputy marshals serving as custodians shall be paid
only for their actual services as keepers of property taken
under legal process and shall be paid out of the funds deposited
by the parties to the action in which such services are rendered.

In addition to the salaries in this subsection (e) above
provided, the marshal and deputy marshals shall be allowed
their necessary incidental expenses incurred in the perform-
ance of their duty. They may be furnished with automobiles
at public expense for use in the service of writs and process
or may in lieu of other traveling expenses be allowed not to
exceed six cents per mile for the operation of automobiles
furnished by themselves while actually used on public busi-
ness in the performance of their duty.

CHAPTER 75.

An act to establish standards for field crop products and related agricultural products, providing for the sampling, grading, inspection and certification thereof, defining the powers and duties of the director of agriculture in respect thereto, prescribing penalties for violation of the provisions hereof, and repealing the California grain standardization act, approved June 3, 1921.

[Approved by the Governor April 6, 1927. In effect July 29, 1927.]

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

SECTION 1. This act shall be known as "The California Short title.
field crops inspection act."

SEC. 2. The term "field crop products" as used in this act "Field crop products."
shall be deemed to include grain crops, dry bean crops, seeds, forage crops, fiber crops and other field crops and the manufactured products and by-products thereof.

SEC. 3. The director of agriculture of the State of California is hereby charged with the duty of carrying out all of the Duties of director of agriculture.
provisions of this act, and he shall on or before sixty days from the time this act becomes effective put into effect the provisions of this act relative to the standards and inspection of field crop products for which standards have been established under authority of any compulsory United States standardization act.

SEC. 4. He shall have the power:

(a) To fix the compensation and determine the duties of Powers of director of agriculture.
such employees as shall be necessary to carry out the provisions of this act.

(b) To establish uniform standards for field crop products. Any standards for field crop products which have been or which may hereafter be made mandatory under authority of the congress of the United States shall forthwith be established and promulgated by the director of agriculture as the official standards of this state. Any optional standards which have been established under authority of the congress of the United States may be established and promulgated by the director of agriculture as official standards of this state if after hearings he deems the said standards applicable to California products.

(c) To establish inspection districts within the state. When such a district is established inspection service may be rendered therein in accordance with rules and regulations promulgated by the director.

(d) To establish, upon request, inspection stations at warehouses, docks, or industrial plants which are within or without an established inspection district. The director may make special rules and regulations applicable to each specific inspection station and the conditions under which same shall be established and maintained.

(e) To provide through the regularly established inspection districts and stations, sampling, grading, inspection and certification service for field crop and other agricultural products within the state or shipped into or through the state.

(f) To issue certificates as to quality and condition of field crop products and agricultural products in accordance with standards established under authority of this act, or any other standards which may be fixed by trade or contract and which do not conflict with official state standards.

(g) To promulgate, amend or repeal rules and regulations for sampling, grading, inspection and certification for the purpose of carrying out the provisions of this act.

(h) To fix and determine all fees for sampling, grading, inspection and certification of field crop products and other agricultural products. The director is hereby authorized to collect such fees in advance of performing the services, but shall not be required to do so if in his opinion the benefits of such services would be lessened by such advance payments.

Inspection,
grading and
certification
of products.

SEC. 5. The director of agriculture shall inspect and grade upon request and certify to any interested party the quality and condition of any agricultural product covered by the provisions of this act, under such rules and regulations as he may prescribe; *provided*, that certificates issued by authorized agents of the director of agriculture shall be received in courts of the State of California as prima facie evidence of the truth of the statements therein contained. Such inspection shall not be made or such certificates issued by any person not specifically authorized by the director of agriculture in reference to any field crop product for which state standards have been officially established. Any person so authorized shall comply with the rules and regulations issued by the director relative to the certification of field crop products.

Certificate
of authority.

SEC. 6. The director of agriculture shall issue to each employee authorized to grade and inspect the products included under this act a certificate showing such authority, which shall be posted in a permanent and conspicuous place at the official station of such employee.

Bonding of
employees.

SEC. 7. The director of agriculture shall require from each employee who is responsible for the sampling, grading, inspection and certification of any product covered by this act a bond in amount to be determined by the director of agriculture and the costs of said bond shall be borne by the state department of agriculture.

Establish-
ment of
standards.

SEC. 8. The director of agriculture may hold hearings for the presentation of facts and information relative to the promulgation of standards under the provisions of this act. Any standard established hereunder shall become effective thirty days after official promulgation of the same; *provided*, that any standard promulgated under the authority of the California grain standardization act, and effective at the time of

passing of this act, shall be made effective immediately with the promulgation of said standard. Authority to enter places and cars.

SEC. 9. The director of agriculture and his duly authorized employees may enter any place where field crop products covered by this act are stored, shipped, sold or offered for sale, for the purpose of carrying out the provisions of this act. The director of agriculture and his duly authorized employees may, for the purpose of inspection and examination, break the seals of cars and after such inspection has been made the state officials shall securely close and reseal such doors as were broken open by them using a special seal as provided by the department of agriculture for the purpose. A record of all original seals broken by said officials, the date when broken, record of all seals substituted thereafter and the date and number of said seals shall be made by said officials.

SEC. 10. Any railroad delivering field crop products in cars at any of the places provided with inspection service under this act shall provide convenient and suitable sidetracks at such places as the director may designate, on which all cars of field crop products delivered by them shall, upon arrival, be set and arranged convenient for inspection, whenever such cars of field crop products are to be inspected in accordance with the provisions of this act. Railroads to set cars for inspection.

SEC. 11. Any person aggrieved by the grading by any authorized inspector of any of the products for which standards have been established under the provisions of this act may appeal to the director of agriculture in accordance with such rules as he may establish. If the appeal pertains to a commodity moving in intrastate commerce but for which standards have been established under the provisions of a compulsory United States act, the appellant may, with the approval of the secretary of the United States department of agriculture, appeal to the federal grain supervisor of the supervision district in which the product was located when inspected and certified. Appeals.

SEC. 12. Any person violating any of the provisions of this act shall be guilty of a misdemeanor. Penalty.

SEC. 13. All moneys received under the provisions of this act shall be paid monthly into the state treasury and placed to the credit of the general fund. Disposition of moneys.

SEC. 14. An act known as the "California grain standardization act," approved June 3, 1921, is hereby repealed. Repealed.

CHAPTER 76.

An act to amend section forty-six of the "California irrigation district act," approved March 31, 1897, relating to the entry of the record of assessment sales and the addition of penalties to assessments upon redemption.

[Approved by the Governor April 7, 1927. In effect July 29, 1927.]

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

Stats. 1897,
p. 270,
amended
Record of
property
sold for
assessment.

SECTION 1. Section 46 of the "California irrigation district act," is hereby amended to read as follows:

Sec. 46. The collector, before delivering any certificate, must in a book enter a description of the land sold, corresponding with the description in the certificate, the date of the sale, purchasers' names, and amount paid, regularly number the description on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use. On filing the certificate with such county recorder the lien of the assessments vests with the purchaser, and is only divested by the payment to him, or to the collector for his use, of the purchase money, and a penalty of one and one-half per cent per month from the date of sale until redemption.

CHAPTER 77.

An act to amend an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, by adding a new section thereto to be numbered section fifteen b, relating to the bonds of said municipal utility districts, and the investment of trust and other funds therein, and providing for the use of said bonds as security in certain cases and as security for the deposit of public funds.

[Approved by the Governor April 7, 1927. In effect July 29, 1927.]

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

Stats 1921,
p. 256,
amended.

SECTION 1. That certain act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the

principal and interest thereon," approved May 23, 1921, is hereby amended by adding a new section thereto to be known as section 15*b*, and to read as follows:

Sec. 15*b*. All bonds heretofore or hereafter issued by the district shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings and trust companies, and for the state school funds, and whenever any moneys or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, or school districts, in the State of California, such moneys or funds may be invested in the bonds of the said district; and whenever bonds of cities, cities and counties, counties, or school districts may by any law now or hereafter enacted be issued as security for the performance of any act or as security for the deposit of public funds of the state or of any county, city and county, municipality, or other public corporation or political subdivision in any state or national bank or banks, bonds of the said district may be so used.

The bonds of the district, to the same extent as bonds of any other municipality, shall also be legal for use by any state or national bank or banks in the state as security for public deposits, both active and inactive, in accordance with the provisions of that certain act entitled, "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county or municipality within this state, and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, and any act or acts amendatory thereof.

The bonds of the district shall in the same manner be legal for use by any state or national bank or banks in the state as security for deposits of state funds, both active and inactive, in accordance with the provisions of that certain act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the state and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, and any act or acts amendatory thereof.

CHAPTER 78.

An act to amend the Penal Code by adding a new section to be known as section five hundred sixty-three c, thereto, relating to offenses against or concerning building and loan associations and prescribing penalties for violation of the provisions of the act.

[Approved by the Governor April 7, 1927. In effect July 29, 1927.]

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

New section.

SECTION 1. A new section is hereby added to the Penal Code, to be numbered 563c, and to read as follows:

False rumors regarding building and loan associations.

563c. Any person who wilfully and knowingly makes, circulates or transmits to another or others any statement or rumor, written, printed or by word of mouth, which is untrue in facts and is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of any building and loan association, doing business in this state, or who knowingly counsels, aids, procures or induces another to start, transmit or circulate any such statement or rumor, is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

CHAPTER 79.

An act to provide against the selling, purchase, barter or bartering, the altering or the use of any fraudulent degrees, certificates or transcripts to be used in obtaining a license or certificate to practice in the State of California, and to provide a penalty for the making of false affidavits and the impersonation of applicants in examination required under the medical practice act, the osteopathic initiative act, the chiropractic initiative act, or any other act.

[Approved by the Governor April 7, 1927. In effect July 29, 1927.]

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

Medical degree, license and examination frauds.

SECTION 1. Any person, company or association, shall be guilty of a felony and upon conviction thereof shall be punishable by a fine of not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or by imprisonment in the state prison for a term of not less than one year nor more than three years, or by both such fine and imprisonment, who (1) shall sell or barter or offer to sell or barter any medical degree, or osteopathic degree, or chiropractic degree, or any degree, certificate or transcript, made or purporting to be made pursuant to any laws regulating the licensing and

registration or issuing of a certificate to physicians and surgeons, drugless practitioners, chiroprodists, midwives, osteopathic physicians and surgeons or drugless practitioners, chiropractors or persons lawfully engaged in any other system or mode of treating the sick or afflicted; or, (2) shall purchase or procure by barter or by any unlawful means or method, any such diploma, certificate or transcript, with intent that the same shall be used as evidence of the holder's qualifications to practice as a physician and surgeon, a naturopath, a drugless practitioner, a chiroprodist, or a midwife or any other system or mode of treating the sick or afflicted as provided in the medical practice act or in any fraud of the law regulating such practice; or, (3) shall with fraudulent intent, alter in a material regard, any such diploma, certificate, or transcript; or, (4) shall use or attempt to use any such diploma, certificate, or transcript which has been purchased, fraudulently issued, illegally obtained, counterfeited or materially altered, either as a certificate or as to character or color of certificate, to practice as a physician and surgeon, naturopath, drugless practitioner, chiroprodist or midwife, osteopathic physician and surgeon or a drugless practitioner, chiropractor or to practice any other system or mode of treating the sick or afflicted, provided for in the medical practice act, or, (5) shall in any affidavit required of an applicant for examination, license, certificate or registration under the medical practice act, the osteopathic initiative act, or the chiropractic initiative act, wilfully make a false statement in a material regard; or, (6) shall impersonate or attempt to impersonate another in any examination for a certificate to practice as provided for in the medical practice act, the osteopathic initiative act, or the chiropractic initiative act, or under any other act or law providing for the regulation of any other system or method of treating the sick or afflicted in the State of California.

CHAPTER 80.

An act to add a new section to be numbered seven a to an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing

penalties for violations thereof," approved May 17, 1923, relating to the sanitary board.

[Approved by the Governor April 7, 1927. In effect July 29, 1927.]

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

Stats 1923,
p. 396,
amended.

SECTION 1. A new section to be numbered 7a, is hereby added to an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, to read as follows:

Board
vacancies.

Sec. 7a. Vacancies in the membership of the sanitary board shall be filled for the unexpired term by appointment by a majority of the members of the sanitary board.

CHAPTER 81.

An act to add a new section to be numbered twenty-seven a to an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, relating to the annexation of territory to sanitary districts.

[Approved by the Governor April 7, 1927. In effect July 29, 1927.]

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

Stats 1923,
p. 400,
amended.

SECTION 1. A new section to be numbered 27a is hereby added to an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of

the state, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, to read as follows:

Sec. 27a. Territory contiguous to a sanitary district and being in the same county as such district may be annexed to said sanitary district in the manner following: A petition signed by the owners of real property in said contiguous territory, which real property represents at least seventy-five per cent of the total assessed valuation of said contiguous territory as shown by the last equalized assessment book of the county in which said sanitary district is situated, designating specifically the boundaries of such contiguous territory and the assessed valuation thereof as shown by said last equalized assessment book and showing the amount of real property owned by each of said petitioners and the assessed valuation thereof as shown by the last equalized assessment book of the county in which said real property is situated and stating that such territory is not within the limits of any other sanitary district and asking that such territory be annexed to such sanitary district, shall be presented to the sanitary board of said district. The petition must be verified by the affidavit of one of the petitioners and must be published at least two weeks preceding the hearing thereof by the sanitary board, in a newspaper of general circulation published in the sanitary district, if there be one, and if not, in a newspaper of general circulation published in the county in which said sanitary district is situated, together with a notice stating the time when said petition will be presented to said sanitary board, and that all persons interested therein may appear and be heard. At such time the sanitary board shall hear said petition, and any person interested therein and may adjourn such hearing from time to time. Upon the hearing of said petition the sanitary board shall have the power to determine whether or not it is for the best interests of said sanitary district and said contiguous territory that said territory be annexed to said district and said sanitary board shall have the power to modify the boundaries of such contiguous territory proposed to be annexed as set forth in said petition; *provided, however*, said sanitary board shall not modify the boundaries of such contiguous territory proposed to be annexed as set forth in said petition so as to exclude therefrom any land which will be benefited by the annexation of such territory to said sanitary district, nor shall any land which will not in the judgment of said sanitary board, be benefited by annexation to

Annexation
of contiguous
territory in
same
county.

said district, be included within the boundaries of the territory proposed to be annexed. If the sanitary board upon final hearing shall determine that it is for the best interests of said sanitary district and the territory proposed to be annexed that said territory be annexed, it shall make an order describing the exterior boundaries of the contiguous territory proposed to be annexed and shall thereupon present to the board of supervisors of the county in which said sanitary district is situated a petition setting forth the proceedings theretofore taken for the annexation of said territory and the finding of said sanitary board and requesting said board of supervisors to annex said contiguous territory to said sanitary district.

Said board of supervisors shall, at its next regular meeting, after the presentation of said petition, by an order alter the boundaries of said sanitary district and annex thereto the contiguous territory described in the petition of said sanitary board and said contiguous territory shall thereupon become and be a part of such sanitary district.

CHAPTER 82.

An act to amend section two thousand three hundred twenty-two x eleven of the Political Code, relating to the salary of the county horticultural commissioner, his deputies and inspectors in counties of the eleventh class.

[Approved by the Governor April 7, 1927. In effect July 29, 1927.]

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

Stats 1925,
p. 201,
amended.
Counties of
11th class
horticultural
commis-
sioner.

SECTION 1. Section 2322x11 of the Political Code is hereby amended to read as follows:

2322x11. In counties of the eleventh class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) Two deputy county horticultural commissioners at a salary of two thousand one hundred dollars, each, per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed twelve inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed, eleven inspectors at a monthly salary of one hundred thirty dollars each during the time actually employed, thirty-five inspectors at a compensation of four dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed sixty-three thousand dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed two clerks at a monthly salary of one hundred twenty-five dollars each during the time actually employed; one clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed four thousand two hundred dollars.

CHAPTER 83.

An act to amend section two thousand three hundred forty-nine of the Political Code, relating to navigable streams and public waterways.

[Approved by the Governor April 7, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2349 of the Political Code is hereby amended so as to read as follows: Stats 1913, p 538, amended.

2349. The following streams and waters are hereby declared navigable and to be public ways: Streams declared navigable and public ways.

So much of a slough as lies between Simonds canal in the town of Alviso and the bay of San Francisco;

All of the Coyote river between the bay of San Francisco and the place where the same is now crossed by the tracks of the Southern Pacific Railroad Company;

All of the slough known as the Alviso slough, sometimes called Steamboat slough, lying between the bay of San Francisco and the place where the same is now crossed by the tracks of the Southern Pacific Railroad Company;

All of the slough known as the Guadalupe slough, and being the outlet or mouth of the Guadalupe river, lying between San Francisco bay and its junction with Alviso slough;

All of Devil's slough lying within the corporate limits of the city of San Jose, or of the town of Sunnyvale in Santa Clara county, and extending thence to San Francisco bay;

Petaluma river, from its mouth to the southerly line of Washington street, in the city of Petaluma;

The Sonoma river, between its mouth and a point opposite Fowler's hotel in the town of San Luis;

The Napa river, between its mouth and a point sixty feet below the westerly line of Lawrence street in the city of Napa;

The Suisun river, between its mouth and the town of Suisun embarcadero;

The Sacramento river, between its mouth and a point one hundred feet below Reid's ferry, in Shasta county;

The Feather river, between its mouth and a point fifty feet below the bridge crossing Feather river first above the mouth of the Yuba river;

Streams
declared
navigable
and public
ways
(cont'd).

The Yuba river, between its mouth and a point at the mouth of the slough at the foot of F street, in the city of Marysville.

The San Joaquin river, between its mouth and Sycamore Point;

The Stockton slough, between its mouth and the west line of El Dorado street in Stockton;

The Mokelumne river, between its mouth and the first falls;

The Tuolumne river, between its mouth and Dickinson's ferry;

Deer creek, between the house of Peter Lassen and its mouth;

Big river, three miles from its mouth; Noyo river, three miles from its mouth;

Albion river, three miles from its mouth;

San Antonio creek, in the county of Alameda, from its mouth to the old embarcadero of San Antonio;

The Arroyo del Medo, in the county of Santa Clara, from its mouth to the upper line of the town of New Haven;

Mission creek, in the county of San Francisco;

That portion of Channel street, in the city of San Francisco, lying easterly of the northeasterly line of Seventh street, the width thereof to be one hundred forty feet;

That certain creek running through the tideland survey numbered 68, and swamp and overflowed land survey numbered 145, from its mouth to the head of the tidewater therein;

San Leandro creek, from its mouth at San Francisco bay to Andrew's landing;

San Lorenzo creek, from its mouth at San Francisco bay to Robert's landing; Johnson's creek from its mouth at San Francisco bay to Simpson's landing;

The north branch of Alameda creek, from its mouth to Eden landing;

San Rafael and Corte Madera creeks, in Marin county, from their mouths as far as tidewater flows therein;

The Neuces creek, from its mouth at Suisun bay to a point one-half mile above the warehouse of George P. Loucks;

Diablo creek, from its junction with the Neuces, to a point opposite the warehouse of Frank Such, in Contra Costa county;

The Arroyo de San Antonio, or Keys creek in Marin county, from its mouth at Tomales bay to the warehouses on the point at Keys embarcadero;

All the streams and sloughs emptying into Eel river;

And all the streams and sloughs south of Eureka, in Humboldt county, which are now or at any time have been used for the purpose of floating logs or timber;

And all the sloughs south of Humboldt point, in said county, that at high water mark have a depth of two feet of water, and wide enough to float and admit a boat carrying five tons or more freight;

Novato creek, or estuary, in Marin county from its mouth to Sweetzer's landing;

Salinas river and Elkhorn slough, or Estero Viejo, in Monterey county, from its mouth as far up as tidewater flows;

First Napa creek, Second Napa creek, and Third Napa creek, in Sonoma county, between Napa and Sonoma rivers;

Moro Cojo slough, in Monterey county, from Salinas river to tidewater;

Galinas, or Guyanas slough or creek, in Marin county, from its mouth to the line of the Sonoma and Marin railroad;

Clear lake, in Lake county; *provided*, that nothing herein contained shall be deemed to interfere with rights of owners and claimants of swamp or overflowed land around the margin of said Clear lake to reclaim the same;

Newport bay, in the county of Orange, and all arms thereof, the sloughs connecting therewith in which the tide ebbs and flows, including the former bed of the Santa Ana river from a point where said Santa Ana river formerly emptied into the said bay up to a line extending across the former bed of the Santa Ana river which line is the northeasterly extension of the northwesterly bank of "The Rialto" as "The Rialto" is shown upon a map of Canal section, Newport Beach, and is recorded in book four, page ninety-eight of miscellaneous maps, records of Orange county, California.

CHAPTER 84.

An act to amend section three of an act entitled "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1919, as amended, relating to the consolidation of voting precincts.

[Approved by the Governor April 7, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 3 of an act entitled "An act to provide for and regulate municipal elections in cities of the fifth and sixth class," approved May 27, 1919, as amended, is hereby amended to read as follows:

Stats. 1925,
p. 274,
amended.

Sec. 3. The voting precincts for such general municipal election may consist of a consolidation of any two or more of the regular election precincts last established for state or county election purposes; *provided, however*, that in the event that any election submitting the proposition of incurring indebtedness, or the issuance of bonds, or the determining of any question authorized by law to be submitted to vote of the people of such municipality shall be consolidated with any regular state or county election, then the voting precincts for such special municipal election shall be the same as those established for such state or county election.

Precincts.

CHAPTER 85.

An act to amend section one thousand five hundred eighty-three of the Political Code, relating to joint school districts.

[Approved by the Governor April 7, 1927. In effect July 29, 1927.]

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

Stats. 1913,
p. 54,
amended.
Apportion-
ment of
school funds
to joint
districts.

SECTION 1. Section 1583 of the Political Code is hereby amended to read as follows:

1583. Whenever a district lies partly in one county and partly in another, the superintendent of schools of the county must apportion to such district such proportion of the school moneys to which such district is entitled as the number of pupils in average daily attendance residing in that portion of the district situated in his county bears to the total number of pupils in average daily attendance in the entire district. When such apportionment has been made the superintendent of schools of the county in which the schoolhouse is not located shall draw his warrants on the county treasurer of his county in favor of the superintendent of schools of the county in which the schoolhouse is located for such amounts as are apportioned to said joint school district from his county, and he shall immediately forward the same by registered mail to the latter. The superintendent of schools of the county in which the schoolhouse is located shall, upon receipt of the warrants aforementioned, deposit the same with the treasurer of his county, taking his receipt therefor, and shall notify the auditor of his county of the amounts of said warrants and the fund or funds to which such amounts shall be credited.

The teacher or teachers in such joint school district shall make a separate report of the attendance from the different counties and shall combine these reports on a principal's report blank and send copies of all such reports to each superintendent of schools in whose county parts of the district are located. Each teacher in such joint district shall hold a valid certificate in the county in which the schoolhouse is located.

The textbooks to be used, and the rules governing the school in such district, shall be those adopted by the board of education of the county in which the schoolhouse in said joint district is located. The trustees of joint districts shall make to the superintendents of each county in which the district is located, the reports which other trustees are required to make.

CHAPTER 86.

An act to amend sections five, thirteen and fourteen of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund, and also a

public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913, as amended.

[Approved by the Governor April 7, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 5 of an act entitled, "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913, as amended, is hereby amended to read as follows:

Stats. 1923,
p 1049,
amended

Sec. 5. Each teacher subject to the burdens of this act shall contribute twelve dollars each school year to the public school teachers' permanent fund for not less than thirty years, and shall pay the twelve dollars to the superintendent of schools of the county in which the teacher is employed. The teacher must pay six dollars not later than December thirty-first for the half year ending December thirty-first, and must pay six dollars for the half year ending June thirtieth, at the time or before the time of filing his annual report with the superintendent of schools of the county and not later than June thirtieth of the current school year; *provided*, that those teachers who have taught less than thirty days during a half year shall be relieved from paying the six dollars for such half year as hereinbefore provided.

Teacher's
annual
contribution.

The superintendent of schools of the county shall issue a receipt in duplicate to the teacher when he makes his payment. The teacher shall file his duplicate receipt with the clerk or secretary of the governing board of the school district in whose service he is employed and the clerk or secretary of the governing board of the school district shall not issue to the teacher his warrant for the school month including December thirty-first nor for his last month of teaching for the current school year until the teacher files with the clerk or secretary his duplicate receipt for the period ending December thirty-first or June thirtieth, as the case may be. The teacher may pay twelve dollars instead of six dollars at the time of making his first payment, in which case the filing of his receipt with the clerk or secretary of the school district shall relieve him from further payments during the current school year.

Receipt to
be filed
before issue
of warrant.

The superintendent of schools of the county shall deposit these payments weekly, or oftener, in the county treasury to the credit of the public school teachers' permanent fund, and not later than the fifteenth day of July of each year, and semi-annually thereafter, shall draw his requisition against the county auditor who shall draw his warrant in favor of the county treasurer for the full amount then on deposit to

Disposition
of con-
tributions.

the credit of the public school teachers' permanent fund. The requisition of the county superintendent of schools shall be accompanied by a list giving the names of the teachers and the amounts paid by each teacher, which list shall be kept on file in the office of the county auditor and a duplicate of said list shall be sent by the superintendent of schools of the county to the secretary of the public school teachers' retirement salary fund board.

Remittance
to state
treasurer.

The county treasurer shall, not later than ten days after the receipt of the warrant of the county auditor, forward to the state treasurer a remittance in the form of a bank draft, certified check, money order or money, covering the amount of such warrant. Upon receipt of such remittance the state treasurer shall deposit the proceeds thereof in the state treasury to the credit of the public school teachers' permanent fund; *provided*, that in every city and county which constitutes a separate school district, as provided in section 1576 of the Political Code, the payments herein provided to be made shall be made to the superintendent of schools who shall issue his receipt therefor in duplicate. In such case the teacher shall file his duplicate receipt with the board of education of such city and county and no official, board, or commission, whose duty it is to draw warrants or demands for the payment of said teacher's salary, shall draw such warrant or demand for the school month ending December thirty-first unless the duplicate receipt for the half year ending December thirty-first is on file, nor for the last month of teaching of the current school year, unless the duplicate receipt for the half year ending June thirtieth is on file.

Stats. 1923,
p 686,
amended.

Who
entitled to
retirement
salary.

SEC. 2. Section 13 of said act is hereby amended so as to read as follows:

Sec. 13. Every public school teacher who shall have complied with all the requirements of this act, and who shall have served under a legal certificate as a legally qualified teacher in public day or evening schools, or partly as such teacher and partly as superintendent or supervising executive or educational administrator, for at least thirty school years, at least fifteen of which shall have been in the public schools of this state, including the last ten years of service immediately preceding retirement, shall be entitled to retire; or if physically or mentally incapacitated for the proper performance of the duties of teacher, may be compelled to retire by the board of education, school trustees or other school authorities employing such teacher. Upon retirement, voluntary or involuntary, such teacher shall be entitled to receive, during life, an annual retirement salary of five hundred dollars, payable in installments quarterly by warrant drawn as provided in section 8 of this act; *provided*, that such retirement salary shall in no case begin to accrue until the date when formal application for the same is received in the office of the public school teachers' retirement salary fund board; *and provided*,

Amount.

Application.

further, that application for such salary be made within two years after the last month of service, except in cases where at the time the right to the retirement salary accrues such teacher has been absent two years or more from service, on leave duly granted by the board of education, board of trustees or other public school authorities employing such teacher. In such cases, the application may be made at any time during the said leave of absence. The last ten years of service in this state immediately preceding retirement may be broken by periods of nonteaching, or by periods of teaching in universities, colleges, or private schools within this state, or by teaching outside of this state during a year when the teacher has met the minimum requirement for a year of teaching in this state or by a year of teaching outside of this state when ten of the final eleven years of teaching have been in this state. If any teacher, having qualified under this section retires and later returns to service in the public schools of this state and thereafter applies to be retired, any teaching done outside of this state while drawing a retirement salary as provided in this act shall not be construed as breaking the last ten years of service in this state immediately preceding retirement. Teaching outside of the United States of America and its territories shall not be accepted for purposes of retirement under the provisions of this act. All teachers heretofore retired after thirty years of service, under the provisions of the act of the Legislature of the State of California, approved March 26, 1895, entitled "An act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the state," and acts amendatory thereof, shall be entitled to an annual retirement salary of five hundred dollars, payable in installments quarterly by warrants drawn as provided in section 8 of this act.

Irregular
service.

Teachers
heretofore
retired.

Sec. 3. Section 14 of said act is hereby amended so as to read as follows:

Stats. 1923,
p 687,
amended.

Sec. 14. Any public school teacher who shall have complied with all the requirements of this act, and who shall have served under a legal certificate as a legally qualified teacher in public day or evening schools, or partly as such teacher and partly as superintendent or supervising executive or educational administrator, for fifteen or more years, at least fifteen of which shall have been in the public schools of this state, including the last ten years of service immediately preceding retirement, and who shall have by reason of bodily or mental infirmity become physically or mentally incapacitated for further school service, shall be entitled to retire, or may, by the board of education, school trustees or other school authorities employing such teacher, be compelled to retire. Upon retirement, voluntary or involuntary, such teacher shall be entitled to receive during the period of such disability, an annual retirement salary, payable in installments quarterly by warrant drawn as provided in section 8 of this act, which

Incapaci-
tated
teacher may
receive
retirement
salary

shall be the same fraction of the maximum retirement salary of five hundred dollars as said teacher's time of service is of thirty years; *provided*, that such retirement salary shall in no case begin to accrue until the date when formal application for the same is received in the office of the public school teachers' retirement salary fund board; *and provided, further*, that application for such salary be made within two years after the last month of service. The last ten years of service in this state immediately preceding retirement may be broken by periods of nonteaching, or by periods of teaching in universities, colleges, or private schools within this state, or by teaching outside of this state during a year when the teacher has met the minimum requirement for a year of teaching in this state, or by a year of teaching outside of this state when ten of the final eleven years of teaching have been in this state. Teaching outside of the United States of America and its territories shall not be accepted for purposes of retirement under the provisions of this act. Each teacher who, by reason of incapacity due to bodily or mental infirmity, shall have retired under the aforesaid act, approved March 26, 1895, and acts amendatory thereof, after fifteen years' service, shall receive upon the taking effect of this act and during the period of disability, an annual retirement salary which shall be the same fraction of the maximum retirement salary of five hundred dollars, as said teacher's time of service is of thirty years.

CHAPTER 87.

An act authorizing the governor, as trustee, to receive on behalf of the national guard of the State of California, certain funds from the secretary of war of the United States.

[Approved by the Governor April 7, 1927. In effect July 29, 1927.]

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

Receipt for
national
guard
funds.

SECTION 1. The governor of the state is hereby authorized and empowered, as trustee, to receipt to the secretary of war of the United States, for any and all money, in the possession of the said secretary of war, belonging to units of the national guard of the State of California.

Funds
referred to

SEC. 2. The money herein mentioned being known as "other funds," in the possession of the secretary of war, and which money was collected by units of the national guard of the State of California, for the use and benefit of such units and which organizations were broken up as units for or as the result of service in the world war and have not been reconstituted as units of the national guard.

Distribution
of funds.

SEC. 3. The governor is hereby authorized and empowered to distribute such funds, so received, for the benefit of the national guard of this state, in such manner as he may determine.

CHAPTER 88.

An act to validate the organization and existence of municipal utility districts and declaring the urgency of said act.

[Approved by the Governor April 7, 1927. In effect immediately.]

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

SECTION 1. Whenever the board of supervisors of any county has heretofore declared any territory (whether consisting of any municipality together with unincorporated territory or of any two or more municipalities) to be a municipal utility district under the provisions of an act entitled "An act to provide for the organization, incorporation, and government of municipal utility districts, authorizing such districts to incur bonded indebtedness for the acquisition and construction of works and property, and to levy and collect taxes to pay the principal and interest thereon," approved May 23, 1921, and such district has existed de facto as such for a period of six months prior to the taking effect of this act, all acts and proceedings of such board of supervisors and all acts of all public officers leading up to and including the formation of such district or districts are hereby legalized, ratified and confirmed and declared valid for all intents and purposes, and every such district so organized is hereby declared to be a valid and legally existing municipal utility district.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of section 1 of article IV of the constitution of the State of California and shall take effect immediately. The following is a statement of facts constituting such urgency: Such municipal utility districts have heretofore been formed or organized under said act for the purpose of providing and furnishing water and other necessary utilities to the inhabitants of such districts, and the health and welfare of many citizens of this state are dependent upon such utilities being made immediately available to them; that the establishment and organization of such districts are necessary for the purpose of acquiring or constructing such utilities and making the same available to the citizens residing within such districts.

CHAPTER 89.

An act to provide an institution for the confinement, cure, care, and rehabilitation of drug addicts to be known as the state narcotic hospital; to provide for the government and maintenance thereof; to provide for admission and commitment of such addicts, and to prescribe penalties

for unlawfully or improperly contriving to have persons adjudged drug addicts under this act; to provide penalties for procuring the escape, or aiding or advising in the escape of inmates, or concealing inmates thereof.

[Approved by the Governor April 9, 1927. In effect July 29, 1927.]

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

Short title.

SECTION 1. This act shall be known as the "Narcotic rehabilitation act." The director of institutions, with the approval of the state board of control, is hereby authorized and directed to provide on the grounds of an existing state institution or other property owned or acquired by the state, an institutional unit to be used for the isolation and rehabilitation of narcotic users, which said unit shall be known as the state narcotic hospital, and shall be administered as provided by law.

State narcotic hospital.

"Drug addict" defined.

SEC. 2. Any person shall be held to be a "drug addict" within the meaning of this act who habitually takes or otherwise uses any opium, morphine, cocaine or other narcotic drug, except when such taking or use is prescribed by a physician licensed to practice medicine and surgery in this state, in the course of his professional practice only.

Arrest of drug addicts.

SEC. 3. Whenever it appears by affidavit to the satisfaction of a magistrate of a county or city and county that any person is a drug addict within the meaning of this act, he must issue and deliver to some peace officer for service, a warrant directing that such person be arrested and taken before a judge of the superior court for a hearing and examination on such charge. Such officer must thereupon arrest and detain such person until a hearing and examination can be had. At the time of the arrest a copy of said affidavit and warrant of arrest must be personally delivered to said person. Such affidavit and warrant of arrest must be substantially in the form provided by section 2168 of the Political Code for the arrest of a person charged with insanity. The person charged must be taken before a judge of the superior court, to whom said affidavit and warrant of arrest must be delivered to be filed with the clerk.

Trial.

The judge must then inform him of his rights to make a defense to such charge and produce any witnesses in relation thereto. The judge must by order fix such time and place for the hearing and examination in open court as will give a reasonable opportunity for the production and examination of witnesses. Such order must be entered in the minutes of the court by the clerk and a certified copy of the same served on such person. The judge may also order that such notice of the arrest of such person and the hearing of the charge be served on such relatives of said person known to be residing in the county, or city and county, as the court may deem necessary or proper. The judge may cause witnesses to be summoned and examined before him, and after a hearing and

Commitment

examination, if he believes the person charged is a drug addict, the court must make an order that such person be confined in the state narcotic hospital for an indeterminate period of not less than eight months nor more than two years.

SEC. 4. The court at the hearing must inquire into the financial condition of the person committed or the parent, guardian, or other person charged with the support of such person, if a minor, and if the court finds such person or persons able to do so in whole or in part, a further order must be made requiring him or them to pay, to the extent the judge may consider just, the expenses of the proceedings in connection with the commitment of such person, the expenses of the delivery thereof to the State Narcotic Hospital, and to pay to the said hospital at stated periods such sums as in the opinion of the court are proper during such time as the person committed may remain in the said hospital.

Order for
payment
of expense.

SEC. 5. Whenever a girl or boy is brought before a juvenile court under the juvenile court law, or if on the arrest of any person charged with crime in any court, it appear to such court, either before or after jurisdiction, that such person is a drug addict within the meaning of this act, the court may adjourn the proceedings or suspend the sentence, as the case may be, and direct some suitable person to take proceedings under this act against the person before the court, and the court may order that, pending the preparation, filing and hearing, of the petition the person before the court be detained in a place of safety, or if a minor, be placed under the guardianship of some suitable person on his entering into a recognizance for the appearance of the person upon trial or under conviction when required. If upon the hearing of the petition, or upon a subsequent hearing under this act, the person before the court, upon trial, or under conviction be found not to be a drug addict as herein defined, the court may proceed with the trial or impose sentence, as the case may be; or, if such person be committed to the said hospital as a drug addict and shall have been detained therein for a period of not less than eight months, whenever thereafter the superintendent of the branch wherein said addict is confined and the director of institutions shall certify to the committing court that such person has been sufficiently treated, or shall give any other reason which is deemed by the court to be adequate and sufficient, the court may order the discharge of the person so committed, or may order his or her return to await the further action of the court.

Juvenile
addicts.

SEC. 6. Any person committed under the provisions of this act, except such persons as may have been committed under the provisions of section 5. may be paroled or discharged after the expiration of eight months by the superintendent of the branch wherein such addict is confined, by and with the consent of the director of institutions, under such terms and conditions as they may establish, and must

Parole or
discharge.

be discharged on the expiration of the maximum term of confinement.

Voluntary patients.

SEC. 7. The superintendent of either branch of the state narcotic hospital may accept as patients any person voluntarily applying for treatment for drug addiction, and, if the voluntary applicant sign a statement that he or she is suffering from drug addiction and desires treatment in the same manner and subject to the same rules and restrictions as if committed by a court, may receive such person without formal commitment, with like effect as if formally committed, subject to discharge when sufficiently treated or for any other reason deemed adequate; *provided, however*, that such voluntary patient shall agree to and must remain in said institution for a period of not less than eight months and must pay for his care and treatment therein such amount as may be fixed by the director of institutions.

Residents only received.

SEC. 8. No person shall be admitted to the state narcotic hospital as a voluntary patient who has not been a resident of the State of California for a period of two years next preceding application for admission.

Witness fees and expenses.

SEC. 9. Witnesses at hearings for the commitment of drug addicts shall be entitled to receive the usual fees and expenses allowed by law in other cases in such courts; and any fees or traveling expenses payable to any witness in any proceeding for the commitment of a drug addict, and all expenses connected with the execution of any process under this act, which may not be paid by the drug addict or his parent, guardian, or other person charged with his support if he be a minor, shall be paid by the county treasurer of the county in which such person resides.

Sheriff's duty and fees.

SEC. 10. It shall be the duty of the sheriff of any county wherein an order is made by any court committing any person under this act, or of any other person designated by the said court, to execute the writ of commitment, and to receive as compensation therefor such fees as are now or may hereafter be provided by law for the transportation of prisoners to the state prison, and payable in the same manner; *provided*, that in all cases the parent, guardian or other person charged with the support of such person, being a minor, may, at his option, with the approval of the court, and in all cases where he is able or the estate of such person is sufficient, shall, if the said court approve, without expense to the county or state, execute said writ, after being duly sworn therefor, with like effect and with like powers as the sheriff would have; but no female person committed shall be taken to the said hospital by any male person not her husband, father, brother or son, without the attendance of some woman of good character and mature age, chosen for the purpose by the court, which woman shall, if the court see fit, be paid therefor such reasonable remuneration as the court may allow.

Taking female to hospital.

SEC. 11. For each person committed under this act there shall be paid by the county or city and county of which he is a bona fide resident, to the state treasurer, to the credit of the general fund of the state the sum of twenty-five dollars (\$25) monthly for and during each month or part of month such person so committed remains an inmate of the institution, in case the payments herein provided to be made by the person committed, or by his parent, guardian, or other person charged with his support, he being a minor, should not be made, and to the extent they are not made, not exceeding twenty-five dollars (\$25) per month.

Payments
by county
to state.

SEC. 12. Each county auditor must include in his state settlement report rendered to the controller in the months of May and December, the amount due by reason of commitment under this act, and the county treasurer, at the time of the settlement with the state in such months, must pay to the state treasurer, upon the order of the controller, the amounts found to be due by reason of the commitments herein referred to.

Report and
remittance.

SEC. 13. Within thirty days after the buildings herein provided for are prepared to accommodate them, the department of institutions shall transfer to said hospital all persons then inmates of any state hospital for the insane who have been theretofore committed to such state hospital for the insane because or on account of drug addiction; *provided, however,* they are not mentally deranged. The expense of such transfer is chargeable to the state, and the bills for same, when approved by the department of institutions, must be paid by the treasurer of state on the warrant of the controller, out of any moneys provided for the care and maintenance of drug addicts.

Transfers
from other
state
hospitals.

SEC. 14. In the event of the transfer of any inmate or patient as provided in section 13 of this act the liability of any estate, person or county for the care, support and maintenance of such person, shall be the same as it was to the institution from which the transfer is made.

Support of
transferees.

SEC. 15. Any person not authorized by law, who brings into the said hospital, or within the grounds thereof, any opium, morphine, cocaine, or other narcotic, or any intoxicating liquor of any kind whatever, except for medicinal or mechanical purposes, or any firearms, weapons or explosives of any kind, is guilty of a felony.

Bringing in
narcotics,
intoxicants,
etc.

SEC. 16. If any person procure the escape of any inmate of the said hospital, or advise, connive at, aid or assist in such escape, or conceal any such inmate after such escape, he or she is guilty of misdemeanor.

Escape of
inmates.

SEC. 17. Anyone who shall knowingly contrive to have any person adjudged a drug addict under this act, unlawfully or improperly, shall be deemed guilty of a misdemeanor.

Unlawfully
contriving.

Provision
superseded.

SEC. 18. Section 2185c of the Political Code, in so far as it applies to the commitment of drug addicts is superseded by the provisions of this act.

Constitu-
tionality.

SEC. 19. The invalidity of any part of this act shall not be construed to affect the validity of any other part capable of having practical operation and effect without the invalid part.

CHAPTER 90.

An act to amend sections two, three, four, eleven and fifteen of an act entitled "An act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof; and for the appointment of a board of pharmacy," approved March 20, 1905, as amended.

[Approved by the Governor April 9, 1927. In effect January 1, 1928.]

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

Stats. 1905,
p 536,
amended

SECTION 1. Section 2 of an act entitled "An act to regulate the practice of pharmacy in the State of California and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 20, 1905, as amended, is hereby amended to read as follows:

Qualifications

Sec. 2. Any person in order to become a registered pharmacist must be a licentiate in pharmacy or a practicing pharmacist. Practicing pharmacists are persons who at the passage of this act are registered as such, and who shall on or before the first day of July, 1928, have paid to the California state board of pharmacy all moneys due for renewal of registration as required by section 9 of this act.

Practicing
pharmacists.

Applicants

An applicant for registration as a registered pharmacist must be at least twenty-one years of age, and of good moral character and temperate habits, and must be a citizen of the United States, or if not a citizen of the United States must have filed and proven his or her intention of becoming such; *and provided further*, if citizenship is later denied to any person registered under this act, then such denial of citizenship shall automatically cancel all such registrations and privileges.

Stats 1909,
p 1013,
amended.
Licentiate

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Sec. 3. Licentiate in pharmacy are persons who are registered as such on or before the first day of January, 1928, and who shall on or before the first day of July, 1928, have paid to the California state board of pharmacy all moneys due for renewals of registration as provided for in section 9 hereof, or are such other persons as shall be registered in accordance with the classes provided by this section.

Proof of the qualifications for registration in these several classes must be made to the satisfaction of the California state board of pharmacy, substantiated by such affidavits or other evidence as may be required by said board. Proof of qualifications

Pharmaceutical experience as used in this act shall mean service and experience obtained after the applicant's fifteenth birthday, in a pharmacy under the personal supervision of a registered pharmacist or licentiate in pharmacy, and which shall be service and experience predominantly related to the selling of drugs, compounding physician's prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under state and federal statutes; *provided, however*, that time spent attending a school or college of pharmacy or a department of pharmacy of a university shall be counted the equivalent of pharmaceutical experience as defined in this act; *and provided further*, that no applicant shall count as experience both college attendance and drug store experience for the same calendar month as more than the actual calendar month; *and provided further*, that not more than thirty months of pharmacy college attendance shall be counted toward required experience. Experience.

Graduation from a school or college of pharmacy or a department of pharmacy of a university after January 1, 1928, shall not be recognized by the California state board of pharmacy unless said school or college of pharmacy or pharmacy department of a university requires in its course a minimum of two thousand two hundred fifty hours in pharmaceutical work which includes nine hundred hours of laboratory work predominantly related to pharmaceutical chemistry for graduation. Graduation.

Registration as a licentiate in pharmacy shall be granted by the California state board of pharmacy to the following classes of persons: Class one, class two, class three, class four, class five, and class six. Registration: to whom granted.

Class one. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof, who shall have passed a written examination to the satisfaction of and before the California state board of pharmacy, who shall have had four years pharmaceutical experience as defined in section 3 of this act, who shall have been registered as an assistant pharmacist in this state for a period of not less than one year and who shall have graduated from a school or college of pharmacy or department of pharmacy of a university recognized by the California state board of pharmacy.

Class two. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof appearing in person before the California state board of pharmacy who shall have been registered by examination as a licentiate in pharmacy or a registered pharmacist in any other state or territory or the District of Colum-

Registration:
to whom
granted
(cont'd).

bia; *provided, however*, such state or territory of the United States or the District of Columbia must be one which reciprocally grants registration without examination to persons who have been registered in the State of California as licentiates in pharmacy under the terms and conditions similar to those required in this class, who shall have graduated from a school or college of pharmacy or a department of pharmacy of a university recognized by the California state board of pharmacy who shall have had four years of pharmaceutical experience as defined by section 3 of this act.

Class three. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof; who shall have passed a written examination to the satisfaction of and before the California state board of pharmacy, who shall have had five years pharmaceutical experience as defined by section 3 of this act, who shall have been registered as a licentiate in pharmacy or a registered pharmacist and actually engaged in the practice of pharmacy and in lieu of not having been a graduate of a school or college of pharmacy or department of pharmacy of a university and in good standing in another state or territory of the United States, or the District of Columbia, before January 1, 1928, for a period of not less than five years previous to his or her application for registration; *provided, further*, that after January first, 1933, he or she must be a graduate of a school or college of pharmacy, or a department of pharmacy of a university recognized by the California state board of pharmacy.

Class four. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided by section 2 hereof; who shall pass an oral examination to the satisfaction of the California state board of pharmacy, who shall have had twenty years pharmaceutical experience as defined in section 3 of this act, who shall have been registered as a licentiate in pharmacy or a registered pharmacist in good standing in another state or territory of the United States or the District of Columbia for a period of not less than ten years prior to his or her application for registration in this state.

Class five. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in section 2 hereof, who shall be registered as an assistant pharmacist in the State of California, prior to January 1, 1928, who shall have passed a written examination to the satisfaction of the California state board of pharmacy, who shall have had five years of pharmaceutical experience as defined by section 3 of this act, who shall have been registered as an assistant pharmacist for a period of two years prior to his or her application for examination as a licentiate in pharmacy.

Class six. Registration as a licentiate in pharmacy shall be granted to any person otherwise qualified as provided in sec-

tion 2 hereof, who shall be registered as an apprentice in pharmacy before the passage of this act, who shall have passed a written examination to the satisfaction of the California state board of pharmacy, who shall have had five years of pharmaceutical experience as defined by section 3 of this act, who shall have been registered as an assistant pharmacist in the State of California for a period of two years prior to his or her application for examination as a licentiate in pharmacy.

SEC. 3. Section 4 of said act is hereby amended to read as follows :

Stats 1905,
p 536,
amended
Assistant
pharmacists.

Sec. 4. Registered assistant pharmacists are persons who are registered as such on or before the first day of January, 1928, and who on or before the first day of July, 1928, shall have paid to the California state board of pharmacy all moneys due for renewal of registration as required by section 9 of this act, or are such other persons as shall be registered in accordance with the provisions of this section.

An applicant for registration as registered assistant pharmacist must be at least twenty years of age and of good moral character and temperate habits and must be a citizen of the United States, or if not a citizen of the United States must have filed and proven his or her intention of becoming such; *and provided further*, if citizenship is denied to any person registered under this act, then such denial of citizenship shall automatically cancel all such registration and privileges.

Applicants.

Registration as an assistant pharmacist shall be granted by the California state board of pharmacy to the following classes of persons: Class A, Class B.

Registration
to whom
granted.

Class A. Registration as an assistant pharmacist shall be granted to any person otherwise qualified as provided in section 4 hereof who shall have passed a written examination to the satisfaction of the California state board of pharmacy, who shall have had three years pharmaceutical experience as defined by section 3 of this act, who shall have satisfactorily completed at least one-half of the course required for graduation in a school or college of pharmacy or a department of pharmacy of a university recognized by the California state board of pharmacy.

Class B. Registration as an assistant pharmacist shall be granted to any person otherwise qualified as provided by section 4 hereof, who shall be a registered apprentice before the passage of this act and who shall have passed a written examination to the satisfaction of the California state board of pharmacy, who shall have had three years pharmaceutical experience as defined by section 3 of this act.

Proof of qualification for registration under this section shall be made in the same manner as proof for registration as a licentiate in pharmacy under section 3 hereof, and pharmaceutical experience as used in this section shall be defined the same as pharmaceutical experience required for a licentiate in pharmacy as defined in section 3 hereof.

Proof.

Stats 1909,
p 1013,
amended.
Meetings.

SEC. 4. Section 7 of said act is hereby amended to read as follows:

Sec. 7. Four members of the board shall constitute a quorum. They shall hold a meeting at least once in every four months.

Powers and
duties of
board.

Subdivision one. The state board of pharmacy shall have power:

(a) To make such by-laws and regulations, not inconsistent with the laws of this state, as may be necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) To regulate the practice of pharmacy.

(c) To regulate the sale of poisons.

(d) To regulate the quality of all pharmaceutical prescriptions and medicines dispensed or sold in this state, using the United States Pharmacopœia or National Formulary as the standard.

(e) To investigate all complaints as to the quality and strength of all pharmaceutical preparations and medicines, and to take such action as may be necessary to prevent the sale of such as do not conform to the standard and tests prescribed in the latest edition of the United States Pharmacopœia or National Formulary.

(f) To employ inspectors of pharmacy and to inspect during business hours all pharmacies, dispensaries, stores, or places, in which drugs, medicines and poisons are compounded, dispensed or retailed, and to cause the prosecution of all persons whenever there appears to the board to be reasonable ground for such action.

(g) To examine and register all pharmacists and assistant pharmacists and all applicants whom it shall deem qualified to be such. All persons applying for registration under this act shall pay the following fees therefor to the secretary of the board of pharmacy: every applicant for registration, other than that of apprentice, shall pay a fee of ten dollars on filing his or her application, which shall be compensation to the board of pharmacy for investigation or examination of the applicant; and if the board finds that any applicant for registration on experience and credentials is entitled to be registered, then he or she shall pay an additional fee of fifteen dollars upon the issuance of certificate of such registration; and any licentiate found by the board on examination to be entitled to a certificate shall pay the additional sum of five dollars upon the issuance of certificate; all applicants for examination as assistant, if found satisfactory by the board, shall be entitled to their certificate without further fee; *and provided further*, that an applicant for registration on experience and credentials may at his or her option be examined as a licentiate without further fee for application.

(h) In the event any person having registered shall have lost his or her certificate, or the same has been destroyed, if he or

she desires the renewal of the same, a new certificate may be issued by said board upon the applicant paying therefor the sum of three dollars; *provided further*, that when the original certificate is not lost or destroyed, then the certificate shall be surrendered before a renewal of the same shall be issued; *and provided further*, that the board shall have power to require satisfactory evidence from the applicant of the loss or destruction of the certificate; *and provided further*, that where the applicant is delinquent for the annual dues required by this act then he or she shall be required to pay to said board sufficient fees to cover his delinquency in that behalf before he or she shall be entitled to a reissue of the certificate in this subdivision provided for.

(i) To provide by proper rules and regulations for the revocation by said board of licenses issued under the provisions of this act, whenever the holder of such license shall be guilty of habitual intemperance or addicted to the use of narcotic drugs, or shall have been convicted of a felony.

(k) Shall issue to each applicant granted registration as a licentiate in pharmacy in accordance with the provisions of this act, a signed certificate under the seal of the California state board of pharmacy.

(l) Shall issue to each applicant granted registration as an assistant pharmacist in accordance with the provisions of this act, a signed certificate under the seal of the California state board of pharmacy.

SEC. 5. Section 11 of said act is hereby amended to read as follows:

Sec. 11. Every proprietor or manager of a pharmacy or drug store shall be held responsible for the quality of all drugs, chemicals and medicines sold or dispensed by him, except those sold in the original package of the manufacturer and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, wilfully, or fraudulently falsify or adulterate, or cause to be falsified or adulterated, any drug or medicinal substance, or any preparation authorized or recognized by the pharmacopœia of the United States or used, or intended to be used in medical practice, or shall mix or cause to be mixed, with any such drug or medicinal substance any foreign or inert substance whatever, for the purpose of destroying or weakening its medicinal power or effect, or of lessening its cost, and shall wilfully, knowingly, or fraudulently sell the same, or cause it to be sold, for medicinal purposes, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not more than two hundred dollars, or by imprisonment for not less than fifty days and not more than two hundred days, or by both such fine and imprisonment.

All prescriptions filed by a duly registered pharmacist must be kept on file and open for inspection by duly constituted authorities for a period of at least two years, and any person

Stats 1909,
p 1015,
amended

Responsi-
bility
for quality
of drugs, etc.

Adulteration.

Penalty.

Filing
prescriptions.

who shall wilfully fail to do so shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not exceeding fifty dollars; and for each subsequent offense shall be liable to a fine of not less than fifty dollars, and not more than one hundred dollars. The state board of pharmacy may at any time, when in their judgment it appears advisable, deputize one of their members, or any other competent person, to investigate any suspected violation of any of the provisions of this act, and, if the result of such investigation seems to the board to justify such action, the board shall cause the prosecution of any person violating any of the provisions of this act.

Investiga-
tions.

Stats 1907,
p. 770,
amended.
Apprentices.

SEC. 6. Section 15 of said act is hereby amended to read as follows:

Sec. 15. After the passage of this act no person shall be registered as an apprentice in pharmacy.

No apprentice shall be allowed to sell drugs, medicines nor poisons, excepting those allowed to be sold by all dealers in stores, nor shall any apprentice be permitted to compound prescriptions except under the direct, immediate and personal supervision of a registered pharmacist, nor shall any apprentice ever be left in charge of a pharmacy; *provided*, that any apprentice in pharmacy employed before January 1, 1928, as such but who has not registered as an apprentice as provided in section 15, may make application to the board of pharmacy to have his experience allowed for the purpose of applying for registration as assistant pharmacist, which may be allowed by the board upon furnishing satisfactory affidavits covering his or her experience.

Aliens.

Nothing contained in this act shall affect the registration already granted to aliens, as either registered pharmacists, licentiates in pharmacy or registered assistant pharmacists, neither shall anything contained in this act affect any pending legislation or prosecution, either civil or criminal, instituted before the passage of this act, but the same may be asserted, enforced or prosecuted as fully and to the same extent as if this amendatory act had not been passed.

Pending
prosecutions.

Effective.

SEC. 7. This act shall take effect on and after the first day of January, 1928.

CHAPTER 91.

An act to provide for the organization and government of water conservation districts for the purpose of conserving and storing the waters of any stream of water or unnavigable river by spreading and sinking such waters, and, for that purpose, to construct or acquire spreading basins, sinking wells and sinking basins and other works and property; and for the purpose of appropriating, acquiring and conserving water and water rights, and taking any and all actions and proceedings that may be necessary or advisable to conserve and protect the waters or water rights within the district used or useful for any purpose of the district, or of

common benefit to the lands situated therein, and to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom; to provide for the levying and collecting of taxes and special assessments to pay the costs and expenses incurred in relation thereto; to prohibit any director of a district from being interested in any contract with the district of which he is a director and making a violation of such provision a misdemeanor; and to provide a method of dissolving such districts.

[Approved by the Governor April 11, 1927. In effect July 29, 1927.]

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

SECTION 1. Organization of Water Conservation Districts. Organization of water conservation districts. Water conservation districts may be organized and established by the board of supervisors of any county in this state, as herein expressly provided, when the conditions stated in this act are found to exist, and may exercise the powers herein expressly granted, or necessarily implied. Such districts may be entirely within unincorporated territory or partly within unincorporated and partly within incorporated territory, and within one or more counties of this state.

Whenever fifty or more owners, or the owners of more than one-half, of any body or bodies of land, situate within, and comprising the whole or a part or parts of, the watershed of any stream of water or unnavigable river, or situate adjacent thereto, or deriving its water supply, in whole or in part, from such stream or river or the subterranean supply of waters therefrom, shall desire to conserve the waters of such stream or unnavigable river, they may propose the organization of a water conservation district under the provisions of this act, and, when so organized, such district shall have the powers, rights and duties conferred, or which may be conferred, by law, upon such water conservation districts. The equalized county assessment roll next preceding the presentation of a petition for the organization of a water conservation district under the provisions of this act, shall be sufficient evidence of ownership for the purposes of this act; *provided*, that no person who has received or acquired title to lands within such proposed district for the purpose of enabling him or her to join in such petition, or to become an elector of said district, shall be allowed to sign such petition or to vote at any election to be held in such district under the provisions of this act. Such illegal signing, however, shall not invalidate such petition when there shall be found a sufficient number of other legal petitioners.

SEC. 2. Powers of District. Powers Any water conservation district organized and established as herein provided shall have power:

1. Perpetual Succession. To have perpetual succession.

Powers
(cont'd).

2. Sue and be Sued. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. Adopt Seal. To adopt a seal and alter it at pleasure;

4. Hold Property. To take by grant, appropriation, purchase, gift, devise, condemnation or lease, and to hold, use, enjoy, and to lease or dispose of, real and personal property of every kind, within or without the district, necessary to the full exercise of its powers;

5. Conserve and Store Water. To make surveys and investigations of the water supply and resources of the district; to conserve and store water by spreading and sinking the same, and to build, construct or acquire the necessary spreading basins, sinking wells, and sinking basins therefor; to maintain, operate and repair any of the constructions herein named; to appropriate, acquire and conserve water and water rights, for any useful purpose; to commence, maintain, intervene in and compromise, in the name of the district, and to assume the costs of, any action or proceeding involving or affecting the ownership or use of water or water rights within the district, used or useful for any purpose of the district, or of common benefit to the lands situated therein; to commence, maintain, intervene in, defend and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or unnavigable river, including the natural subterranean supply of waters therefrom, which may be used, or useful, for any purpose of the district, or a common benefit to the lands within the district or its inhabitants; and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger the inhabitants or lands of the district;

Eminent
domain.

6. Right of Eminent Domain. To have and exercise the right of eminent domain, in the manner provided by law for the condemnation of private property for public use, to take any property necessary to be used for spreading basins, sinking wells or sinking basins, or to operate or to make use of same, or otherwise necessary to accomplish the purposes of this act.

Taxation.

7. Levy Taxes. To cause taxes to be levied, as herein provided, for the purpose of paying any obligation of the district and to accomplish the purposes of this act in the manner herein provided;

Contracts.

8. Make Contracts. To make contracts, to employ labor and to do all acts necessary for the full exercise of the powers herein granted.

Petition for
organization.

SEC. 3. Petition to Board of Supervisors. Bond. Publication. In order to propose the organization of a water conservation district a petition shall be presented to the board of supervisors of the county, in which the lands within the proposed district, or the greater portion thereof, are situated,

signed by the required number of owners of lands within such proposed district, which petition shall set forth and particularly describe the proposed boundaries of such district, and shall pray that the same be organized under the provisions of this act, and propose a name by which such district shall be known. The territory to be included within the district need not be contiguous. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the said board of supervisors, in double the amount of the probable cost of organizing such district, conditioned that the obligors will pay all the costs in case such an organization will not be effected. The petition shall be presented at a regular meeting of said board of supervisors, and shall have been published once a week for at least three weeks before such presentation in some newspaper printed and published in the county where the petition is presented, together with a notice stating the date of the meeting of said board at which the petition will be presented; and if any portion of the proposed district lies within another county, or counties, then said petition and notice shall be likewise published in a newspaper printed and published in each of said counties. Such petition may consist of any number of separate instruments, and, when contained upon more than one instrument, one copy only of such petition need be published, but the names of all the petitioners shall be published the same as if appended to the original petition. All such copies of petition, filed prior to the hearing of said petition, shall be considered by the board of supervisors the same as though filed with the petition first placed on file.

Bond.

Notice.

SEC. 4. Hearing on Petition. When such petition is presented, the board of supervisors shall hear the same, and may adjourn such hearing from time to time. If any hearing or continued hearing shall be continued to a time more than sixty days from the date of the order making such continuance, a notice of such continued hearing shall be published, in some newspaper or newspapers printed and published in each of the counties in which any portion of the proposed district lies, once a week for at least two weeks immediately prior to the time appointed for such continued hearing. On the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable, and shall define and establish such boundaries. But said board shall not modify said boundaries so as to exclude from said proposed district any territory which would be benefited by the formation of such district; nor shall any land be included within such proposed district which will not, in the judgment of said board, be benefited by the organization of such district. Any person whose lands would be benefited by such district may, upon his application and in the discretion of the board of supervisors, have such lands included within such proposed district. Upon such hearing of such petition the board of supervisors shall

Hearing.

Boundaries.

determine whether or not said petition complies with the requirements of sections 1 and 3 of this act, and for that purpose must hear all competent and relevant testimony offered in support thereof or in opposition thereto. No defect in the contents of the petition, or in the title to or form of the notice or signature, shall vitiate any proceedings thereon, provided such petition or petitions have a sufficient number of qualified signatures attached thereto. The determination of the board of supervisors shall be entered upon the minutes of said board.

Defects.

Division of district.

SEC. 5. District Directors. When, under the provisions of the preceding sections, the boundaries of the proposed district are defined and established, said board shall make an order dividing said district into three or five or seven divisions, as requested in the petition. Such divisions shall be as nearly equal in area as practicable and shall be numbered consecutively, and one director, who shall be an elector of the division, shall be elected, as hereinafter provided, by each division; *provided*, that, when requested in the petition, and in accordance therewith, no divisions shall be established, and, in such case, three or five or seven directors, according to the petition, shall be elected at large by the qualified electors of the district. No person may be elected a director who shall not be a qualified elector of the district, and who shall not be a resident of the county, or of one of the counties in which the district is situated.

Organization election.

SEC. 6. Election to Determine Proposed Organization. Election of Directors. Notice. Ballots. Candidates for Office of Director. Qualification of Electors. Conduct of Election. Said board of supervisors shall then call an election within the proposed district for the determination of the question whether such proposed district shall or shall not be organized, and also to elect the number of directors which shall be prescribed pursuant to the next preceding paragraph of this act. Said board of supervisors shall divide said district, and the divisions thereof, into convenient precincts and fix a polling place in each precinct; *provided*, there shall be at least one precinct in each division of the district, where the district is divided into divisions. The board of supervisors shall appoint an inspector, a judge and two clerks for each of the precincts thus established to conduct said election. The inspector, judge and clerks of election in each precinct shall constitute the board of election for such precinct. The inspector shall be chairman of the election board, and may administer all oaths required in the progress of an election, and appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of the election. If the board of election, or any member thereof, fails to appear at the opening of the polls on the morning of the election, the electors of the precinct present

at that hour may appoint a board or supply the place of an absent member thereof. The election must be held within forty days from the date of the order calling the election.

Notice. Such election shall be called by publication of notice thereof in a daily or weekly paper in each of the counties in which the district is situate, if there be one, at least once a week for three weeks previous to such election, and by posting notice thereof in three public places in the proposed district. If the district is divided into divisions, notices of such election shall be posted in three public places in each division. Such notice shall designate a name for such proposed district, and describe the boundaries thereof and designate the respective election precincts and the polling place in each, and the election officers, and the time of the election, and the hours during which the polls will be kept open; *provided*, that the polls must be opened not later than eight o'clock a.m. and kept open until seven o'clock p.m.

Ballots. Candidates for Office of Director. The board of supervisors shall require the clerk of said board to provide and furnish ballots for said election. No particular form of ballot shall be required except that the same shall contain the words "Water Conservation District—Yes" or "Water Conservation District—No," or words equivalent thereto, and shall also contain the names of candidates for the position of director of the district who shall have been endorsed by a petition to said board of supervisors containing the names of ten or more electors of the district, petitioning that the names of candidates designated in the petition be placed upon the ballot to be voted on at such election; *provided*, that, when the district is divided into divisions, such nominating petitions for a director in any division must be signed by ten or more electors entitled to vote in such division; *and provided*, that, in any case, such petitions be filed with the board of supervisors calling said election within fifteen days from the first publication of the notice calling said election. The ballots shall contain instructions that the voters shall write or print or stamp a cross after the words that indicate his choice, together with the number of votes he is entitled to cast therefor, as hereinafter provided, and that the voter shall vote for one or more persons to fill the office of director (designating the number), according to the divisions of the proposed district as prayed for in the petition and ordered by the board of supervisors, with the right to vote for each director to be elected the number of votes which the voter shall be entitled to cast as hereinafter provided. The ballots shall contain as many blank spaces for the names of directors as there are directors to be elected, and the writing of the name of any qualified person in any of said spaces shall be deemed to be a vote for such person according to the number of votes set opposite such name, not in excess of the number of votes which the voter shall be entitled to cast.

Electors.

Qualification of Electors. No person shall be entitled to vote at any election held under the provisions of this act, unless he is the owner of land situate within the district. Each and every owner of land within the district shall be entitled to vote in person or by proxy, at any election held under the provisions of this act, and shall have the right to cast one vote for each acre of real estate owned by him in the district. An owner of land within the district comprising less than one acre shall be entitled to one vote. In calculating the number of acres owned by any voter any fraction of an acre in excess of the integral number owned by him shall be disregarded. Such ownership shall be determined from the next preceding assessment roll of the county or counties in which the lands of the district are situated, and the board of supervisors of each county in which any part of the district is located, prior to each election held under the provisions of this act, at the expense of the district holding such an election, shall cause to be prepared and certified and furnished to the board of election at each voting place a true and correct copy of the entries upon the next preceding assessment rolls of said counties, so far as such assessment rolls apply to any lands within said district, to the extent of showing the names of the owner and the number of acres assessed to each owner and which said certified entries from said rolls shall be used by the boards of election in determining the number of votes each voter is entitled to cast. In the event the district is divided into divisions, the copies of the entries upon said assessment rolls shall show the number of acres owned by each voter within each division. And, in such case, each voter shall be entitled to vote in each division the number of votes equal to the number of acres owned by him in such division.

Vote
according to
interest.

Where land is owned by two or more persons, the votes shall be divided in accordance with the interests of each owner. Where land is assessed to unknown owners any person producing an affidavit of a searcher of records certifying the true ownership of such land at the date of the election, or at any time five days previous thereto, accompanied by an affidavit by the person certified to be the owner that he is the owner of the property at that time, said person so certified to be the owner shall be entitled to vote in like manner as if his name appeared upon the assessment rolls as above mentioned. Where corporations or partnerships appear as the owners of property, the votes of such owners shall be cast by any person holding a proxy from such corporation or firm. Executors, administrators, special administrators and guardians and trustees may cast the votes of the estates represented by them upon filing with the board of election a certified copy of their letters testamentary or of administration or guardianship or of appointment as trustee. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing

duly acknowledged and certified in the same manner as grants of real property, and filed with the board of election.

Conduct of Election. Said election shall be conducted in accordance with the general election laws of this state so far as applicable, and except as herein otherwise provided. The election officer in delivering to each voter his ballot shall ascertain and write upon the ballot the number of votes the holder of the ballot is entitled to cast, and in canvassing the returns shall see to it that the number of votes cast does not exceed the number of votes such voter was entitled to cast, but if there is an excess, the ballot shall not be disregarded or invalidated, but only the number which the voter was entitled to cast shall be counted. The election officers shall publicly count the votes immediately after close of the election, and make a report of the result of said election to the board of supervisors within five days subsequent to the holding thereof.

SEC. 7. Canvass of Returns. Declaration of Organization. The said board of supervisors shall, on the first Monday succeeding such election, if then in session, or at its next meeting, general or special, proceed to canvass the votes cast at such election, and, if upon such canvass it determines that a majority of all the votes cast are "Water Conservation District—Yes," the board shall by an order entered in its minutes declare such territory duly organized as a water conservation district, under the name theretofore designated, and shall declare the persons receiving, respectively, the highest number of votes for director to be duly elected to such offices.

SEC. 8. Copy of Order to be Recorded. The board shall then cause a copy of such order, duly certified by the clerk of said board of supervisors to be immediately filed for record in the office of the county recorder of any county in which any portion of the lands embraced in such district shall be situated, and must also immediately forward a copy thereof to the clerk of the board of supervisors of each of said last mentioned counties. From and after such filing, the organization of the district shall be complete.

SEC. 9. Election May be Contested. Such election on organization may be contested by any person holding property within the proposed district liable to be assessed or taxed for the raising of funds to carry out the purposes of the district. The directors elected at such election shall be made parties defendant. Such contest shall be brought in the superior court of the county where the petition for organization is filed; *provided*, if more than one contest be pending, they shall be consolidated and tried together. The court having jurisdiction shall immediately try such contest, and determine, upon the hearing, whether the election was fairly conducted and in substantial compliance with the requirements of this act, and enter its judgment accordingly. Such contest must

be brought within twenty days after the canvass of the votes and declaration of the result by the board of supervisors. The right of appeal is hereby given to either party to the record within thirty days from entry of judgment. The appeal must be heard and determined by the supreme court within sixty days from the time of filing the notice of appeal.

Assumption
of duties.

SEC. 10. When Directors Shall Enter upon Duties. The directors elected at the election hereinbefore provided for shall immediately enter upon their duties as such upon qualifying in the manner hereinafter provided. Such directors shall hold office respectively until their successors are elected and qualified.

Terms of
office.

SEC. 11. Term of Office. President and Secretary. The directors of any district who shall be thus elected, on the first Tuesday after their election, after they shall have qualified, shall meet and classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire at the next general February election in this act provided for; and the term of office of the class having the lesser number shall terminate at the next general February election thereafter. After such classification, said directors shall organize as a board, shall elect a president from their number, and appoint a secretary, who shall each hold office during the pleasure of the board. The secretary need not be one of the directors. The salary of the secretary and the amount of the bond to be given for the faithful performance of his duty shall be fixed by the board of directors. The bond of the secretary of the district shall be recorded in the office of the recorder of the county in which the district is organized and then filed with the district.

President
and
secretary.

Biennial
elections.

SEC. 12. Biennial Election of Directors. Official Bonds. Vacancies, How Filled. Office Board. In each district organized as herein provided an election shall be held on the first Tuesday in February of each odd numbered year, after the organization of the district, at which directors for the district, as provided in section 5 of this act, shall be elected to fill the offices of the directors whose terms of office shall then expire, in accordance with the provisions of this act. Vacancies occurring in the board of directors, by reason of death, resignation or otherwise, shall be filled by appointment by the supervisors of the county where such district is organized. A director so appointed shall hold such office for the unexpired term of his predecessor. The person receiving the highest number of votes for the office to be filled at such election is elected thereto. Within ten days after receiving their respective certificates of election, or notice of appointment,

Vacancies

Oaths and
bonds.

each person who shall be elected or appointed to the office of director shall qualify as such by taking and subscribing an official oath and filing a bond as herein provided. Each director shall execute an official bond in the sum of one thousand dollars which shall be approved by the judge of the

superior court of the county where the organization of the district was effected, and shall be recorded in the office of the county recorder of such county, and then, together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers.

SEC. 13. Organization After Election. Term of Office. On the first Tuesday in March next following the election, the directors shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board. The full term of office of directors is hereby fixed at four years. The office of the board of directors of any such district may be established by said board of directors at some proper and convenient place within or near the district, but after the office is once established, it shall not be changed without giving notice thereof by posting in three public places in the district and by publishing a similar notice for thirty days in some newspaper of general circulation published in the county where such district is organized.

Reorganiza-
tion of
board.

SEC. 14. Appointment of Election Board. Notice of Election. Ballots. Conduct of Election. At a meeting of the board of directors of the district, to be held not less than twenty days before the time for any biennial election of officers, the board shall divide the district into convenient election precincts, appoint election boards, and do all things (applicable thereto) for the holding of such election, in the manner herein required to be done by the board of supervisors for the holding of an election on the question of formation of district. The clerk of the board of directors shall cause notice of such election to be given by having such notice published and posted in the manner required by this act for giving notice of election on formation of district, excepting that the notice shall be published once a week for not less than two weeks and posted for not less than fifteen days prior to the election. A notice shall also be posted in a conspicuous place in the office of the board of directors. Such notice shall designate the directors to be elected, the term for which each is to be elected, the respective election precincts and the polling place in each, the election officers, the time of the election and the hours during which the polls will be kept open. No particular form of ballot shall be required to be used. The clerk shall, however, furnish ballots which shall contain the names of the candidates for the offices who shall be endorsed by petition signed as hereinbefore provided and filed with the clerk of the board of directors within seven days after the first publication of the notice of election. The ballot shall contain as many blank spaces as there are directors to be elected. The election shall be conducted in the manner herein required for the conduct of elections on the formation of districts.

Biennial
elections.

SEC. 15. Election Returns. As soon as all the votes are read off and counted, a certificate shall be drawn up on each

Election
returns

of the papers containing the poll lists and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the election officers. One of said certificates with the poll list and the tally paper to which it is attached shall be retained by the inspector, and preserved by him at least six months. The ballots shall be strung upon a cord or thread by the inspector during the counting thereof in the order in which they are entered upon the tally list by the clerks; and said ballots together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges and clerks and endorsed "election returns of (naming the precinct) precinct" and be directed to the secretary of the board of directors and shall be immediately delivered by the inspector, or by some other safe and responsible carrier designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six months, and if any person be of the opinion that the vote of any precinct has not been correctly counted he may appear on the day appointed for the board of directors to open and canvass the returns and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

Canvass of
returns.

SEC. 16. Canvass of Returns. No list, tally paper, or certificate from any election, shall be set aside or rejected for want of form if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns. If, at the time of the meeting, the returns of each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and determining the vote of the district for each person voted for and declaring the result thereof.

Record of
result.

SEC. 17. Statement of Results. The secretary of the board of directors must, as soon as the result is declared, enter in the records of the board a statement of such result, which statement must show: (a) the whole number of votes cast in the district and in each precinct thereof if there be more than one precinct; (b) the names of the persons voted for; (c) the office to fill which each person was voted for; (d) the number of votes given in each precinct to each of said persons; (e) the number of votes given in each division for the office of director. The board of directors must declare elected the persons having the highest number of votes given for each office. The secretary must immediately make out and deliver to each of such persons a certificate of election, signed by him and authenticated with the seal of the board.

Certificates
of election.

SEC. 18. Number of Directors May Be Changed. At any time not less than sixty days before a general election of a district organized under this act, the owners of more than one-half of the acres of land comprising the district (to be determined from the next preceding assessment rolls of the county or counties in which the lands of the district are situate) may present a petition to the board of directors of the district petitioning said board to change the number of divisions in the district and the number of directors, or to change the manner of electing the directors. Thereupon the board may order that, on and after the next ensuing general election for the district, there shall be either three or five or seven directors, as said board may order pursuant to said petition, and that said directors shall be elected by the district at large or by divisions, as so petitioned and ordered; and that at said next election, and thereafter, the directors shall be so elected. At the first election after the making of such order, a full board of directors shall be elected in accordance with such order, to succeed the electors then in office, and upon the qualification (in the manner hereinbefore provided) of the directors so elected, they shall classify themselves by lot and hold office in the manner and for the terms as herein provided for the directors elected at the time of the formation of the district.

Change in
number of
directors.

SEC. 19. Meetings. Financial Statement. The board of directors shall hold regular meetings in their office on the first Tuesday in March, June, September and December, and such special meetings as may be required for the proper transaction of business; *provided*, that all special meetings must be ordered by a majority of the members of the board by an order, to be entered in the minutes, specifying the business to be transacted. Three days' notice to any member not joining in the order must be given by the secretary, by mailing same to him at his last address, and only the business specified in the order must be transacted at such special meeting. All meetings of the board must be public, and a majority of members shall constitute a quorum for the transaction of business. A minute of all proceedings of the board shall be kept by the secretary, and all records of the board shall be open to public inspection during business hours. The board of directors shall, on the first Tuesday in March of each year, make and render, a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Such statement shall be placed on file in the office of the district and be opened to public inspection during office hours.

Meetings.

Annual
financial
statement.

SEC. 20. Powers and Duties of Board of Directors. The board of directors shall have the power and it shall be its duty to manage and conduct the business and affairs of the district; to make and execute all necessary contracts; to adopt a seal for the district to be used in the attestation of proper

Powers and
duties of
board.

documents; to provide for the payment, from the proper fund, of all the debts and just claims against the district; to cause such work to be done and to acquire such property as it shall deem necessary or advisable to accomplish the purposes of the district, and to estimate the cost thereof, together with rights of way for the purpose of ingress to and egress from the works of the district; to appoint and employ such engineer or engineers and such attorney or attorneys as the board may deem necessary or advisable to accomplish the purposes of the district; to employ and hire such men, teams, tools, implements, machinery and equipment as the board of directors may deem expedient or advisable to perform the work which it shall deem necessary or advisable to accomplish the purposes of the district; and generally may perform all acts as shall be necessary to fully carry out the purposes of this act.

Limitation on Powers of Directors. *Provided, however,* that the powers of this act vested in the board of directors are vested subject to the conditions, restrictions and limitations imposed by the act of the State of California creating the water commission of the state, and subject to the powers therein vested in the said water commission.

Allowance of claims.

SEC. 21. When Claims Shall Be Allowed. No claim shall be paid by the treasurer until allowed by the board of directors, and only upon a warrant of the county auditor drawn upon an order signed by the president and countersigned by the secretary of the board of directors.

Compensation of directors.

SEC. 22. Per Diem of Directors. Each member of the board of directors shall receive \$10 for each day's attendance at the meetings of the board and actual and necessary expenses and a per diem not exceeding \$10 per day, while engaged in official business under the order of the board.

Interest in contracts.

SEC. 23. Must Not Be Interested in Contract. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding \$500 or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Debt limitations.

SEC. 24. Restrictions of Power. The board of directors shall have no power to incur any debt or liability whatever, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void; except that, for the purposes of organization, or for any of the purposes of this act, the board of directors may incur, before the collection of the first assessment, an indebtedness not exceeding in the aggregate an amount equivalent to twenty-five cents for each acre of

land in the district, and may cause warrants of the district to issue therefor bearing interest at seven per cent per annum from date of issue until the treasurer shall have available funds for payment thereof. The expenses of organization, including the fees of attorneys and others employed to conduct the organization proceedings, shall be deemed to be a charge upon the district, and be payable by the district.

SEC. 25. Change of Boundaries of Divisions. The board of directors, when it deems it advisable or for the best interests of the district and for the convenience of the electors thereof, may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of the divisions of the district; *provided*, such changes shall be made to keep each division as nearly equal in area as may be practicable. Such changes of boundaries of the divisions must be shown on the minutes of the board. Before any such change of the boundaries of the divisions shall be made, the board of directors shall give notice of its intention to make a change or changes therein. Such notice shall specify, in a general way, the changes which the board proposes to make and a time and place at which any owner of land in the district may appear before the board and object to the making of the proposed change or changes, or petition that a change be made otherwise than as proposed, and at which the board will hear any such objection or petition. Such notice shall be published at least once a week for two weeks, before the time appointed for the hearing, in some newspaper or newspapers published in each of the counties in which any part of the district is situated. At the time and place appointed for such hearing, or at the time and place to which such hearing may be adjourned, the board shall hear all such objections and petitions which may be presented to the board, and, thereupon, the board may make such change or changes in the boundaries of the divisions as it may determine to be for the best interests of the district.

Change of
division
boundaries.

SEC. 26. Condemnation Proceedings. In case of condemnation proceedings, the board shall proceed in the name of the district, under the provisions of Title VII part III, of the Code of Civil Procedure of this state, which said provisions are hereby made applicable for that purpose, and it is hereby declared that the use of the property which may be condemned, taken or appropriated under the provisions of this act, is a public use, subject to regulation and control of the state in the manner prescribed by law.

Condemna-
tion
proceedings

SEC. 27. Title to Property Shall Vest in District. The legal title to all property acquired by the district under the provisions of this act shall immediately and by operation of law vest in such district, and shall be held by such district in trust for and as hereby dedicated and set apart for the uses and purposes set forth in this act. And said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property as herein provided. The

Title to
district
property.

said board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this act, in the name of such water conservation district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act, or acquired in pursuance thereof. And in all courts, actions, suits or proceedings the said board may sue, appear and defend in person or by attorneys, and in the name of such water conservation district.

Annual
estimate
of moneys
needed.

SEC. 28. Directors Shall Furnish Estimates of Moneys Needed. The board of directors must, on or before the fifteenth day of August of each year, furnish the board of supervisors and the auditor of the county wherein the district is situated, or if such district is not entirely within one county, then, as hereinafter provided, to the supervisors and auditors of each county in which any portion of the district is situated, an estimate in writing of the amount of money needed for the purposes of the district for the ensuing fiscal year. This amount must be sufficient to raise a sum of money which shall be sufficient to pay the incidental expenses of the district, and the cost of the work of spreading and sinking waters which the board of directors may deem advisable to be done during the ensuing year, the estimated cost of repairs to and maintenance of any property or works of the district, the estimated amount necessary for the payment of the costs of any action or proceeding which may be taken by the district, including the cost of employment of attorneys and engineers; and such estimates may also include such an amount as the board of directors may deem advisable to expend in the acquisition or construction of settling basins, wells and other works for the spreading and sinking of waters, together with necessary rights of way for use of same; *provided, however*, the tax levied during any year for the raising of said funds shall not exceed one and one-half mills on each one hundred cents of the assessed values of the lands within the district, together with the improvements thereon, according to the last assessment rolls.

Tax limit

District in
more than
one county.

SEC. 29. When District is in More than One County. When a district is in more than one county the total estimate as provided for in the preceding section shall be divided by the board of directors in proportion to the value of the real property of the district in each county, with the improvements thereon. This value must be determined from the equalized values of the last assessment rolls of such counties, as revised by said board of supervisors. When such division of the estimate has been made, the board shall furnish the supervisors and auditors of the respective counties a written statement of the part of the estimate apportioned to that county.

SEC. 30. Water Conservation District Tax Levy. The board of supervisors of each county wherein is situated a district, or any part thereof, organized under the provisions of this act, must, annually, at the time of levying county taxes, levy a tax to be known as the "----- (name of district) Water Conservation District Tax," sufficient to raise the amount reported to them as herein provided by the board of directors. The supervisors must determine the rate of such tax by deducting fifteen per cent for anticipated delinquencies from the total assessed value of the real property in the district within the county, including improvements thereon, as it appears on the assessment roll of the county, and then dividing the sum reported by the board of directors, as required to be raised, by the remainder of such total assessed value; *provided*, that if a fraction of a cent occur on a valuation of one hundred dollars, it shall be taken as a full cent. If the rate thus determined should be in excess of one and one-half mills on each one hundred cents of such assessed values, the board of supervisors shall then levy a tax of one and one-half mills upon each one hundred cents of such assessed values.

Tax levy.

SEC. 31. Duty of Auditor. The tax so levied shall be computed and entered on the assessment roll by the county auditor, and if the supervisors fail to levy the tax as provided in the preceding section, then the auditor must do so. Such tax shall be collected at the same time and in the same manner as state and county taxes, and when collected shall be paid into the county treasury for the use of said district.

Duty of auditor.

SEC. 32. General Revenue Laws Govern. The provisions of the Political Code of this state, prescribing the manner of levying and collecting taxes and the duties of the several county officers with respect thereto, are, so far as they are applicable and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Said officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

General revenue laws govern.

SEC. 33. What Treasury Shall be Repository. If the district is in more than one county, the treasury of the county where the district was organized shall be the repository of all the funds of the district. For this purpose, the treasurers of any other counties wherein is situated a portion of said district, must, at any time, not oftener than twice a year, upon the order of the board of directors, settle with said board and pay over to the treasurer of the county where the district was organized all monies in their possession belonging to the district. Said last named treasurer is authorized and required to receive and receipt for the same, and to place the same to the credit of the district. He shall be responsible upon his official bond for the safe keeping and disbursement, in the manner herein provided, of these and all monies of the district held by him.

District repository.

Treasurer's
duties.

SEC. 34. Treasurer's Reports. The treasurer shall pay out the monies of the district only upon warrants of the county auditor, drawn upon order of the board of directors signed by the president and attested by the secretary. The treasurer shall report in writing at each regular meeting of the board of directors and as often thereafter as requested by the board the amount of money on hand, the amount of receipts since his last report, and the amounts paid out; such reports shall be verified and filed with the secretary of the board.

Special
elections.

SEC. 35. May Call Special Elections. The board of directors, by a vote of two-thirds of the whole number of directors, may at any time, when in their judgment it may be deemed advisable, call a special election, and submit to the qualified electors of the district the question, whether or not a special assessment shall be levied, in addition to the tax herein provided for, for the purpose of raising money to be applied to any of the purposes provided in this act. Such election must be called upon a notice prescribed and the same shall be held and the results thereof determined and declared in all respects in conformity with the provisions of this act governing the biennial elections of directors. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used. At such elections the ballots shall contain the words "Assessment—Yes" or "Assessment—No". If a majority of the votes cast are "Assessment—Yes", the board shall proceed in the manner hereinbefore prescribed for raising the annual funds by taxation. When collected, the money shall be paid into the district treasury for the purposes set forth in the notice of such special election. Such special assessment shall not exceed, in any case, three mills upon each one hundred cents of the assessed values of the lands and improvements thereon situate within the district, according to the last preceding assessment roll or rolls. If the money raised by any such special assessment shall exceed the amount necessary to be expended for the purpose for which it was levied, the excess shall be transferred to the general fund of the district and may be used for any purpose of the district.

Change of
district
boundaries.

SEC. 36. Boundaries May Be Changed. The boundaries of any water conservation district organized under this act may be changed, and tracts of land, which were included within the boundaries of such district at or after its organization, may be excluded therefrom, or tracts of land may be included within the district, in the manner herein prescribed.

Petition for
changes.

SEC. 37. Petition for Change of Boundaries. Notice of Hearing. The owner or owners of any tract or tracts of land which constitute a portion of any such district may file with the board of supervisors of the county in which the district was organized a petition praying that such tract or tracts of land, or some defined portion thereof, may be excluded from

the district, and the owner or owners of any tract or tracts of land, which, in their judgment, would be benefited by being included within the boundaries of any such district, may file with such board of supervisors a petition to have such tract or tracts of land, or a defined portion thereof, included therein. Such petition shall contain a description of the lands which the petitioner or petitioners desire to have excluded from or included with the district, and shall designate the owner or owners of the respective parcels of such lands. Thereupon the boards of supervisors shall set a time for the hearing on such petition, which shall be the next regular meeting of the board after the full publication of the notice thereof hereinafter required, and shall cause the clerk of said board of supervisors to give notice of such hearing by publishing such notice once a week for at least two weeks, prior to the hearing, in some newspaper or newspapers of general circulation published in each of the counties in which any portion of such district is situated. If no newspaper be published in either of such counties then such notice shall be posted for the same length of time in at least three public places in the portion of the district situate within the county wherein no newspaper is published and be published as aforesaid in the remaining counties in which the district is situated. Such notice shall state the filing of the petition, the names of the petitioners, a description of the lands mentioned in the petition and, substantially, the prayer of the petition, and the time of the hearing; and it shall notify all persons, interested in, or who may be affected by, such a change in the boundaries of the district, to appear at the office of said board of supervisors at the time of the hearing, and show cause in writing, if any they have, why the change of the boundaries of the district, as proposed in the petition, should not be made.

Notice of
hearing

SEC. 38. Hearing of Petition. The board of supervisors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all evidence and proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. The failure of any person interested in said district to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from or included in the district, shall be deemed and taken as an assent by him to the exclusion or inclusion of such tract or tracts of land, or any part thereof, from or in said district; and the filing of such petition with said board, as aforesaid, shall be deemed and taken as an assent by each and all petitioners to the exclusion from such district or inclusion therein of the lands mentioned in the petition, or of any part or parts thereof. The expenses of giving said

Hearing of
petition.

notice and all expenses of the proceedings for changing the boundaries of the district shall be paid by the person or persons filing such petition. And the board of supervisors may require such security for the payment of such expenses at it may deem proper.

Action on
petition.

SEC. 39. Board May Deny Petition or May Grant It in Whole or in Part. If, upon the hearing of any such petition, no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain such petition, or if the board of supervisors deem it not for the best interests of the district that the lands, mentioned in the petition, or some portion thereof, should be excluded from the district, or included therein, as the case may be, the board shall order that said petition be denied as to such lands; but if the said board deem it for the best interests of the district that the lands mentioned in the petition, or some portion thereof, be excluded from or included within the district, and, if no person interested in the district show cause in writing why the said lands, or some portion thereof, should not be excluded from or included within the district, or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the lands mentioned and described in the petition, or some defined portion or portions thereof, as the board may deem proper, be excluded from said district, or included therein, pursuant to the prayer of the petition.

Record of
change of
boundaries

SEC. 40. Change of Boundaries Shall Be Recorded. In the event said board of supervisors shall exclude any lands from said district, or include any lands therein, upon petition therefor, it shall be the duty of the board of supervisors to make its order, to be entered in the minutes of the board, describing the boundaries of the district, or the territory comprising same, as modified, and, in the case of the inclusion of any lands, shall designate the division or divisions of the district (if it be then divided into divisions) of which the included lands shall become and be a part; and for that purpose the board of supervisors may cause a survey to be made of such portions of the district as the board may deem necessary; and a certified copy of the entry in the minutes of the board, excluding or including any land, certified by the clerk of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district, and shall also be filed with the clerk of the board of directors of the district; and thereafter the boundaries of the district and the territory comprising the same shall be according to such order; but such district, notwithstanding such exclusion or inclusion, shall be and remain a water conservation district as fully to every intent and purpose as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a

portion of the district, or the lands included therein had been so included at the time of the organization of the district. Nothing herein provided shall operate, in any manner, to release any of the land so excluded from the district from any obligation to pay any tax or assessment levied against said land, for the purposes of the district, prior to the making of the order of exclusion, but said land shall remain liable therefor the same as if no order of exclusion had been made; but any land so excluded shall not be held liable or chargeable for any obligation of any nature or kind which may be incurred by the district after the making of such order of exclusion. Before making any order including any land in the district, the board of supervisors may require, as a condition precedent thereto, that the petitioners shall pay to the district such respective sums as will, in the judgment of the board, be equitable in consideration of the benefits to the petitioners by the inclusion of the lands within the district.

Liability of
excluded
lands.

SEC. 41. Dissolution of District. Special Election. Any such district may be dissolved by the board of supervisors in the county in which it is organized in the manner following: Upon receiving a petition signed by fifty owners of land within the district, or by the owners of one-half of the lands comprising the district, requesting the dissolution of the district, the board of supervisors shall publish a notice once a week for two weeks in some newspaper in the county in which the district was organized, and also in each county in which any part of the district lies, giving notice that such petition has been filed with said board of supervisors, and that the board will hear said petition, and all objections thereto, at the next regular meeting of said board after the expiration of the time of publishing said notice (specifying the date), and directing all persons interested therein to show cause at such time, if any they have, why such district should not be dissolved. At the time appointed for such hearing, or at any time to which the same may be adjourned, the board of supervisors shall hear and pass upon said petition, and may grant or deny the same, and, if its decision shall be against the dissolution of the district, such decision shall be final and conclusive.

Dissolution
of district

If such petition be granted, the board of supervisors shall, by resolution, provide for and order the holding of a special election in such district, and shall submit to the qualified electors of the district the proposition whether or not the district shall be dissolved. The resolution shall recite the filing of the petition for dissolution, and the approval of the same by the board of supervisors, and fix a time for the holding of such election. Such election shall be noticed, conducted, and the returns thereof made and canvassed, in the same manner as is provided in this act for the election upon the question whether or not the district should be organized, excepting that the ballots to be used at said election shall contain the

Special
election

words, "Dissolution of District—Yes" or "Dissolution of District—No," or words equivalent thereto. If votes representing sixty per cent of the total number of acres of land in the district are cast in favor of the dissolution of such district, then the board of supervisors shall enter an order to that effect upon its minutes, declaring such district dissolved, and upon the entry of such order said district shall be dissolved; *provided, however*, if there shall be any outstanding indebtedness of such district, at the time of the dissolution thereof, the board of supervisors shall levy taxes for the payment of such indebtedness in like manner as though such district had not been dissolved, until all such indebtedness shall be fully paid, and shall cause such obligations to be paid according to their tenor out of the moneys raised from such taxes.

Disposition
of district
property.

Upon the dissolution of any such district, any and all real property belonging to the district, shall become and be the property of the county in which the same is situate; and the personal property belonging to the district shall be sold by the board of supervisors of the county in which the district was organized, and the proceeds from such sale, together with all moneys of the district, remaining after the payment of all of the obligations of the district, shall be paid into the general funds of the counties in which any part of the district lies in the same proportions that the assessed values of the lands and improvements thereon (according to the last assessment rolls) within the district in each of said counties bear one to the other.

Construction.

SEC. 42. Construction of Act. This act shall be liberally construed to carry out the purposes and intent hereof.

Constitutionality.

SEC. 43. Constitutionality. In case any section or sections, or a part of any section, of this act shall be found to be unconstitutional, the remainder of the act shall not be invalidated thereby, but shall remain in full force and effect.

Alternative
act.

SEC. 44. Alternative Act. All existing laws of the state, and parts of laws, relating to water conservation, or subjects of which this act treats, shall not be affected in any other way by this act, but this act shall be treated as, and shall be in effect, an alternative act thereto.

Short title.

SEC. 45. Title. This act may be known and cited as the "Water conservation act of 1927."

CHAPTER 92.

An act to amend section twenty-four of an act entitled "An act to regulate the examination of applicants for license and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and

duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, as amended.

[Approved by the Governor April 11, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 24 of an act entitled "An act to regulate the examination of applicants for license and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties, and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, as amended, is hereby amended to read as follows:

Stats. 1917,
p 115,
amended.

Sec. 24. This act when referred to, cited or amended may be designated as the state medical practice act, and for a violation of any provision of this act, the said violator shall be guilty of a misdemeanor, unless otherwise specifically provided in this act, and shall be punished by a fine of not less than one hundred dollars nor more than six hundred dollars or by imprisonment for a term of not less than sixty days nor more than one hundred and eighty days or by both such fine and imprisonment. The fines or forfeitures of bail in any case wherein any person is charged with a violation of the provisions of this act shall be paid upon the collection by the proper officer of the court seventy-five per cent thereof to the state treasurer to be deposited to the credit of the contingent fund of the board of medical examiners; *provided*, that all fines and forfeitures of bail wherein any person is charged with a violation of the provisions of this act of which the board of osteopathic examiners of the State of California has jurisdiction, shall be paid upon the collection by the proper officer of the court seventy-five per cent thereof to the state treasurer to be deposited to the credit of the contingent fund of the said board of osteopathic examiners and such payment to said treasurer shall be made without

Short title.

Penalties.

Disposition
of fines

placing such fine or forfeiture of bail in any special or contingent or general fund of any county, city and county, city, or township. The balance or twenty-five per cent of such fines or forfeitures of bail shall be paid to the county wherein the case is pending.

CHAPTER 93.

An act to amend section one of an act entitled "An act providing for topographic surveys and investigations of the water resources of the state and making an appropriation therefor," approved April 22, 1909.

[Approved by the Governor April 11, 1927. In effect July 29, 1927.]

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

Stats. 1909,
p 1079,
amended.

SECTION 1. Section 1 of an act entitled "An act providing for topographic surveys and investigations of the water resources of the state and making an appropriation therefor," approved April 22, 1909, is hereby amended to read as follows:

Water
resource
surveys,
etc.

Section 1. The department of engineering is hereby empowered to carry on topographic surveys and investigations into matters pertaining to the water resources of the state along the lines of hydrography, hydro-economics and the use and distribution of water for agricultural purposes, and to that end, where possible and to the best interest of the state, shall enter into contracts for cooperation with the different departments of the federal government in such amounts as may be an equitable and necessary division of the work. The state engineer, with the consent of the governor, may maintain and continue such investigations where there is available money not covered by cooperation contract.

CHAPTER 94.

An act to repeal an act entitled "An act to provide for the collection, compilation and publication of agricultural and other industrial statistics for the State of California, and making an appropriation therefor," approved April 25, 1911.

[Approved by the Governor April 11, 1927. In effect July 29, 1927.]

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

Stats. 1911,
p 1108,
repealed.

SECTION 1. An act entitled "An act to provide for the collection, compilation and publication of agricultural and other industrial statistics for the State of California, and making an appropriation therefor," approved April 25, 1911, is hereby repealed.

CHAPTER 95.

An act to amend section eight hundred fifty-two a of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, by providing that the electors of cities of the sixth class may, by majority vote, adopt either the commission or city manager plan of government; also that they may abolish the same by a like vote.

[Approved by the Governor April 11, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 852a of "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, is hereby amended to read as follows: Stats. 1911,
p. 844,
amended.

Sec. 852a. The board of trustees may at any time submit to the electors at any municipal or at any special election to be held for that purpose, an ordinance to divide the administration of the municipality into five departments and provide for the assignment of its several members to be the heads of such respective departments and to be appointed as the commissioners of such respective departments; *provided*, that if a department of public health be created the commissioner in charge may be given the powers and duties of the municipal board of health, and such health board be thereby abolished. Such ordinances shall define the duties, powers and responsibilities of each commissioner and may require such commissioner to devote a specified number of hours of each business day to the performance of such duties, in which event such commissioner may receive a compensation, the amount of same to be fixed by said ordinance. The board may, by majority vote, subject to the provisions of this section, assign its several members to be and appoint them as the respective commissioners of such several departments and may by like vote from time to time change such assignment and appointment. It may assign employees to one or more departments, and may make such other rules and regulations as may be necessary or proper to the efficient and economical conduct of the business of the municipality. The substance of the ordinance so proposed shall be printed on the ballots used at such election substantially as follows: "Shall the administration of the municipality be divided into five departments as follows:" (Insert the five departments of government proposed and briefly designate the powers and duties conferred upon each and the compensation each commissioner or head of department shall receive.) "Yes" and "No" so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elections, and if it appears that a majority of the votes Commission
form of
government.

cast at such election were in favor of the ordinance, such ordinance shall take effect and be in force on the tenth day thereafter.

City
manager.

The board of trustees may at any time submit to the electors at any municipal or special election, an ordinance providing for the establishment of the city manager form of government. Such ordinance shall define the powers and duties of the manager and may fix his compensation or amount of the minimum thereof. The substance of the ordinance so proposed shall be printed on the ballots used at such election substantially as follows: "Shall the city adopt the city manager form of government?" with the words "Yes" and "No" printed in connection therewith so that the voters may vote for or against such question. The returns of the election shall be canvassed and declared as at other municipal elections, and if it appears that a majority of the votes cast at such election were in favor of the ordinance, the same shall go into full force and effect on the tenth day thereafter. Thereupon the board of trustees shall, within sixty days thereafter, appoint a city manager, who need not be a resident of the city at the time of his appointment. Upon his appointment the terms of the other subordinate officers theretofore appointed by the board of trustees shall cease unless they be reappointed by the manager, who shall have the power to appoint and dismiss the marshal, recorder and other subordinate officers except the clerk, attorney, and treasurer.

Initiative.

Abolishment

The ordinances provided for in this section may be submitted directly by the people under the general laws providing for exercise of the initiative. Any city adopting the commission plan or city manager plan of government as herein authorized may, by subsequent vote of the electors, abolish the same in the like manner as herein provided for their adoption.

CHAPTER 96.

An act to amend section four of an act entitled "An act to create a fund to be known as the United States forest reserve fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of the expenditure by the counties of the moneys so paid," approved March 18, 1907, as amended, relating to apportionment of unapportioned funds.

[Approved by the Governor April 11, 1927. In effect July 29, 1927.]

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

Stats 1907,
p 346,
amended.

SECTION 1. Section 4 of an act entitled "An act to create a fund to be known as the United States forest reserve fund

and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of the expenditure by the counties of the moneys so paid," approved March 18, 1907, as amended is hereby amended to read as follows:

Sec. 4. It shall be the duty of the county auditor of any county receiving a payment of money under the provisions of this act, immediately to apportion such money by placing fifty per cent thereof to the credit of the unapportioned county school fund of such county, and fifty per cent to the credit of the general road fund. The money thus added to the unapportioned county school fund shall be apportioned by the county superintendent of schools in the same manner as other county school fund moneys, and the moneys so added to the county general road fund shall be used for the same purposes as other general road fund moneys; *provided, however*, that fifty per cent of the money thus apportioned to the credit of the unapportioned county school fund shall upon the request of the county superintendent of schools be transferred to a fund to be known as the forest reserve school fund; which shall be used by the county superintendent of schools for the benefit of school districts of such county lying within or adjacent to the United States forest reserve, such fund being available for any purpose for which county funds may be spent.

County
auditor to
apportion
money

CHAPTER 97.

An act to confirm a lease executed by the city of Richmond.

[Approved by the Governor April 11, 1927. In effect July 29, 1927.]

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

SECTION 1. That certain lease executed by and between the city of Richmond and the Parr Terminal Company under date of October 18, 1926, the original of which is on file in the office of the city clerk of the city of Richmond, a municipal corporation of the State of California, and the action of said city of Richmond in making, executing and delivering the same, in so far as the State of California has any right or interest in or to the lands described therein, are hereby approved, ratified and confirmed.

Validation
of lease
to Parr
Terminal Co.

CHAPTER 98.

An act to validate bonds issued under drainage district improvement act of 1919 and all proceedings relative thereto.

[Approved by the Governor April 12, 1927. In effect July 29, 1927.]

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

Validation
of drainage
district
bonds.

SECTION 1. All proceedings heretofore taken and had under the act approved May 18, 1919, as amended, and commonly known and described as "Drainage district improvement act of 1919," for issuing bonds, all acts and proceedings of the board of supervisors of the county or counties in which such districts are situated and all of the acts of public officers in connection therewith leading up to and including the issuance of such bonds as have hitherto been issued, are hereby legalized, ratified, confirmed and validated to all intents and purposes, and the power to issue such bonds is hereby acknowledged, granted, ratified, confirmed and declared, and the said bonds are declared to be and shall be legal and binding obligations against the lands in the districts in which such bonds have heretofore been issued.

Exceptions.

SEC. 2. This act shall not operate to validate or confirm the bonds of any drainage improvement district or any proceedings in relation thereto where the legality of such bonds or proceedings is questioned or contested in any litigation pending and undetermined at the time of the passage of this act.

CHAPTER 99.

An act to amend the California irrigation district act by amending sections thirteen, nineteen, nineteen b, twenty-two b and twenty-five thereof.

[Approved by the Governor April 12, 1927. In effect July 29, 1927.]

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

Stats 1921,
p. 859,
amended
Organization
of board of
directors.

SECTION 1. Section 13 of the California irrigation district act is hereby amended so as to read as follows:

Sec. 13. The directors of any district created after the passage of this act, on the first Tuesday after they have been elected and after they shall have qualified, shall meet and classify themselves by lot into two classes as nearly equal in number as possible, and the term of office of the class having the least number shall expire at noon on the first Tuesday in March of the next odd-numbered year after the year in which said meeting is held, and the term of office of the class having the greater number shall expire at noon on the first Tuesday in March of the second odd-numbered year after the year in which said meeting is held. After such classification, said directors

shall organize as a board, shall elect a president from their number, and appoint a secretary, who shall each hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors.

SEC. 2. Section 19 of said California irrigation district act is hereby amended so as to read as follows:

Stats 1917,
p. 759,
amended.

Sec. 19. An election, which shall be known as the general irrigation district election, shall be held in each irrigation district on the first Wednesday in February in each odd-numbered year, at which a successor shall be chosen to each officer whose term will expire in March next thereafter. The person receiving the highest number of votes for each office to be filled at such election shall be elected thereto. The elective officers of an irrigation district shall be as many directors as there are divisions in the district, and an assessor, a collector and a treasurer; *provided*, that if any two or more offices shall have been consolidated as provided in section 7 or section 27 hereof, only one person shall be elected to fill such consolidated offices. The term of office of each elective officer of an irrigation district shall be four years, except as provided in section 13 of this act and except that the terms of office of the assessor, collector, and treasurer elected at the time of the organization of any district shall expire at the same time as the terms of the directors of the class having the greater number as provided in said section 13, but the expiration of the term of any officer shall not create a vacancy in his office, but he shall hold office until his successor shall have qualified.

Election of
district
officers.

SEC. 3. Section 19^b of said California irrigation district act is hereby amended so as to read as follows:

Stats 1917,
p. 760,
amended.

Sec. 19^b. If an election is not held as herein provided, then upon the filing of a petition with the secretary of the board of directors of such district, signed by ten per cent of the electors residing within the boundaries of any such irrigation district, requesting that a special election be called for the election of such officers, the directors of such district shall thereupon call a special election thereof for the election of such officers, such election to be held within not less than fifteen, nor more than thirty days after the filing of such petition. The officers elected at such special election shall each take office as soon as they shall have been declared elected and shall have qualified.

If election
be not
held.

SEC. 4. Section 22^b of said California irrigation district act is hereby amended so as to read as follows:

Stats 1909,
p. 1063,
amended.

Sec. 22^b. Not less than fifteen days before the election, any ten or more electors in the district may file with the board of directors a petition, requesting that certain persons, specified in such petition be placed on the ballot as candidates for the office named in the petition. The names proposed by the various petitions so filed, and no others, shall be printed on

Nominations

the ballots, but there shall be sufficient blank spaces left in which electors may write other names if they so desire. The petitions shall be preserved in the office of the secretary of the district.

Stats 1897,
p 262,
amended
Record of
result

SEC. 5. Section 25 of said California irrigation district act is hereby amended so as to read as follows:

Sec. 25. The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show: (a) The whole number of votes cast in the district, and in each division of the district; (b) the names of the persons voted for; (c) the office to fill which each person was voted for; (d) the number of votes given in each precinct to each of such persons; (e) the number of votes given in each division for the office of director, and the number of votes given in the district for the offices of assessor, collector, and treasurer. The board of directors must declare elected the persons having the highest number of votes given for each office. The secretary must immediately make out and deliver to such person a certificate of election, signed by him, and authenticated with the seal of the board.

Certificates
of election.

Vacancies.

In case of a vacancy in the office of assessor, collector, or treasurer, the vacancy shall be filled by appointment of the board of directors; *provided*, that if said board of directors shall neglect or refuse to make such appointment within a period of forty days, then the board of supervisors of the county wherein the office of said board of directors is situated shall make such appointment. In case of a vacancy in the office of director, the vacancy shall be filled by appointment by the board of supervisors of the county where the office of such board of directors is situated, from the division in which the vacancy occurred. An appointment to fill a vacancy as above provided shall be for the unexpired term of the office in which the vacancy existed.

CHAPTER 100.

An act to amend the California irrigation district act, approved March 31, 1897, as amended, by adding a section thereto to be designated as section twenty-seven b, relating to the deposit of funds of irrigation districts in banks, the receiving of interest thereon, and the taking of security for the safe-keeping thereof.

[Approved by the Governor April 12, 1927. In effect July 29, 1927.]

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

Stats 1897,
p 262,
amended

SECTION 1. A new section is hereby added to the California irrigation district act, approved March 31, 1897, as amended, to be numbered section 27b, and to read as follows:

Deposit
of funds.

Sec. 27b. Any money belonging to any irrigation district organized or existing under this act may be deposited by the

treasurer or any officer of such district having legal custody of such money in any state or national bank or banks in this state, and said district shall receive such rate of interest therefor, as may be agreed upon by the officer making such deposit and said bank or banks. Such treasurer or other officer shall require such bank or banks in which such money is deposited to furnish as security for such deposits, bonds of the United States, or of this state or of any county, municipality, school district, or irrigation district within this state that are legal investments for savings banks of this state, the market value of which bonds shall at all times be at least ten per cent in excess of the amount of the deposits secured thereby; or in lieu of such bonds such treasurer or said other officers shall be entitled to take as security for such funds so deposited, depositary bonds duly executed and delivered by a surety company duly authorized to do business in the State of California, which depositary bonds shall be and remain in an amount not less than the amount of the funds so deposited and held in said bank or banks. The cost of such depositary bond or bonds may be borne by the district. Such treasurer or said other officers shall not be responsible for any loss of public moneys resulting from the deposit thereof in banks when made in accordance with the provisions of this section.

Security

Responsibility of officers

CHAPTER 101.

An act to amend the California irrigation district act, approved March 31, 1897, as amended, by amending sections forty-four, forty-seven and forty-seven and one-half thereof, relating to the rights of the owner of real property upon assessment sale and the sale of such real property and the rights of the purchaser thereof and the redemption of property sold at delinquent assessment sale.

[Approved by the Governor April 12, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 44 of the California irrigation district act, approved March 31, 1897, as amended, is hereby amended to read as follows:

Stats 1925,
p 429,
amended

Sec. 44. The owner or person in possession of any real estate offered for sale for assessments due thereon may designate, in writing, to the collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the collector may designate it and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessments and costs due, including two dollars for the duplicate certificate

Rights of
owner of
realty

Resale on
default in
payment.

of sale, is the purchaser. If the purchaser does not pay the assessments and costs before ten o'clock a.m. the following day, the property on the next sale day must be resold for the assessments and costs. But in case there is no purchaser in good faith for the same on the first day that the property is offered for sale, then, when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the irrigation district within which such lands are situated, as the purchaser, and the duplicate certificate delivered to the treasurer of the district, and filed by him in his office. No charge shall be made for the duplicate certificate where the district is the purchaser, and, in such case, the collector shall make an entry, "sold to the district" and he shall be credited with the amount thereof in his settlement. An irrigation district as a purchaser at such sale, shall be entitled to the same rights as a private purchaser, and the district as such purchaser may sell, assign and transfer such certificate of sale for a consideration of not less than the amount of the assessment, penalties and costs.

Purchase by
district.

Stats. 1925,
p. 430,
amended.
Redemption
of property.

SEC. 2. Section 47 of said California irrigation district act, is hereby amended to read as follows:

SEC. 47. A redemption of the property sold may be made by the owner or any party in interest, within three years from the date of purchase, or at any time thereafter before a deed has been made and delivered. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and when made to the collector he must credit the amount paid to the purchaser or his assignees. In each report the collector makes to the board of directors, he must name the persons entitled to redemption money, and the amount due each. On receiving the certificate of sale, the county recorder must file it and make an entry in a book similar to that required of the collector. On the presentation of the receipt of the person named in the certificate, or of the collector for his use, of the total amount of the redemption money, the recorder must mark the word "redeemed," the date, and by whom redeemed, on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within the time herein provided, the collector or his successor in office, upon demand, must make to the purchaser, or his assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The collector shall receive from the purchaser for the use of the district two dollars for making such deed. Where the property has been sold to the district and a deed for it has been given to the district as the purchaser, such district shall have the same rights thereto, and to the rents, issues and profits thereof, as a private purchaser. The title so acquired

Deed to
purchaser.

by the district may be conveyed by deed, executed and acknowledged by the president and secretary of the board of directors; *provided*, that authority to so convey must be conferred by resolution of the board entered on its minutes fixing the price at which such sale may be made.

SEC. 3. Section 47½ of said California irrigation district act, is hereby amended to read as follows:

Sec. 47½. The period herein prescribed for the redemption of properties sold for delinquent assessments shall not operate as a bar to the dissolution of any irrigation district. If any land has been sold for delinquent assessments of a district in process of dissolution, or in a district which has been dissolved, and the time allowed for redemption has not expired, the owner of such property or any one in interest may redeem the same by paying the amount due thereon, computed as provided in section 46 of this act, to the county treasurer, who must issue his receipt therefor, and upon the presentation of such receipt the county recorder must cancel the certificate of sale in the manner required in the preceding section. In the event any land has been sold for nonpayment of assessments as herein provided, and no redemption has been made within the time allowed in this act therefor, in any district which may have been dissolved before the expiration of said redemption period, then a deed for the property sold and described in the certificate of sale must be made to the purchaser upon demand by the county treasurer of the county in which said irrigation district is or was situated. Such deed shall contain all the recitals of the certificate of sale, and in addition thereto, a recital that the district has been dissolved, and a deed executed in pursuance of the authority given in this section. A deed so executed shall have the same force and effect as if executed by the collector of an irrigation district.

Stats 1911,
p 516,
amended.
Redemption
where
district is
dissolved

CHAPTER 102.

An act to amend the California irrigation district act approved March 31, 1897, as amended, by amending sections eighty-five, eighty-six, eighty-seven, and ninety thereof, relating to the inclusion of land within districts after their organization.

[Approved by the Governor April 12, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 85 of the California irrigation district act approved March 31, 1897, as amended, is hereby amended so as to read as follows:

Sec. 85. The boundaries of any irrigation district organized or existing under the provisions of this act may be changed to include additional land within such district as

Stats 1897,
p 281,
amended.

Boundary
changes

hereinafter in this act provided, and the inclusion within any district of any land not contiguous thereto shall be deemed to effect a change of the boundaries of said district; but no change in the boundaries of any district shall impair or affect its organization or its right in or to property, or any of its rights or privileges of whatsoever kind or nature, nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable had such change of its boundaries not been made.

Effect upon existing rights

Stats 1897, p 281, amended.

SEC. 2. Section 86 of said California irrigation district act approved March 31, 1897, as amended, is hereby amended so as to read as follows:

Petition for inclusion of land

SEC. 86. The holder or holders of title, or evidence of title, or a majority of the holders of title, or evidence of title of any tract of land may file in the office of the board of directors of any irrigation district a petition praying that said tract of land be included within said district; *provided*, that if there is more than one holder of title or evidence of title of said land, the petitioners must include the holders of title or evidence of title of at least one-half of the area of said land. If any petitioner is the owner of an undivided interest in said land, or any of it, he shall be deemed to be the owner of such proportion of the area of the land in which he has an interest as his interest bears to the whole of such land. Each signature to such petition shall be acknowledged or proved as provided by law for signatures to an instrument to entitle it to be recorded.

Stats 1897, p 282, amended.

SEC. 3. Section 87 of said California irrigation district act approved March 31, 1897, as amended, is hereby amended so as to read as follows:

Notice of petition and of hearing

SEC. 87. The secretary of the board of directors shall cause a notice of the filing of said petition to be given and published in the same manner and for the same time as notices of special elections for the issuance of bonds are required in this act to be given and published. The notice shall state the purpose of the petition and describe the boundaries of the tract of land proposed to be included and give the names of the petitioners, and it shall notify all persons interested in or that may be affected by the proposed inclusion of said land within the district to appear at the office of said board at a time named in said notice for the hearing of said petition and objections thereto and show cause in writing, if any they have, why said land or any of it should not be included as proposed in said petition. The time to be specified in the notice for the hearing of said petition and any objections thereto shall be the regular meeting of the board next after the expiration of the time for the publication of said notice. The petitioners shall advance to the secretary sufficient money to pay for the publication of said notice.

SEC. 4. Section 90 of said California irrigation district act approved March 31, 1897, as amended is hereby amended so as to read as follows: Stats 1921,
p. 999,
amended.

Sec. 90. If the board of directors, after the hearing provided for in section 88 hereof, shall determine that said petition complies with the requirements of section 86 hereof and that the inclusion within the district of the tract of land described in said petition, or some portion or portions thereof, will be for the best interests of the district and if no protest against the inclusion of such land is made as provided in section 91 hereof, or if such protest be made and enough signatures be withdrawn therefrom so that said protest is no longer sufficient, the board shall order the boundaries of the district to be changed so that said tract of land, or such portion or portions thereof as the board shall deem it for the best interests of the district to include, shall be included within the district, but no land shall be so included unless the board, after the hearing aforesaid, shall determine that it can be irrigated by means of some of the works of the district or by means of practicable works connecting therewith and will be benefited by such irrigation; and if the board determines that only a portion or certain portions of the tract of land described in said petition should be included, said petition shall be dismissed unless the petitioners include a majority of the holders of title or evidence of title of said portion, or of each of said portions, of said tract, representing also at least one-half the area of said portion, or of each of said portions, or unless, within sixty days from the time such determination is made, there shall be filed with the board the consent in writing, acknowledged or proved as required in section 86 hereof, of a majority of the holders of title or evidence of title of said portion, or of each of said portions of said tract of land, representing also at least one-half of the area of said portion or of each of said portions. The order shall describe the boundaries of the land so included within the district, and if said land adjoins any portion of the district the order shall also describe that portion of the boundary of the district which coincides with the boundary of the land so included, and for the purposes of said order the board may cause a survey to be made of such portions of said boundaries as may be deemed necessary. If more than one petition for the inclusion of lands has been presented, the board may in one order include within the district any number of separate tracts of land. Any public land of the United States of America may be included within any irrigation district by such order of the board of directors without any petition therefor except as may be required by the laws of the United States, if such land can be irrigated by means of any of the works of the district or by any practicable works connecting therewith and will be benefited by such irrigation. When land is included within an irrigation district and the board of directors finds that such inclusion

Decision of board

Order.

Public land

Conditions

Agreement.

without condition would work an injury to the land already within the district, either by providing for priority of right to water for the land already in the district or for the payment of an additional annual charge upon the land included or such other conditions as may to the board seem just. If any such conditions are prescribed by the board all the owners of the land subject to such conditions must, before any order for its inclusion is made, sign an agreement with the district describing the land so to be included and specifying such conditions. The signatures to said agreement must be acknowledged or proved as provided by law for the signatures of instruments to be recorded, and said agreement must be recorded in the office of the county recorder of the county in which such lands are situated, and thereupon and upon the recording of a copy of the order including such lands as hereinafter provided, such lands shall become a part of the district subject to the conditions of said agreement.

CHAPTER 103.

An act to amend the California irrigation district act, approved March 31, 1897, as amended, by amending section fifty-six thereof, relating to interference by irrigation districts with property subject to public use.

[Approved by the Governor April 12, 1927. In effect July 29, 1927.]

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

Stats. 1897,
p. 273,
amended.

SECTION 1. Section 56 of the California irrigation district act, approved March 31, 1897, as amended, is hereby amended so as to read as follows:

Right of
way.

Sec. 56. The board of directors shall have power to construct any of the works of the district across any stream of water, watercourse, street, avenue, highway, road, railway, canal, ditch, flume or other property subject to or devoted to public use, in such manner as to afford security to life and property; but said board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in a sufficient manner as not to have impaired unnecessarily its usefulness. If the owner or owners of any land, easement or franchise so to be crossed cannot agree with the district as to the amount to be paid therefor or the location of such crossing or any other matters in connection therewith, the same shall be determined and ascertained in all respects as is in this act provided in respect to the taking of land. In case any street, road, highway, railroad, canal, or other property subject or devoted to public use shall become subject to flooding or other interference by reason of the construction or proposed construction of any works of the district, the

board of directors of the district may acquire by agreement or condemnation the right so to flood or otherwise interfere with such property, whether it be publicly or privately owned, and if such right be acquired by condemnation, the judgment may, if the court shall find that public necessity or convenience so requires, direct the district to relocate such street, road, highway, railroad, canal or other property in accordance with plans prescribed by the court; and if by such judgment or by agreement the district shall be required to relocate any such street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with such agreement or such judgment of condemnation and thereafter to make such conveyances of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with such agreement or judgment. The right of way is hereby given, dedicated and set apart to locate, construct and maintain any of the works of the district over and through any of the lands which are now or may become the property of this state; and also there is given, dedicated and set apart, for the uses and purposes aforesaid, all waters and water rights belonging to this state within the district.

CHAPTER 104.

An act to amend section two thousand six hundred thirty-six of the Political Code, relating to the naming of public highways.

[Approved by the Governor April 12, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2636 of the Political Code is hereby amended to read as follows:

2636. The owners of land along any road, highway, avenue or other public way may petition the board of supervisors of the county in which said road, highway, avenue or other public way is located to have a name adopted and applied to the same. The name and a description of the road, highway, or avenue to be named shall be set forth in the petition, which petition shall be signed by three-fourths of the owners of land on said road, highway or avenue. The supervisors to whom such petition is presented shall examine the same and, if it conforms to the provisions of this act, shall make an order in the minutes of the board granting the petition, and thereafter the said described road, highway or avenue, shall be known by said name; *provided, however*, that all roads, highways, avenues or public ways that have not been officially named

Stats 1911,
p. 1146,
amended.
Naming of
highways.

or designated as herein provided and which shall remain so unnamed and undesignated for a period of ninety days from and after the time that this act goes into effect may be officially named by the board of supervisors of the county in which said road, avenue, highway or public way is situated, upon their own motion, without the presentation of any petition, by an order duly made and entered in the minutes of such board fixing the name of such road, highway, avenue or public way, and thereafter the said road, highway, avenue or other public way shall be known by said name so fixed and designated by said board of supervisors. Nothing herein contained shall apply to any state highway or any road, avenue or way under the control or supervision of the state highway commission of the State of California.

CHAPTER 105.

An act to add a new section to the Political Code, to be numbered three hundred fifty-nine b, relating to the governor's council.

[Approved by the Governor April 12, 1927. In effect July 29, 1927.]

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

New section

SECTION 1. A new section is hereby added to the Political Code to be numbered 359*b*, and to read as follows:

Governor's
council.

359*b*. A council to be known as the governor's council is hereby created to consist of the director of finance, director of education, director of public works, director of public health, director of institutions, director of agriculture, director of industrial relations, director of social welfare and director of natural resources. At least once each month the council shall meet in Sacramento at such time and place as may be designated by the governor. It shall be the duty of each of the members of the council to report to the governor at the time of such monthly meeting, and at such other times as the governor may desire, the facts regarding the administration of the functions of his department and to perform such other duties, as a member of the council, as may be required of him by the governor.

CHAPTER 106.

An act to amend section three thousand seven hundred fifty-six of the Political Code, relating to penalty on delinquent taxes.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 3756 of the Political Code is hereby amended to read as follows: Stats. 1915, p. 1171, amended.

3756. On the first Monday of December of each year, at six o'clock p.m., all taxes then unpaid, except the last installment of real property taxes, are delinquent, and thereafter the tax collector must collect, for the use of the county, or city and county, an additional ten per cent thereon; *provided*, that if they be not paid before the last Monday in April next succeeding, at six o'clock p.m., he shall collect an additional five per cent thereon. On the last Monday in April of each year, at six o'clock p.m., all the unpaid portion of the remaining one-half of the taxes on all real property is delinquent, and thereafter the tax collector must collect, for the use of the county, or city and county, an additional five per cent thereon; *provided*, that the entire tax on any real property may be paid at the time the first installment, as above provided, is due and payable; *and provided, further*, that the taxes on all personal property unsecured by real property shall be due and payable immediately after the assessment of said personal property is made. When taxes are delinquent.

CHAPTER 107.

An act to amend section two thousand three hundred twenty-two x eighteen of the Political Code, relating to the salary of the county horticultural commissioner, his deputies and inspectors, in counties of the eighteenth class.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2322x18 of the Political Code is hereby amended to read as follows: Stats. 1925, p. 104, amended

2322x18. In counties of the eighteenth class, the commissioner shall receive a salary of three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a salary of two thousand four hundred dollars per annum. Counties of 18th class horticultural commissioner

(b) The commissioner is also authorized and empowered to appoint not to exceed one inspector at a monthly salary of two hundred twenty-five dollars during the time actually employed, and one inspector at a monthly salary of two hundred dollars during the time actually employed, one inspector at a monthly salary of one hundred fifty dollars and three inspectors at a monthly salary of one hundred twenty-five dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed eleven thousand four hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred fifty dollars during the time actually employed and one clerk at a yearly salary of five hundred dollars during the time actually employed but the aggregate amount which may be expended in any year for such clerks shall not exceed two thousand three hundred dollars.

CHAPTER 108.

An act to amend section four thousand two hundred forty-seven of the Political Code, relating to salaries and fees of officers in counties of the eighteenth class.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p. 974,
amended
Counties of
18th class:
salaries and
fees of
officers

SECTION 1. Section 4247 of the Political Code is hereby amended to read as follows:

4247. In counties of the eighteenth class the county officers shall receive as compensation for services required of them by law or by virtue of their offices, the following salaries, to wit:

Attorney

1. The district attorney, three thousand six hundred dollars per annum for all services; *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney the following deputies and a stenographer, whose offices are hereby created and who shall be appointed by the district attorney and shall be paid salaries as follows: One deputy at a salary of two thousand four hundred dollars per annum, two deputies at a salary of one thousand five hundred dollars per annum each, one stenographer at a salary of one thousand five hundred dollars per annum, and such additional deputies as the district attorney may require and appoint whose compensation shall not exceed in the aggregate sum of six hundred dollars in any one year; said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the district attorney is paid.

2. The sheriff, four thousand dollars per annum; *provided*,^{Sheriff.} that in counties of this class there shall be and is hereby allowed to the sheriff the following deputies and assistants which shall be appointed by the sheriff: One undersheriff at two hundred dollars per month; three deputies at one hundred seventy-five dollars per month; one deputy to serve as jailer at one hundred seventy-five dollars per month; *provided*, *also*, that in case a second superior court is granted to counties of this class, there shall be allowed to the sheriff an additional deputy to be appointed by the sheriff at a salary of one hundred seventy-five dollars per month.

The salaries of said deputies shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid; *provided*, *further*, that there shall be allowed to the said sheriff and his deputies the actual traveling expenses in attending to the duties of the office both civil and criminal including his necessary expenses for pursuing criminals or transacting any criminal business; *provided*, *further*, *also*, that the sheriff shall be allowed four additional deputies as motor patrol officers, one who shall be captain at a salary of two hundred fifty dollars per month and to be furnished with a motorcycle, the other three deputies as motor patrol officers at a salary of two hundred forty dollars per month which deputies as motor patrol officers, shall furnish their own motorcycles and pay for their upkeep and maintenance. The salaries of said deputies as motor patrol officers shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the sheriff. All fees, commissions and mileage received by the sheriff shall be turned over to the county and become the property of the county.

3. The county clerk, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk the following deputies, who shall be appointed by the county clerk and shall be paid salaries as follows: Two deputy clerks at a salary of two thousand one hundred dollars per annum, each, and four deputy clerks at a salary of one thousand eight hundred dollars per annum, each. The salaries of the deputies herein provided for shall be paid by said county in equal monthly installments at the time and in the same manner and out of the same funds as the salary of the county clerk; *provided*, *also*, that in counties of this class there shall be and is hereby allowed to the county clerk such additional clerks and assistants as the county clerk may require, and whose compensation in the aggregate shall not exceed one thousand five hundred dollars in any one year, and he shall also receive an additional sum of ten cents per name for each affidavit for registration taken outside the office by deputy registration clerks; claims for the services of such additional clerks and assistants and for registration outside of his office shall be presented to and

allowed by the board of supervisors as other claims against the county are presented and allowed; *provided, however*, that, in case provision is not made for a second superior court in counties of this class, one deputy above provided for at a salary of one thousand eight hundred dollars per annum, shall not be allowed.

Auditor

4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the auditor one chief deputy at a salary of two thousand one hundred dollars per annum and one deputy at a salary of one thousand eight hundred dollars per annum; said deputies shall be appointed by said auditor and said salaries shall be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the auditor is paid; *provided, also*, that in counties of this class there shall be and is hereby allowed to the auditor such additional clerks and assistants as the auditor may require, and whose compensation in the aggregate shall not exceed one thousand five hundred dollars in any one year. Claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are allowed and paid.

Treasurer

5. The treasurer, one thousand eight hundred dollars per annum; *provided, also*, that the treasurer shall be allowed such additional clerks as the treasurer may require and whose compensation shall not exceed five hundred dollars in any one year. Claims for service of such additional clerks shall be allowed and paid from the same funds as the salary of the treasurer.

Recorder.

6. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder the following deputies, who shall be appointed by the recorder and shall be paid salaries as follows: One chief deputy at a salary of two thousand one hundred dollars per annum and three deputies at a salary of one thousand eight hundred dollars per annum each; said salaries to be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the recorder is paid; *provided, also*, that in counties of this class there shall be and is hereby allowed to the recorder such additional clerks and assistants as the recorder may require, and whose compensation in the aggregate shall not exceed two thousand dollars in any one year; *and provided, further*, that such clerk or clerks as may be necessarily employed to enable the recorder to perform the duties devolved upon the recorder by the provisions of the Torrens land title act, shall be paid one hundred twenty-five dollars per month each. The compensation of attorneys employed under section 108 of said title act shall not exceed twenty-five dollars per day for each day actually devoted to the duties of such employment. Claims for such additional clerks and assistants to be allowed and paid as other claims against the

county are allowed and paid. All fees, commissions and mileage shall be deposited in the county treasury to the credit of the salary fund.

7. The tax collector, who shall also be license collector, three thousand six hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector one deputy who shall be appointed by said tax collector, at a salary of two thousand one hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time, in the same manner and out of the same funds as the salary of the tax collector is paid; *also provided*, that the said tax collector shall be allowed such additional deputies and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of one thousand eight hundred dollars in any one year. Claims for services of such additional clerks and assistants to be allowed and paid as other claims against the county are paid. All commissions and fees of whatever character of the tax collector shall be paid in the county treasury.

8. The assessor four thousand dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one chief office deputy at two thousand four hundred dollars a year, one map deputy at two thousand four hundred dollars per year, one deputy for seven months at one hundred fifty dollars per month, one deputy for four months at two hundred dollars per month, one deputy for four months at one hundred twenty-five dollars per month, one deputy for four months at one hundred dollars per month, and nine deputies for four months at one hundred fifty dollars per month, each during each fiscal year whose offices are hereby created and who shall be appointed by the assessor and be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the assessor is paid; *and provided, further*, that said assessor shall be allowed such additional clerks and assistants as he may require and whose compensation in the aggregate shall not exceed the sum of two thousand dollars in any one year. Claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are paid; *and, provided*, that the assessor shall be allowed his actual traveling expenses, including the expense of operating and maintaining an automobile and depreciation of the same, when engaged in attending to official business, not exceeding the sum of six hundred dollars in any one year, claims for which expenses shall be allowed and paid as other claims against the county are paid. All commissions or fees heretofore or now allowed by law to the assessor, shall be paid by him into the county treasury.

Supt. of
schools

9. The superintendent of schools, three thousand six hundred dollars per annum, which shall be inclusive of such fees as may be allowed the superintendent of schools when acting as secretary of the county board of education, and in addition hereto the superintendent of schools shall be allowed actual traveling expenses when visiting the schools of his or her county as provided by law; *provided, also*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one chief deputy at a salary of one hundred seventy-five dollars per month and one deputy at a salary of one hundred fifty dollars per month, which deputies shall be appointed by the superintendent of schools; said salaries shall be paid by the county in monthly installments at the same time and out of the same fund as the salary of the superintendent of schools is paid.

Coroner.

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

Public ad-
ministrator.

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

Surveyor.

12. The county surveyor and ex officio civil engineer for all services required of him as county surveyor and civil engineer and also for all services which may be required of him as a road engineer, shall receive three thousand dollars per annum and actual traveling expenses while attending to official business, and necessary expenses for himself and assistants in the field and office while engaged on public work; *provided*, that in counties of this class there shall be and there is hereby allowed the county surveyor one deputy who shall be appointed by said county surveyor at a salary of two hundred dollars per month, and such other assistants as he may need and appoint, said deputy to be paid at the same time and in the same manner and out of the same funds as the salary of the county surveyor is paid and said assistants to be paid as other claims against the county are paid; *provided, further*, that whenever said surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor he shall be allowed such additional field and office assistants as may be deemed necessary. Claims for the services of such additional clerks and assistants to be allowed and paid as other claims against the county are allowed and paid.

Justices.

13. The justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in civil and criminal cases. In townships having a population of more than fifteen thousand, one hundred twenty dollars per month; in townships having a population of five thousand and not over fifteen thousand, one hundred dollars per month; in townships having a population of over four thousand and not over five thousand, sixty dollars per month; in townships having a population over three

thousand and not over four thousand, fifty dollars per month; in townships under three thousand, twenty-five dollars per month; *provided, however*, that each of said justices shall be furnished with an office and necessary supplies by the board of supervisors of said county. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken A. D. 1920.

14. Constables shall receive the following monthly salaries, Constables to be paid each month and in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in criminal cases; in townships having a population of more than ten thousand, ninety dollars per month; in townships having a population of five thousand and not over ten thousand, seventy-five dollars per month; in townships having a population of four thousand and not over five thousand, fifty dollars per month; in townships having a population of three thousand and not over four thousand, forty dollars per month; in townships having a population of under three thousand, twenty-five dollars per month. In addition to the above compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases. Constables shall also be allowed all necessary expenses incurred in conveying prisoners. For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the federal census taken A. D. 1920.

15. Each supervisor for all services required of him as Supervisors supervisor and ex officio road commissioner, one thousand five hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat to attend meetings of the board of supervisors. No other mileage or remuneration and no traveling expenses shall be allowed.

16. In counties of this class the fees of grand jurors and Jurors. trial jurors in the superior court, in civil and criminal actions and in all special proceedings, shall be three dollars a day for each day's attendance and mileage, to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court or in attending sessions of the grand jury, in going only.

CHAPTER 109.

An act to amend section one thousand six hundred twelve of the Political Code, relating to contracts by boards of school trustees and city boards of education.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

Stats 1917,
p. 741,
amended
Contracts.

SECTION 1. Section 1612 of the Political Code is hereby amended to read as follows:

1612. Boards of school trustees and city boards of education shall have power, and it shall be their duty, to let all contracts involving an expenditure of more than five hundred dollars for work to be done or for materials or supplies to be furnished to the lowest responsible bidder, who shall give such security as the board may require, or else reject all bids; *provided*, that continuing contracts for materials and supplies may be made with an accepted bidder for a period of one year; *and provided, further*, that the board may repair old buildings and improve school grounds by day's labor; *and provided, further*, that in an emergency wherein any repairs, alterations, work or improvement shall be necessary to permit the continuance of existing school classes, the board may by unanimous vote, with the approval of the county superintendent of schools, make a contract in writing or otherwise on behalf of the district for the performance of labor and furnishing of materials or supplies for such purpose without advertising for or inviting bids.

Bids

For the purpose of securing bids the board must publish at least once a week for two weeks in some newspaper of general circulation published in the district, or if there is no such paper, then in some newspaper of general circulation circulated in such county, a notice calling for bids, stating the work to be done or materials or supplies to be furnished, and the time when and the place where bids will be opened; *provided*, that in school districts having an average daily attendance of one thousand or more pupils, as shown by the annual report of the county superintendent of schools for the preceding school year, the board may secure from responsible bidders at least three estimates of the cost of such work to be done, or materials or supplies to be furnished, such estimates to be secured from bona fide dealers or craftsmen engaged in the business or in handling the goods specified. Said estimates must be submitted in writing and must be filed with the clerk or secretary of the board, and if any of such estimates of cost is less than one thousand dollars, the board may let a contract for such work, material or supplies, to the lowest responsible bidder without publishing such notice calling for bids.

Estimates.

CHAPTER 110.

An act to amend section two thousand three hundred twenty-two x twenty-three of the Political Code, relating to the salary of the county horticultural commissioner, his deputies and inspectors in counties of the twenty-third class.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2322x23 of the Political Code is hereby amended to read as follows:

Stats. 1925,
p. 208,
amended

2322x23. In counties of the twenty-third class, the commissioner shall receive a salary of three thousand nine hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby, allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
23d class:
horticultural
commissioner.

(a) The commissioner is hereby authorized and empowered to appoint one deputy commissioner at a salary of two thousand seven hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed four inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed; four inspectors at a monthly salary not to exceed one hundred thirty dollars each during the time actually employed, and two inspectors at a monthly salary not to exceed one hundred ten dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed sixteen thousand eighty dollars.

(c) The commissioner is also authorized and empowered to appoint one clerk at a monthly salary of one hundred twenty-five dollars during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed one thousand five hundred dollars.

CHAPTER 111.

An act to amend the California irrigation district act, approved March 31, 1897, as amended, by amending section fifty-five thereof, relating to funds and revenue of districts.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 55 of the California irrigation district act, approved March 31, 1897, as amended, is hereby amended so as to read as follows:

Stats. 1911,
p. 518,
amended.

Sec. 55. For any of the purposes of this act, or of any act supplementary hereto, the board of directors of any irrigation

Charges for
water, etc.

district may, in lieu (either in whole or in part) of levying assessments as herein provided, fix and collect rates of tolls or charges for the use of water or any other public use of which the district is in charge, under such reasonable rules and regulations as the board may prescribe, which may provide, in the case of water for irrigation, that tolls or charges will be payable only in case of the delivery of water in excess of a specified quantity per unit of land.

CHAPTER 112.

An act authorizing suits against the state, relating to certain real property and regulating the procedure therein.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

Suit against
state in re
land sold
to C G
Almquist

SECTION 1. All persons having or claiming title to that portion of the following described real property, to wit:

All that certain parcel of land situate in the county of Yuba, State of California, bounded and particularly described as:

The east half of the southwest quarter of section twenty-nine, township fourteen north, range four east, Mount Diablo base and meridian, and also that portion of said section twenty-nine described as follows: Beginning at the southwest corner of said section twenty-nine, as now marked by a two-inch iron gas pipe, and running thence north forty-five degrees east one thousand eight hundred sixty-six and eight-tenths feet to the northeast corner of the southwest quarter of the southwest quarter of said section; thence south one thousand three hundred twenty feet, and thence west one thousand three hundred twenty feet to the point of beginning; containing in all one hundred acres, heretofore sold to C. G. Almquist on behalf of the California school for the Deaf and the Blind of Berkeley, California, are hereby authorized to bring suit against the State of California, in any court of competent jurisdiction in said state to partition or quiet title to said land or any portion thereof, and to prosecute the same to final judgment. The rules of practice in civil cases relating to suits in partition or quieting title shall apply to such suits as may be brought under this authorization except as otherwise provided. If judgment be given against the state in any such suit no costs shall be recovered from the state thereunder.

Limitation

SEC. 2. Any such suit shall be commenced within one year after this act takes effect.

Service
on state.

SEC. 3. Service of summons in such suit shall be made on the governor and attorney general. It shall be the duty of the attorney general to represent the state in all such suits.

CHAPTER 113.

An act to amend section four thousand forty-one f of the Political Code and to add a new section to said code, to be numbered four thousand four hundred eight a, relating to homes and meeting places for veterans.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4041f of the Political Code is hereby amended to read as follows:

Stats 1921,
p 476,
amended.
Homes and
meeting
places for
veterans.

4041f. Any county may provide and maintain (1) a home or homes for veteran soldiers, sailors and marines who have served the United States honorably in any of its wars; (2) buildings, memorial halls, or meeting places for the use of patriotic, fraternal and benevolent associations of such persons. For these purposes the board of supervisors of any county shall have jurisdiction and power:

(a) To purchase, receive by donation, take by condemnation, lease or otherwise acquire, real or personal property necessary for such building or buildings, and to improve, preserve, take care of, manage and control the same.

(b) To purchase, construct or lease, build or rebuild, furnish or refurnish, or repair any and all such buildings, and to provide all necessary custodians, employees, attendants and supplies for the proper maintenance of the same.

(c) To furnish sites for such building or buildings to be built by or for such organizations, and to furnish such sites when deemed advisable by the said county authorities, for the erection thereon of such building or buildings, the funds for which are supplied by county authorities or from other sources. And any part or portion of any public lot, block, or park, may be used for such purpose.

(d) To levy in any year a special tax not to exceed three mills on the one dollar of assessed valuation on all the taxable property in the county, such tax to be in addition to all other taxes provided for and the fund so created to be expended for the purposes hereof.

(e) To establish a fund or funds for the purposes hereof, and to transfer from the general fund to such fund or funds, from time to time, such moneys as the board may deem necessary.

(f) To incur, in the manner provided by law, a bonded indebtedness on behalf of the county for any of the purposes hereof.

(g) To combine with any incorporated city within its own boundaries, in the accomplishment of the above named purposes and to that end to hold jointly with any such city any property acquired as above provided, and to expend money

in conjunction with any said city in accomplishing the above named objects.

New section.

SEC. 2. A new section is hereby added to the Political Code, to be numbered 4408a, and to read as follows:

Homes and
meeting
places for
veterans

4408a. Any city may provide and maintain (1) a home or homes for veteran soldiers, sailors and marines who have served the United States honorably in any of its wars; (2) buildings, memorial halls, or meeting places for the use of patriotic, fraternal and benevolent associations of such persons. For these purposes the common council of any city shall have jurisdiction and power:

(a) To purchase, receive by donation, take by condemnation, lease or otherwise acquire, real or personal property necessary for such building or buildings, and to improve, preserve, take care of, manage and control the same.

(b) To purchase, construct or lease, build or rebuild, furnish or refurnish, or repair any and all such buildings, and to provide all necessary custodians, employees, attendants and supplies for the proper maintenance of the same.

(c) To furnish sites for such building or buildings to be built by or for such organizations, and to furnish such sites when deemed advisable by the said council, for the erection thereon of such building or buildings, the funds for which are supplied by city authorities or from other sources. And any part or portion of any public lot, block, or park, may be used for such purpose.

(d) To levy in any year a special tax not to exceed three mills on the one dollar of assessed valuation on all the taxable property in the city, such tax to be in addition to all other taxes provided for and the fund so created to be expended for the purposes hereof.

(e) To establish a fund or funds for the purposes hereof, and to transfer from the general fund to such fund or funds, from time to time, such moneys as the common council may deem necessary.

(f) To incur, in the manner provided by law, a bonded indebtedness on behalf of the city for any of the purposes hereof.

(g) To combine with the county in which it is situated in the accomplishment of the above named purposes and to that end to hold jointly with such county any property acquired as above provided, and to expend money in conjunction with said county in accomplishing the above named objects.

CHAPTER 114.

An act to amend section one hundred thirteen of the Code of Civil Procedure, relating to jurisdiction of justices' court.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 113 of the Code of Civil Procedure is hereby amended to read as follows:

Code amdts
1880, p 35,
amended.
Concurrent
jurisdiction

113. The justices' court shall have concurrent jurisdiction with the superior courts within their respective townships:

1. In actions of forcible entry and detainer, where the rental value of the property entered upon or unlawfully detained does not exceed seventy-five dollars per month, and the whole amount of damages claimed do not amount to three hundred dollars;

2. In actions to enforce and foreclose liens on personal property, where neither the amount of the liens nor the value of the property amounts to three hundred dollars.

CHAPTER 115.

An act to amend section one thousand one hundred sixty-three of the Code of Civil Procedure, relating to jurisdiction of superior courts and justices' courts.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1163 of the Code of Civil Procedure is hereby amended to read as follows:

Code amdts.
1880, p. 8.
amended
Jurisdiction
of superior
and of
justices'
courts.

1163. The superior court of the county in which the property, or some part of it, is situated, shall have jurisdiction of proceedings under this chapter; *provided*, that justices' courts, within their respective townships or cities, or cities and counties, shall have concurrent jurisdiction with the superior courts in cases of forcible entry and detainer, when the rental value does not exceed seventy-five dollars per month and when the whole amount of damages does not exceed three hundred dollars.

CHAPTER 116.

An act confirming and validating the formation or organization and existence of reclamation districts.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

Validation
of reclama-
tion
districts.

SECTION 1. In all cases where the board of supervisors of any county in this state has purported to form or organize a reclamation district under any law or laws of this state, and such purported formation or organization has been completed for a period of one year previous to the taking effect of this act, and such reclamation district has acted or functioned as a district for a period of one year previous to the taking effect of this act, all acts and proceedings taken for the purpose of forming or organizing such district are hereby legalized, validated and declared to be sufficient, and such reclamation district is hereby declared to be duly formed and organized under its appropriate name as of the time of its purported formation, with boundaries as shown or indicated in the order of said board of supervisors, and shall have all the rights and privileges and be subject to all the duties and obligations of a duly formed or organized reclamation district.

CHAPTER 117.

An act confirming and validating the formation or organization and existence of irrigation districts.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

Validation of
irrigation
districts.

SECTION 1. In all cases where the board of supervisors of any county in this state has purported to form or organize an irrigation district under any law or laws of this state, and such purported formation or organization has been completed for a period of one year previous to the taking effect of this act, and such irrigation district has acted or functioned as a district for a period of one year previous to the taking effect of this act, all acts and proceedings taken for the purpose of forming or organizing such district are hereby legalized, validated and declared to be sufficient, and such irrigation district is hereby declared to be duly formed and organized under its appropriate name as of the time of its purported formation, with boundaries as shown or indicated in the order of said board of supervisors, and shall have all the rights and privileges and be subject to all the duties and obligations of a duly formed or organized irrigation district.

CHAPTER 118.

An act to amend sections eight, nine, and ten of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa county known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors and marines, and to provide for the government thereof by the state," approved March 11, 1897, as amended.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 8 of an act entitled "An act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa county known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state," approved March 11, 1897, as amended, is hereby amended to read as follows:

Stats. 1897,
p. 109,
amended.

Sec. 8. All moneys received by the state from the federal government for the use of the home shall be received by the state treasurer, and placed to the credit of a fund to be known as Veterans' Home of California federal fund.

Federal
funds.

SEC. 2. Section 9 of said act is hereby amended to read as follows:

Stats 1897,
p. 110,
amended.

Sec. 9. All bills and charges against the board for supplies, salaries, or other expenses incurred by it shall be prepared and audited in the manner provided by law, and when approved by the state board of control, the controller shall immediately issue his warrant in payment thereof, which warrant shall be paid out of the Veterans' Home of California federal fund, or any other money available for such purposes as may be directed by the board of directors with the approval of the state board of control.

Payment of
claims.

SEC. 3. Section 10 of said act is hereby amended to read as follows:

Stats. 1921,
p. 945,
amended

Sec. 10. All moneys received by the directors, or by any officer of the home (except such as may be paid to them by the state for disbursement), including pension and other moneys belonging to the members in the home, and other trust moneys, shall be immediately paid over to the treasurer of the home. On or before the tenth day of each and every month the treasurer of the home shall forward to the state treasurer all moneys in his possession, except pension and other moneys belonging to members, and other trust funds, the post fund, and the moneys hereinafter referred to as subject to their direct disbursement, and designated the "emergency fund,"

Disposition
of moneys
received.

together with a statement of the source from which the same has been received. Said moneys shall be immediately deposited by the state treasurer to the credit of the general fund of the state. Any balance of pension moneys held by the board, or by its authority, upon the death of the pensioner, undisposed of by will, or any moneys belonging to the members of the home, and deposited with the board, or with any of its officers, as hereinafter provided for, and undisposed of by will, shall, upon the death of the member, be held as a trust fund, to be paid by the board, or upon its order, directly and without probate, to the heirs at law, entitled thereto, and in the proportions to which they may be entitled; should none of the heirs at law be discovered, or should the heirs at law discovered within such time be not entitled to the whole thereof, the balance of moneys not so paid to the heirs at law, and undisposed of by will, shall be paid to the post fund of the home to be used for the common benefit of the members of the home, under the direction of the board, subject to future reclamation by the heirs at law entitled thereto upon application filed within five years after the death of such member, and upon proper proof. Subject to the above provisions as to the disposition thereof, the members of the home may voluntarily deposit any of their moneys with the board, or with the officer authorized to receive the same, and the board, or such officer, shall be obligated to receive such moneys, and shall keep the same without charge as a trust fund for the member depositing the same, to be withdrawn by him in whole, or in part, during his life, and at his pleasure, and the balance, if any, undisposed of by will, shall be subject to the above trusts, and retained by the board for the common benefit of the members of the home as above provided, if not paid to the heirs at law within the time and in the manner above provided. The moneys now in the hands of the board, or the treasurer of the home, belonging to the members thereof, and heretofore deposited for safekeeping, may be withdrawn, in whole or in part, at the will of the member during his life, and in case of any balance remaining upon his death, undisposed of by will, the same shall be subject to said trust, to be disposed of as hereinbefore provided. Nothing herein contained shall in any manner affect the moneys of the members now deceased, which moneys are now held in trust under the laws of this state, the rules, regulations and by-laws of the home. The personal effects of deceased members of the home shall be held for the heirs at law above mentioned for the period of one year from the date of the death of the member, and if not claimed within said time, shall be turned over to the commandant, or the officer in charge, who, on a day and hour fixed by him, and after posting notices of the same in three conspicuous places at the home, shall sell at public sale said personal effects, the proceeds of which sale shall go to the post fund, to be used for the common benefit of the members, as hereinbefore provided for pension

Deposits

Personal
effects of
deceased
members

and other moneys, and subject to future reclamation within a period of five years from the date of the death of the member. as hereinbefore mentioned. All interest which has accrued upon the date this act takes effect, or which shall accrue thereafter on moneys turned over to the treasurer and retained by him under this act, shall be accounted for by him and deposited to the credit of the post fund to be used for the common benefit of the members. The board of directors shall make proper rules and regulations to carry into effect the provisions of this section.

CHAPTER 119.

An act to amend section nine hundred seventy-eight of the Code of Civil Procedure, relating to appeals to superior courts.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 978 of the Code of Civil Procedure of the State of California is hereby amended to read as follows: Stats. 1925, p 748, amended.

978. An appeal from a justice's or police court is not effectual for any purpose, unless an undertaking be filed with two or more sureties in the sum of one hundred dollars for the payment of the costs on the appeal, or, if a stay of proceedings be claimed, in the sum of one hundred dollars plus a sum equal to twice the amount of the judgment, including costs, when the judgment is for the payment of money; or plus twice the value of the property including costs, when the judgment is for the recovery of specific personal property; and must be conditioned, when the action is for the recovery of money, that the appellant will pay the amount of the judgment appealed from, and all costs, if the appeal be withdrawn or dismissed, or the amount of any judgment and all costs that may be recovered against him in the action in the superior court. Appeal bonds.

When the action is for the recovery of or to enforce or foreclose a lien on specific personal property, the undertaking must be conditioned that the appellant will pay the judgment and costs appealed from, and obey the order of the court made therein, if the appeal be withdrawn or dismissed, or any judgment and costs that may be recovered against him in said action in the superior court, and will obey any order made by the court therein.

When the judgment appealed from directs the delivery of possession of real property, the execution of the same can not be stayed unless a written undertaking be executed on the part of the appellant, with two or more sureties, to the effect that during the possession of such property by the appellant, he will not commit, or suffer to be committed any waste thereon,

and that if the appeal be dismissed or withdrawn, or the judgment affirmed, or judgment be recovered against him in the action in the superior court, he will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof; or that he will pay any judgment and costs that may be recovered against him in said action in the superior court, not exceeding a sum to be fixed by the justice of the court from which the appeal is taken, and which sum must be specified in the undertaking.

Deposits

A deposit of the sum of one hundred dollars for the payment of the costs on the appeal, or if a stay of proceedings be claimed, in the sum of one hundred dollars plus the amount of the judgment, including all costs appealed from, or plus the value of the property, including all costs, in actions for the recovery of specific personal property, with the justice or judge, is equivalent to the filing of the undertakings above provided for, and in such cases, the justice or judge must transmit the money to the clerk of the superior court, to be by him paid out on the order of the court.

CHAPTER 120.

An act to add a new section to be numbered four a and to amend the title and sections one, eight and nine of an act entitled "An act to provide for the regulation, control and licensing of any person, firm or corporation engaging in the business of milling, sampling, concentrating, reducing, purchasing, or receiving for sale ores, concentrates, or amalgams, bearing gold or silver, gold dust, silver or gold bullion, nuggets or specimens; to provide rules and regulations therefor; and to provide penalties for the violation of the provisions of this act," approved April 15, 1925, relating to licenses and reports.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p 162,
amended

SECTION 1. The title of an act entitled "An act to provide for the regulation, control and licensing of any person, firm or corporation engaging in the business of milling, sampling, concentrating, reducing, purchasing, or receiving for sale ores, concentrates, or amalgams, bearing gold or silver, gold dust, silver or gold bullion, nuggets or specimens; to provide rules and regulations therefor; and to provide penalties for the violation of the provisions of this act," approved April 15, 1925, is hereby amended to read as follows: An act to provide for the regulation, control and licensing of any person, firm or corporation, engaging in the business of milling, sampling, concentrating, reducing, refining, purchasing or receiving for sale ores, concentrates, or

Title.

amalgams, bearing gold or silver, gold dust, silver or gold bullion, nuggets or specimens; to provide rules and regulations therefor; and to provide penalties for the violation of the provisions of this act.

SEC. 2. Section 1 of said act is hereby amended to read as follows: Stats. 1925,
p 162,
amended

Section 1. Hereafter it shall be unlawful for any person, firm, association or corporation without first procuring the license herein provided for, to engage in the business of milling, sampling, concentrating, reducing, refining, purchasing or receiving for sale ores, concentrates, or amalgams bearing gold or silver, gold dust, gold or silver bullion, nuggets or specimens. Every person, firm, association, or corporation engaged in such business shall pay a license tax of twenty-five dollars per annum to the State of California. No license shall be granted to any person, firm or association unless such person and the members of such firm or association shall be bona fide residents of the State of California, and no license shall be granted to any joint stock company or corporation organized under the laws of any other state or foreign country unless such company or corporation has complied with all the laws of this state relating to the qualifications of foreign corporations to do business in this state; *provided*, that this section shall not be construed as requiring a license for any mill, sampler, concentration or reduction plant used exclusively by the owner in sampling, milling, reducing or concentrating ores produced by such owner. License
to handle
ores, etc

SEC. 3. A new section to be numbered 4a is hereby added to said act, approved April 15, 1925, and to read as follows: Stats 1925,
p 165,
amended.

Sec. 4a. The state mineralogist shall prescribe the form and contents of all reports in order to comply with section 4 of this act and it shall be the duty of every person, firm, association or corporation to file monthly with the state mineralogist a report of all purchases made under the provisions of this act. Any licensee who shall fail or refuse to comply with the provisions of this act shall be deemed guilty of a misdemeanor. Reports of
ores
handled.

SEC. 4. Section 8 of said act, approved April 15, 1925, is hereby amended to read as follows: Stats 1925,
p 166,
amended

Sec. 8. Any violation of sections 1, 4, 4a and 5 of this act shall be punishable by a fine of not less than one hundred dollars and not more than one thousand dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or both such fine and imprisonment. The state mineralogist shall notify the district attorney of the county in which the offense occurs of such violation, and the said district attorney shall institute criminal proceedings for the enforcement of this act before any court of competent jurisdiction. Penalties
and their
enforcement

Stats. 1925,
p. 166,
amended
Disposition
of funds.

SEC. 5. Section 9 of said act, approved April 15, 1925, is hereby amended to read as follows:

Sec. 9. The expenses of the state mineralogist arising out of this act shall be defrayed out of the moneys paid in from time to time for licenses issued hereunder. Any balance remaining in the hands of said state mineralogist on the thirty-first day of December of each year, derived through this act shall be turned over to the general fund of the state.

CHAPTER 121.

An act to add a new section to the Political Code, to be numbered one thousand eight hundred fifty-eight a, relating to an emergency fund for the relief of school districts suffering from an unusual increase in school attendance.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

New section.

SECTION 1. A new section, to be numbered 1858a, is hereby added to the Political Code, to read as follows:

Unusual
increase in
attendance.

1858a. The county superintendent of schools is hereby authorized to use not more than five per cent of the unapportioned county elementary school fund in any school year as an emergency fund for meeting the conditions stated hereinafter. Whenever in any school year the average daily attendance in any elementary school district has been for a period of one school month and still is more than ten per cent larger than the average daily attendance was in that school district for the next preceding year, and by reason of such increased average daily attendance, the school district will be unable to maintain its schools for one hundred and seventy days of actual teaching, the county superintendent of schools shall investigate the needs of the said district and if he finds that the said district levied the maximum district taxes for the current school year and has used and is using its income wisely and economically for the maintenance of its schools as intended by the laws of the State of California, then he shall have power to increase the apportionment on average daily attendance to the said school district or districts as much as may be necessary to enable the said district or districts to maintain their schools for one hundred seventy days of actual teaching during the school year; *provided, however*, that the total amount thus apportioned to such district or districts shall not in any one year exceed five per cent of the total unapportioned county elementary school fund of the county.

CHAPTER 122.

An act to amend section thirteen of the "State medical practice act," approved June 2, 1913, as amended, relating to reciprocity certificates.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 13 of the "State medical practice act," approved June 2, 1913, as amended is hereby amended to read as follows: Stats. 1917, p. 107, amended.

Sec. 13. Said board must also issue a certificate to practice a system or mode of treating the sick or afflicted recognized by this act or any preceding practice act in the State of California to any applicant, without any examination, authorizing the holder thereof to practice a system or mode of treating the sick or afflicted in the State of California, upon payment of a registration fee of one hundred dollars, upon the following terms and conditions and upon satisfactory proof thereof, viz: The applicant shall produce a certificate entitling him to practice a system or mode of treating the sick or afflicted, as provided in this act or any preceding practice act of the State of California, issued either by the medical examining board, or by any other board or officer authorized by the law to issue a certificate entitling such applicant to practice a system or mode for treating the sick or afflicted either in the District of Columbia or in any state or territory of the United States, or if such certificate shall have been lost, then a copy thereof, with proof satisfactory to the board of medical examiners of the State of California that the copy is a correct copy. Such certificate must have been issued to such applicant within a period of ten years immediately preceding the filing of the application herein at the office of the board in the city of Sacramento, State of California, and the requirements from the college from which such applicant may have graduated, and the requirements of the board which was legally authorized to issue such certificate permitting such applicant to practice a system or mode of treating the sick or afflicted shall not have been at the time such certificate was issued, or in any degree or particular less than those which were required for the issuance of a similar certificate to practice a system or mode of treating the sick or afflicted in the State of California at the date of the issuance of such certificate, or which may hereafter be required by law and which may be in force at the date of the issuance of any such certificate; *and provided, further,* that said applicant shall furnish from the board which issued said certificate, evidence satisfactory to the board of medical examiners of the State of California showing what the requirements were of the college and of the board, issuing such certificate at the Licenses of other states.

date of such issuance. If, after an examination of such certificate, and the production on the part of the applicant of such further reasonable evidence of the said requirements as may be deemed necessary by the board of medical examiners of the State of California and any other or further examination or investigation which said board may see fit to make on its own part, it shall be found that the requirements of the board issuing such certificate were, when said certificate was issued, in any degree or particular less than the requirements provided by the law of the State of California at the date of the issuance of such certificate or that the applicant has not been a resident of the state from which the application is based for a period of one year subsequent to the issuance of such certificate he will not be entitled to practice within the State of California without an examination. An oral examination shall not be deemed to be of equal merit with a written examination and no certificate shall be issued in the case where a written examination was given in California and an applicant was given an oral examination in another state at the same time. The board is hereby authorized to enter into a contract or contracts of reciprocity with other states wherein the standard of such states is not in any degree or particular less than were the requirements in the State of California in the same year, for the issuance of a certificate to practice a system or mode of treating the sick or afflicted, such certificate to be similar in scope of practice as the certificate issued in the other state; *provided, however*, that the board may in its discretion accept an application based on a written examination and certificate to practice any system or mode of treating the sick or afflicted issued in the District of Columbia or any state or territory of the United States within ten years of application to the board of medical examiners of California if it is made to appear, and the board shall so find, that such extra state board maintained and required a standard in no particular or degree less than that required for a similar examination and certificate in the State of California on the date of such examination and certificate. Such application shall be verified and shall contain a statement showing: (a) the full name of the applicant; (b) all institutions at which he has studied and the period of such study, and all institutions from which he has graduated; (c) a statement of whatever certificate or certificates to practice medicine and surgery may have been issued to him, together with the date of such certificate and a description of the same, and, if required by the board, the certificates themselves, or satisfactory proof of their issuance; (d) a statement of all places in which said applicant has practiced medicine and surgery; (e) such other general information as to his past practice, as may be required by the said board. The said board shall make such independent investigation of the character, ability and standing of the applicant as it may deem proper and necessary, if it is determined that such applicant

Reciprocity
agreements

Applications.

Investiga-
tions

is so qualified to practice as a physician and surgeon in the State of California and that his reputation and standing in the community in which he has previously practiced is good, the said applicant shall be entitled to receive a "physicians and surgeons certificate." The board of medical examiners shall require an oral examination of an applicant when ten or more years have intervened between the date of the filing of his application with the California board and the date of the certificate issued by a medical examining board or any other board or officer authorized by law to issue a certificate entitling such applicant to practice a system or mode of treating the sick or afflicted either in the District of Columbia or in any state or territory of the United States and used as the basis of said application to the California board. Said applicant must have been a resident of his last state of residence for a period of one year prior to date of filing his application in the State of California, they shall afford him an examination on a day suiting the convenience of the board not more than six months subsequent to the presentation of said application. Said examination shall be oral, practical, and clinical in nature, and full consideration shall be given to the duration and character of the applicant's practice. If after such last mentioned examination it is determined by a majority vote of the said medical examiners conducting said examination, that such applicant is so qualified to practice medicine and surgery within the State of California, and that his reputation and standing in the community in which he has previously practiced is good, the said applicant shall be entitled to receive a "physician and surgeon certificate." Each applicant on making such application shall pay to the secretary of the board, a fee of one hundred dollars, which shall be paid to the treasurer of the board, of which sum ninety dollars shall be returned to him should he not receive a certificate hereunder. All certificates issued pursuant to this section shall be marked across the face thereof "reciprocity certificate." Any person granted a "reciprocity certificate" to practice any system or mode for treating the sick or afflicted recognized by this or any preceding medical practice act in this state, such certificates not being of equal scope with the certificates known and designated as the "physician and surgeon certificate," will not be eligible for the "physician and surgeon certificate" as designated in this act without a full and complete compliance with the terms and provisions of sections 9, 10 and 11 hereof; *provided*, that any person who has been granted a reciprocity certificate to practice osteopathy under the laws of California prior to the date this amended act is in effect, may in the discretion of the board, thereafter be granted an oral, practical, or clinical examination for a physicians and surgeons certificate, after said applicant has filed an application based on a certificate issued by a board of examiners of either the District of Columbia or any state or territory of the United States, duly authorized to issue such certificate; *provided, further*, that the requirements of the

Examina-
tions.

Fee.

Other
systems.

Osteopaths

board which was legally authorized to issue such certificate permitting such applicant to practice a system or mode of treating the sick or afflicted shall not have been at the time such certificate was issued, in any degree or particular less than those which were required for the issuance of a similar certificate to practice a system or mode of treating the sick or afflicted in the State of California at the date of the issuance of such certificate. If after such oral, practical, or clinical examination it is determined by the said board of osteopathic examiners, by a majority vote thereof, that such applicant is qualified to practice as a physician and surgeon in the State of California and that his reputation and standing in the community in which he has practiced is good, the said applicant shall be granted a "physicians and surgeons certificate." The fee for filing such application shall be twenty-five dollars, fifteen dollars to be returned to the applicant in the event a certificate is not issued under the provisions hereof.

CHAPTER 123.

An act to amend the title and to amend sections one, two, three, five, six, nine, eleven, sixteen, twenty-three a and twenty-four of an act entitled "An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie; providing for the issuance of bonds and levying of assessments on lands benefited, to pay the costs and expenses thereof," approved May 18, 1919, as amended, and to add to said act a section, to be numbered twenty-four b, relating to reassessment.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

Stats 1919,
p. 731,
amended.

Title.

SECTION 1. The title of an act entitled "An act to promote the drainage of wet swamp and overflowed lands, and to promote the public health in the communities in which they lie; providing for the issuance of bonds and levying of assessments on lands benefited, to pay the costs and expenses thereof," approved May 18, 1919, is hereby amended to read as follows: "An act to promote the drainage of wet, swamp, and overflowed lands or lands otherwise needing surface or underground drainage or protection from storm water overflow, and to promote the public health in the communities in which they lie; providing for the issuance of bonds and levying of assessments on lands benefited, to pay the costs and expenses thereof."

Stats. 1921,
p. 894,
amended.

Petition for
establish-
ment
of drainage
system

SEC. 2. Section 1 of said act is hereby amended to read as follows:

Section 1. Whenever twenty or more property owners or the owners of a majority of the land within a district proposed to be organized under this act, which district contains wet,

swamp or overflowed lands, or lands otherwise needing surface or underground drainage or protection from storm water overflow, susceptible of drainage or protection from overflow by ditches, drains, conduits, pipe lines, or systems of ditches, drains, conduits or pipe lines, or a combination thereof, and which said district is to be benefited by the construction of any improvements contemplated by this act, shall file with the board of supervisors of the county in which said lands are situated a petition for the establishment of such ditches, drains, conduits, pipe lines, or systems of ditches, drains, conduits, pipe lines, or a combination thereof, as may be necessary to drain or protect said lands, defining in a general way only, by naming the roads, rivers, property lines, section lines or other general description, the boundary of the district proposed to be benefited, said board shall within sixty days after the filing of said petition, and as provided in section 3 of this act, grant or deny the same. If said petition is granted the board of supervisors shall instruct the county surveyor to prepare plans and specifications for the improvement. The plans for the improvement shall contain a map or plat of the district on which shall be clearly shown in full detail the exterior boundaries of the district. The boundaries of the district shall include all the land which in the opinion of the county surveyor will be benefited by the improvement contemplated. Said boundaries may be changed, by the board of supervisors as provided in section 6 of this act to exclude lands which in its judgment will not be benefited by the improvement.

Plans.

Boundaries

The plans shall contain one or more sheets on which are shown clearly the location, size and type (open earth ditch, pipe, conduit or other type) of improvement to be constructed and shall have indicated thereon (but may not have the exact location shown) all manholes, catch basins, special structures and appurtenances.

SEC. 3. Section 2 of said act is hereby amended to read as follows:

Stats. 1919,
p 731,
amended

Sec. 2. Whenever a portion of the lands in the district proposed to be formed hereunder, and to be benefited thereby, lies within the boundaries of more than one county, the petition shall be presented to the board of supervisors of the county within which lie the greatest portion of lands of the proposed district, signed by at least ten property owners, or the owners of a majority of the land of the district within each of the counties to be affected, which petition shall describe in a general way only, the proposed boundaries of such district, and all other matters required by section 1 hereof.

Lands in
more than
one county.

Said board of supervisors of the county within which lie the greatest portion of the lands of the proposed district shall have jurisdiction to proceed as in the manner herein provided, and the officers of said county having jurisdiction, shall, as provided in this act, be the officers of said district and shall have the powers and duties herein provided. The several notices in this act provided to be given or published

Jurisdiction

shall, wherever possible, be respectively given or published in the manner prescribed, within the boundaries of the several counties respectively.

Payment of
assessments
by counties.

Upon filing with the recorder and tax collector of said counties of the certified copy of the plat and report of the engineer of construction and the order of said board levying the special assessments as hereinafter provided, said county or counties other than the county having jurisdiction shall each year collect and pay over to the county having jurisdiction, the total amount of the assessments levied for said year upon the lands within their respective boundaries as levied in said report of the engineer of construction and adopted by the order of the board of supervisors of the county having jurisdiction. Thereafter all costs of every nature which may be incurred or made necessary in the maintenance of, changes in, additions to or extensions of the work or improvement done under the provisions of this section, shall be borne by the county or counties affected by such work or improvement.

When part of
municipality
included.

Whenever a portion of any ditch, drain, conduit or pipe line, or system of ditches, drains, conduits or pipe lines or a combination thereof for the drainage or protection of any such wet, swamp, or overflowed lands or lands otherwise needing surface or underground drainage, or protection from storm water overflow, will cross or run along the boundary line of any municipal corporation, or when said board of supervisors find that adjacent territory within a municipality will be benefited by such work or improvement, such adjacent territory may be included within the boundaries of such proposed district. Any such territory included within a district formed under this act shall be subject to its provisions. Any work or any improvement herein contemplated to be done may be done either within or without the boundaries of the district organized therefor as may be necessary properly to drain or protect the lands within said district.

Stats. 1919,
p. 732,
amended.
Action on
petition

SEC. 4. Section 3 of said act is hereby amended to read as follows:

Sec. 3. The board of supervisors shall, in its discretion by resolution to be entered upon its minutes, grant or deny said petition. Said petition shall not be granted unless the public health, safety, convenience or welfare will be promoted by the organization of such district. If said petition is granted the resolution granting the same shall so state. If the petition includes any portion of an incorporated municipality, as provided in section 2 of this act, the board of supervisors shall by resolution find that said portion of said incorporated municipality will be benefited thereby.

Stats. 1919,
p. 733,
amended
Plans and
specifica-
tions.

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

Sec. 5. Before the passing of any resolution of intention under this act, plans and specifications for the work shall be prepared by the engineer of construction and filed with the

board of supervisors. If the work to be constructed is of such a nature and in such location as to be within the jurisdiction of the state reclamation board, the approval of that said board shall be obtained before the plans are adopted.

Approval by
reclamation
board.

Said specifications shall include an estimate of the aggregate amount of the cost and incidental expenses of the work and the cost of the proceedings and shall be signed by the engineer of construction and be filed with the clerk of the board of supervisors.

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

Stats. 1919,
p. 733,
amended.
Resolution
of intention

Sec. 6. Before ordering any work to be done under this act, the board of supervisors shall pass a resolution of intention so to do. Such resolution may be in form, and shall in substance, be as follows (filling in blanks):

In the matter of drainage district improvement No.----- Resolution of intention No. ----- (both numbers being that of the district).

Resolved, That it is the intention of the board of supervisors of the county of -----, State of California, proceeding under and by virtue of the drainage district improvement act of 1919, as amended, and in the matter of drainage improvement district No. ---- (the number being that of the district), on the ----- day of -----, 19---, at the hour of -----m., of that day or as soon thereafter as the matter can be heard, at the chambers of said board, to order work to be done, as follows: (here insert a brief description, giving the general location of the proposed improvement and mentioning the main items of the work, such as open ditches, covered channels, pipes, conduits or other forms of structure, and referring to the plans and specifications on file for the full and detailed description of the said proposed work and improvement), the said work to be done in accordance with the said plans and specifications therefor filed with the clerk of said board on the ----- day of -----, 19---, except as the boundaries of the district and the plans and specifications may be changed at the hearing hereinafter provided, and to which all persons are hereby referred for the further full and complete description of said work. For the cost and incidental expenses of the work and the cost of the proceedings, bonds will be issued for the total amount thereof, due and payable in ----- annual installments, the first thereof becoming due ----- years from and after the date of said bonds, and bearing interest at the rate of ----- per cent (---%) per annum, payable semi-annually, all in gold coin of the United States.

A special fund for the payment of said bonds and interest thereon, to be designated drainage district improvement No. ----- (the number being that of the district) interest and sinking fund, is to be constituted by the levy and collection of special assessment taxes upon all land within a district to be known as drainage improvement district No. ----- of the

Resolution of
intention
(cont'd).

county of _____ (and it may be added: and partly by transfer of money from the county general fund) according to the procedure set forth in section 12 (or sections 12a, 12b and 12c) of the drainage district improvement act of 1919.

Such district (as proposed) being all that territory in the county (or counties) of _____, State of California, lying within the following exterior boundary line (here set forth a general description of said boundary line). A map or plat on which is indicated the said boundary line of the said district is on file with the clerk of said board of supervisors, and said map shall govern for all details as to the extent of said district. Reference is hereby made to the said map for the full, detailed and complete description of the boundaries of the said district.

Notice is hereby given that at the time herein specified for ordering the said proposed work, the matter of said drainage district improvement No. _____, will come up for hearing, and all objections which under the provisions of said drainage district improvement act of 1919 are entitled to be heard or determined, will, or at such time or times to which said hearing is continued, be heard and determined, and the boundaries of said district and the plans and specifications will be then finally determined and established. The _____, is hereby designated as the newspaper (or newspapers) in which this resolution shall be published and in which other publications in the proceedings shall be made unless orders are hereafter made changing the paper designated for such later publications.

The county surveyor is hereby appointed to superintend the work of said improvement.

The foregoing resolution was on the _____ day of _____, 19____, passed by the board of supervisors of the county of _____, State of California.

Attest: _____

Clerk of the board of supervisors of said county of _____, California.

By _____

Deputy clerk.

Materials
and methods.

It may be provided in the plans and specifications that the work or various items thereof may be constructed of any one of two or more different materials, or the work be done by one or two or more processes, such for instance as that a pipe may be of sheet iron, vitrified clay or cement concrete. In such cases, the said several materials or methods shall each be described, and it shall be provided that the contractor shall be free to employ such one of them as he may elect.

Stats. 1919,
p 735,
amended
Finding of
board.

SEC. 7. Section 9 of said act is hereby amended to read as follows:

Sec. 9. The board of supervisors shall in conclusion of the aforementioned hearing and as a sufficient determination of all

questions arising thereat, by resolution or resolutions to be entered upon its minutes, declare its finding, determining, in its discretion, either that the work shall be ordered or that all proceedings shall be abandoned. If said board determines that said work shall be ordered it shall further determine the boundaries of the district and finally approve the plans and specifications. If no changes be made in the boundaries of the district as set forth in the resolution of intention it shall be sufficient to state that the boundaries of the district are those shown on the map or plat thereof and set forth in the resolution of intention; if any change of such boundaries is made, the engineer of construction shall file with the clerk of the board of supervisors a new map or plat on which are shown the boundaries of the district as finally determined. If no change be made in the plans and specifications, it shall be sufficient to state that such plans and specifications are approved. If any change of such plans and specifications be made they shall be approved as changed.

In either case, the boundaries of the district as finally determined shall be the boundaries of the district for all purposes of the proceeding and until any bonds to be issued for the cost of the work shall have been fully paid and discharged; the plans and specifications as finally approved shall be the plans and specifications of the district for all purposes of the proceeding. The boundaries of the district as shown on the map or plat thereof required by section 1 of this act and as set forth in the resolution of intention, shall not be so changed as to include within the district any territory not within the boundaries as shown on the map or plat thereof and set forth in said resolution as published and posted.

In like manner, by resolution or resolutions the board of supervisors may order the work to be done, and if it so does it shall fix a time for receiving proposals or bids for doing the work, and shall direct the clerk to give notice, inviting sealed proposals or bids. Such notice shall include a statement that the work is to be done under the provisions of the drainage district improvement act of 1919 and according to the plans and specifications on file, except in so far as such plans and specifications were changed by the board of supervisors in conclusion of the hearing on the resolution of intention in said act provided; to which said act, to the resolution of intention and all proceedings had thereunder the attention of bidders is hereby directed, and which are by this reference made part of said notice.

SEC. 8. Section 11 of said act is hereby amended to read as follows:

SEC. 11. Said board shall, in open session, open and examine and declare the same. No proposal or bid shall be considered unless accompanied by such check or such bond in terms satisfactory to the board. The board may reject any and all proposals or bids should it deem it for the public good,

Boundaries

Notice
inviting
sealed
proposalsStats 1919,
p. 737,
amended.
Award of
contract

and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work to the lowest responsible bidder at the price named in his bid.

Notice
of award

A notice of such award, attested by the clerk of the board of supervisors shall be transmitted to the successful bidder by mail by the clerk of the board of supervisors, and shall also be published and posted in the manner herein provided as to the notice inviting proposals or bids.

Disposition
of check
or bond.

The check or bond accompanying such accepted proposal or bid shall be kept by the clerk of said board until the contract for doing said work, as hereinafter provided, has been entered into. Checks or bonds of unsuccessful bidders shall be returned by the clerk of said board. If said successful bidder fails, neglects or refuses for fifteen days after being awarded the contract to execute the same, the certified check accompanying his bid, and the amount thereof shall be declared forfeited to the county, and may be collected by it and paid into the interest and sinking fund of the district, and any bond forfeited may be prosecuted, and the amount thereof collected and paid into said fund.

Expenses

Before being entitled to a contract the bidder to whom the award thereof has been made must advance and pay to the clerk of the board of supervisors, the costs and expenses of publishing and posting the resolutions, notices and orders required under this act to be made, which have been made, given, posted or published in the proceeding.

Grievances
and
objections.

Any person interested in the said proceeding may at any time within ten days from the first publication of the notice of award file with the clerk of the board of supervisors a statement in writing specifying any particulars in which he may be aggrieved by the said proposed work and any and all objections he may have to the regularity or legality of the proceedings theretofore had or taken. The failure to file such written statement shall constitute and be a complete waiving of each and every objection to the proceedings theretofore had or taken and an estoppel and bar to any and all claim that the same or any portion thereof have been or are irregular, illegal, defective, erroneous or faulty, providing the petition provided for in section 1 hereof has been published and heard.

Failure to
execute
contract.

If for twenty days after the first publication of the notice of award, the awardee fails, neglects, or refuses to execute a contract for the same, the board of supervisors may direct the clerk of the board to give notice as in the first instance, inviting sealed proposals or bids, and thereupon after receiving bids shall award the contract as in the first instance; and the said board shall proceed in the same manner in the case of the default of a second or subsequent awardee.

SEC. 9. Section 16 of the said act is hereby amended to read as follows:

Stats 1921, p. 902, amended. Issuance of bonds.

Sec. 16. Upon the expiration of twenty days after the making of the final order provided in section 15 of this act, the clerk of the board of supervisors shall transmit to the county treasurer of the county an attested copy of said final order, and upon receipt of the same, the treasurer shall proceed to issue bonds amounting in the aggregate to the principal sum for which bonds are to be issued as the same is stated in said final order. A bond may be issued in any amount, provided that the aggregate of the bond or bonds made payable in any one year is the proper part of the whole principal of the bond issue as specified in said final order, and that the interest thereon shall be payable as hereinafter provided. The said bonds may in form, and shall in substance, be as follows:

DRAINAGE DISTRICT IMPROVEMENT BOND.

Form of bonds.

County of _____, State of California,

Drainage Improvement District No. _____

\$ _____ Bond No. _____

Under and by virtue of an act of the Legislature of the State of California, known as the "Drainage District Improvement Act of 1919" (here may be inserted a further designation of the act if desired) the county of _____, State of California, will pay to the bearer, out of the fund hereinafter designated, at the office of the treasurer of the said county on the _____ day of _____, 19____, the sum of _____ dollars in gold coin of the United States of America, with interest thereon, in like gold coin at the rate of _____ per cent per annum, payable semi-annually on the _____ day of _____, and the _____ day of _____ each year from the date hereof (the last installment thereof shall be payable at maturity of this bond) upon presentation and surrender, as they respectively become due, of the proper interest coupons hereto attached, the first of which is for interest from date hereof to the next date of interest payment, and the last for interest to maturity hereof from the last preceding date of interest payment.

This bond is issued under and in conformity with the provisions of said drainage district improvement act of 1919, and the amendments thereof, and is one of a series of bonds of like date and effect numbered from one to _____ consecutively, amounting in the aggregate to _____ dollars, issued in behalf of drainage improvement district No. _____ of said county, which constitutes the only indebtedness of said district. It is hereby certified, recited and declared that all proceedings, act and things required by law precedent to or in the issuance of this bond have been regularly had, done and performed, and this bond is by law made conclusive evidence thereof.

Form of bonds (cont'd).

This bond is payable out of drainage district improvement No.----- interest and sinking fund exclusively, as the same appears on the books of the treasurer of said county, and neither said county nor any officer thereof shall be holden for its payment otherwise.

In witness whereof, said county has caused this bond to be signed by the chairman of its board of supervisors and countersigned by its treasurer and the seal of said board to be hereto affixed and said interest coupons to be signed by the said treasurer this----- day of-----, 19-----.

Chairman of the board of supervisors of the county of-----, California.
Countersigned-----

(Seal of board of supervisors)

Treasurer of the county of-----, California

Signatures.

Said bonds shall be signed by the chairman of the board of supervisors and countersigned by the treasurer of the county, and shall have the seal of said board of supervisors thereto affixed, and when so signed shall be binding according to the terms thereof as prescribed in said form. The interest coupons attached to the said bonds shall be in such form as said treasurer may determine, subject to the provisions of this act and the approval of the board of supervisors. Said coupons need be signed only by the treasurer, either in writing or by lithographed or printed facsimile. Said bonds shall be delivered by the said treasurer to said contractor or to his order, assignee, or lawful representative.

Coupons

Term and interest.

The board of supervisors is hereby vested with power to determine the number of years, not to exceed twenty, within which the aggregate principal of bonds to be issued under this act shall be paid and discharged, and to fix the rate of interest to be paid thereon, not to exceed seven per cent per annum and it shall be a sufficient determination and fixing of the same to set forth in the resolution of intention that bonds will issue for the work in any terms that will fairly indicate such time and such rate and the fractional part of the principal to be paid each year. It may be provided in the said resolution that the first payment of principal shall become due either two, three, four or five years after the date of said bonds. The number of installments of payment of principal shall be named in the resolution of intention. The amount of the principal due in each annual payment, need not be exactly the same, but with respect to each installment excepting the last may be made to differ not more than one thousand dollars from the amount obtained by dividing the total bond issue by the number of installments. Each installment excepting the last shall be an even multiple of one hundred dollars. The last installment shall be for the balance of the total issue not provided to be paid in the previous installments.

Interest payments.

The interest payment on said bonds shall become due and payable semiannually on such dates as will cause the final

installment thereof to become due and payable on the date of the maturity of the bond in the manner indicated in said form of bond. Interest and principal shall be payable at the office of the county treasurer in gold coin of the United States of America; but it shall not be necessary, either in the resolution of intention or otherwise, to set forth or determine the days of the month on which payments of interest are to be made, nor that payments shall be made in such gold coin, nor that payments shall be made at such treasurer's office, but all persons are charged with notice of the contents of this section, especially in the aforesaid particulars.

SEC. 10. Section 23a of said act is hereby amended to read as follows: Stats. 1921,
p. 904,
amended.

Sec. 23a. The board of supervisors shall each year, at the time of making the levy of taxes for county purposes, levy an ad valorem tax upon the taxable property in each drainage improvement district in its county organized under this act in an amount sufficient to raise the revenue which will be needed for the current year for maintaining and repairing, making changes in, additions to or extensions of the works and improvements of said district. Said tax, when levied, shall be entered upon the assessment roll and collected in the same manner as state and county taxes. When collected it shall be placed in the treasury of the county in a fund to be designated "drainage district improvement No.----- maintenance fund" (the number being that of the district), and shall be used only for the purpose for which it was raised. If said district includes land within more than one county as above provided in section 2, the ad valorem tax herein provided to be levied, shall, by each of said counties be collected from that portion of the district lying within its boundaries; and said counties shall pay said tax so collected over to the county having jurisdiction of said district. Ad valorem
tax for
maintenance
and repairs.

SEC. 11. Section 24 of said act is hereby amended to read as follows: Stats 1921,
p. 905,
amended.

Sec. 24. The engineer of construction shall, subject to the approval of the board of supervisors, do all things necessary for the proper maintenance of the improvement and shall make such changes in, additions to or extensions of the improvement as may be found necessary to more completely drain or protect the lands within the district and accomplish the entire purpose for which the improvement was constructed. The compensation of any assistants or employees or the cost of any material necessary shall be payable out of the maintenance fund. If, for any reason whatsoever, there be insufficient money in the maintenance fund to pay the compensation of any such assistants or employees or the cost of any material, the county shall advance the remainder necessary to pay the compensation of said assistants or employees or the cost of said materials, and shall reimburse itself from moneys paid into said maintenance fund. Maintenance

The provisions of this section shall apply to all drainage district improvements constructed under the act of 1903 (being the act referred to in section 27 of this act), existing at the time this amendment takes effect.

Stats. 1919,
p. 749,
amended.
Reassess-
ments.

SEC. 12. A new section to be numbered 24b is hereby added to said act to read as follows:

SEC. 24b. Whenever any assessment heretofore made or which may be hereafter made, is or shall be void or invalid for any cause, or if bonds have been, or shall hereafter be issued and such issuance shall not have been, or shall not be effective through the curative provisions hereof to make them valid and enforceable; then, in any of such events a reassessment shall be made. The true intent and meaning of this section is to make the cost and expenses of work made and done through an attempted compliance with this act, payable by the real estate benefited by making a reassessment therefor.

Court order.

Whenever any court of competent jurisdiction has set aside any assessment or has enjoined the issuance of bonds for any reason, it shall in and by its decree direct the making of a reassessment to cover the cost of said work and improvement. Likewise, if any such court has set aside any bonds or quieted the title of any lot against the lien of any such bonds or assessments, then it shall in and by its decree direct the making of a reassessment and the issuance of bonds thereon.

Determina-
tion of
amount.

The court in and by its decree shall give directions regarding the determination of the amount for the reassessment and the giving of credit for payments of interest and principal that may have been made—the intent and purpose of this provision being that the contractor, his successors or assigns, shall receive pay in full of the amount of his contract and incidentals together with interest thereon, but that all payments of principal or interest on void and unenforceable assessments or bonds shall be credited to the property against which they were assessed or attempted to be assessed.

Procedure.

The several officers whose duty it was under the proceedings in question to proceed with the making of the original assessment shall proceed with the making of the reassessment as follows: They shall first add interest at the rate named in the original proceedings from the date of the bonds, on the amount of the total assessment to the total amount thereof. They shall then proceed with the making of a reassessment for such total amount. Such reassessment shall be made in the same manner that the original assessment was made, following the one of the alternative methods that was pursued in making the original assessment. When the hearing has been had and the reassessment has been confirmed, then credit shall be given as directed by the decree of court for all payments that may theretofore have been made on the original assessments, and bonds thereupon be issued in the same manner provided for their issuance upon the original assessment to represent the amount of the original assessment with interest thereon less the credit or offset directed by the decree to be made by reason of previous

payments, as hereinbefore mentioned. Thereupon credit shall be noted on the reassessment for assessments that may have been paid, and the new reassessments against lands whose owners shall not have paid on the original assessment shall be adjusted in accordance with the decree of court so as to equitably adjust the payment of the amounts of the various reassessments between those that have previously paid some of the original assessments and those that have not.

CHAPTER 124.

An act to amend sections five and six of an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 5 of an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, is hereby amended to read as follows:

Sec. 5. The auditor must then compute and enter in the assessment-book the municipal or city tax on the property therein enumerated and assessed as being in such municipal corporation or city, using the rate of levy so fixed by such municipal board, and the assessed value as found in such assessment book, at the same time and in the same manner as he computes and enters state and county taxes. Such taxes so levied shall be collected at the same time and in the same manner as state and county taxes and when collected shall be paid into the county treasury and the net amount thereof, after deduction of the county's compensation provided in

Stats 1895,
p. 220,
amended.

Computation
and
collection
of taxes.

section 6 hereof and also the county's additional compensation, if any such is due, provided in section 7 hereof, shall be paid to the treasurer of the municipal corporation or city by warrant of the county auditor.

Stats. 1905,
p. 429,
amended
Compensa-
tion of
county

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

Sec. 6. The amount of compensation to be charged by and paid to any county for the performance of the services of assessment and collection of taxes, as provided in this act not including the services of the treasurer specified in section 2 hereof, for and on behalf of any municipal corporation or city in such county, shall be fixed by agreement between the board of supervisors of such county and the legislative body of such municipal corporation or city; *provided* that not more than one per cent shall be charged for collecting the first twenty-five thousand dollars so collected and not more than one-fourth of one per cent for all sums over that amount. All amounts on account of the compensation provided for in this section and in section 7 hereof, deducted as provided in section 5 hereof, shall be paid in to the salary fund of the county.

CHAPTER 125.

An act to amend sections four and seven of an act entitled "An act to provide for the assessment of property in cities governed under freeholders' charters, framed under the provisions of the constitution of this state, for the municipal taxes of such cities, and for the equalization and correction of such assessment by county officers, for the collection and enforcement of the payment of such taxes, including delinquent taxes, by such officers, for the sale and redemption from sale of property sold for the non-payment of such taxes, and for the performance by county officers of the duties of officers of such cities respecting said matters; and to provide for the compensation to be paid to counties by such cities for the services performed by such county officers for such cities under the provisions of this act," approved June 6, 1913.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

Stats. 1913,
p. 501,
amended.

SECTION 1. Section 4 of an act entitled "An act to provide for the assessment of property in cities governed under freeholders' charters, framed under the provisions of the constitution of this state, for the municipal taxes of such cities, and for the equalization and correction of such assessment by county officers, for the collection and enforcement of the payment of such taxes, including delinquent taxes, by such

officers, for the sale and redemption from sale of property sold for the nonpayment of such taxes, and for the performance by county officers of the duties of officers of such cities respecting said matters; and to provide for the compensation to be paid to counties by such cities for the services performed by such county officers for such cities under the provisions of this act," approved June 6, 1913, is hereby amended to read as follows:

Sec. 4. The county auditor of the county in which such city is situated must, on or before the second Monday in August of each year, transmit to the council or other legislative body of such city a statement in writing showing the total assessed valuation of all property within such city, which value shall be ascertained from the assessment roll of such county, equalized and corrected by the board of supervisors thereof in the manner provided by law, and showing the total assessed valuation of all property within the limits of such city as originally incorporated, and the total assessed valuation, separately, of all property in each body of new territory so added to such city subsequent to the original incorporation thereof. Upon the delivery to the county auditor, not later than the first day of September, of each year, of a statement certified by the city clerk of such city, showing the levy, or rate or rates per cent of taxes levied by the council or other legislative body of such city, for all municipal purposes for such year, including amounts required for the payment of interest and sinking funds for the bonded indebtedness of such city, and showing separately the rate of taxes so levied upon all property within the limits of such city as originally incorporated and the rate upon all property within the boundaries of each portion of such city added thereto subsequent to the original incorporation thereof as aforesaid, the county auditor must compute and enter in the assessment book, the municipal taxes on the property therein enumerated and assessed as being in such city, using the rate or rates of levy as fixed by the legislative body thereof, and the assessed value as found in such assessment book, at the same time and in the same manner as he computes and enters state and county taxes. Such taxes so levied shall be collected at the same time and in the same manner as state and county taxes are collected and when collected shall be paid into the county treasury and the net amount thereof, after deduction of the county's compensation provided in section 7 hereof, shall be paid to the treasurer of such city by warrant of the county auditor.

Whenever any delinquent city taxes, together with costs and penalties thereon, have been paid to the county treasurer, or whenever any property in such city has been sold for the nonpayment of the city taxes thereon and has been redeemed and the money for such redemption has been paid to the county treasurer, the money collected for such delinquent taxes, costs, penalties and redemptions shall be paid to the

Statement
of property
valuations

Computation
of taxes

Collection
of taxes.

Delinquent
taxes.

treasurer of such city, by warrants of the county auditor, after deduction of the county's compensation provided in section 7 hereof.

Payment
to city.

Such net amounts of collections of current and delinquent taxes and redemptions shall be so paid to the treasurer of such city monthly, or at such other times as may be agreed upon by and between the legislative body of such city and the board of supervisors of such county.

Stats. 1913,
p. 503,
amended.
Compensation of
county

SEC. 2. Section 7 of said act is hereby amended to read as follows:

SEC. 7. The amount of compensation to be charged by and paid to any county for the performance of services contemplated by the provisions of this act, shall be fixed by agreement between the board of supervisors of such county and the legislative body of such city; *provided, however*, that such compensation shall in no event exceed one-half of one per cent of all moneys collected for such city as in this act provided. All amounts on account of such compensation, deducted as provided in section 4 hereof, shall be paid in to the salary fund of the county.

CHAPTER 126.

An act authorizing the head of any state department, with the approval of the department of finance, to destroy records.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

Destruction
of state
records.

SECTION 1. Unless otherwise provided for by law, the head of any state department, with the approval of the department of finance, is hereby authorized to destroy or otherwise dispose of any and all records of such department after they have served their purpose and are no longer required.

CHAPTER 127.

An act providing for the use of water and gas lines and appurtenances constructed within municipalities or unincorporated territory of a county under any street improvement act; and providing limitations on the granting of such use.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

Cities and
counties may
lease water
and gas
lines.

SECTION 1. Whenever, under the provisions of any street improvement act under which public work or improvements may be installed or constructed and the costs and expenses thereof assessed in whole or in part against the lands or

property benefited thereby, there have been installed or constructed in territory within any city or within the unincorporated territory of any county in this state any wells, pumps, dams, reservoirs, storage tanks, channels, tunnels, conduits, pipes, hydrants, meters or other appurtenances for supplying or distributing a domestic water supply, or all or any combinations thereof, and whenever there have been installed or constructed in territory within any city or within the unincorporated territory of any county in this state any mains, services, pipes, fittings, valves, regulators, governors, meters, drips, drains, tanks, ditches, tunnels, conduits, channels, or other appurtenances for supplying or distributing a domestic or industrial gas supply, or all or any combinations thereof and no provision has been made for the maintenance, operation, and use of the work or improvement constructed, and the municipality in which the same lies owns no plant or system which can conveniently furnish the water or gas, as the case may be therefor, or the county (in case the improvement lies within unincorporated territory of the county) in which the same lies owns no plant or system which can conveniently furnish the water or gas, as the case may be, therefor, and the public interest, convenience and necessity require that water or gas, as the case may be, be furnished therefor, the legislative body of such city or county, as the case may be, may grant permission to furnish water or gas therefor to any district, public corporation, mutual company, public utility company, private company or individual as herein provided.

SEC. 2. Before granting any such permission the legis- ^{Findng.}
 lative body of such county or municipality, as the case may be, shall find that the public interest, convenience and necessity require that such work or improvement be used and that in order to use the same water or gas is necessary therefor and that a certain district, public corporation, mutual company, public utility company or private corporation or individual (naming the same) can most conveniently furnish such ^{Grant}
 water or gas therefor, and may thereupon grant to such district, public corporation, mutual company, public utility company or private corporation or individual the right to attach his or its lines or system or water lines or system to such work or improvement, and to furnish through such work or improvement, water or gas to all lands which were assessed to pay the costs and expenses of constructing such work or improvement. Said permission shall be signed by ^{Signatures}
 the mayor or other chief executive of a municipality, or by the chairman of the board of supervisors of the county, as the case may be, and by the person or authorized officers of the district, public corporation, mutual company, public utility company, or private corporation or individual obtaining same. Said permission shall state the time for which the same is ^{Terms.}
 given (which shall not exceed two years) and describe the work or improvement for which such permission is given and

shall require such district, public corporation, mutual company, public utility company, or private corporation or person to maintain the work or improvement during the term of said permission, and to make all necessary repairs thereto during such term and to furnish gas or water, as the case may be, to all lands assessed to pay all or any part of the costs and expenses of such work or improvement; *provided, however,* that if any extensions of or additional installations for said work or improvement are necessary in order to serve all of such lands, said district, public corporation, mutual company, public utility company, or private corporation or individual shall not be obligated to make such extensions or additional installations, but must permit any owner of land within the district assessed to pay the costs and expenses of such work or improvement to make such extensions and installations under reasonable regulations therefor to be fixed by the city engineer or county surveyor, as the case may be, and to attach the same to such work or improvement and to receive said gas or water therefrom. Said permission must also provide that the charge made by said district, public corporation, mutual company, public utility company, or private corporation or individual for such gas or water shall not be greater than the charge therefor made by such district, public corporation, mutual company, public utility company, or private corporation or individual for such service elsewhere and shall provide that such district, public corporation, mutual company, public utility company, or private corporation or individual pay a reasonable charge (to be determined by the legislative body granting such permission) for the use of such work or improvement in furnishing such gas or water and such rental shall be paid to the treasurer of the county or municipality, as the case may be, at least semiannually, and be placed in a special fund, which fund shall be used for the improvement or replacement of such work or improvement or any part thereof and the legislative body of such county or municipality, as the case may be, is hereby empowered to expend such fund for such purpose.

Extensions

Charges to consumers.

Rental

Right to terminate lease.

The permission granted hereunder to any private corporation or individual (not a public utility) and the furnishing of gas or water thereunder shall not be construed as a holding out or undertaking of such corporation or individual to serve any and all persons or as constituting such corporation or individual a public utility or being any evidence thereof. Any such permission must expressly reserve to the legislative body granting the same the right to terminate the same whenever such municipality or county can conveniently furnish such gas or water, as the case may be, and if so terminated said county or municipality shall thereafter furnish such gas or water, as the case may be, and such permission shall further provide that if any district or public corporation be formed or extended (if said district or public corporation can conveniently serve the said territory with gas or water, as the

case may be) that any permission granted hereunder to any public utility, private corporation or individual may be terminated by said legislative body and if said permission be so terminated, said legislative body may grant permission to use said work or improvement and furnish gas or water, as the case may be therefor, in the manner and under the limitations herein provided to such district or public corporation. Any district for which said legislative body of any county or municipality, as the case may be, may make contracts shall be included within the term district as used herein. The term municipality as used herein shall be deemed to include only incorporated cities and towns heretofore organized and now existing or hereafter incorporated under the laws of this state.

SEC. 3. It is the intention of this act to provide a means of making the work and improvements herein mentioned useful and beneficial to the lands or property assessed to pay the costs and expenses of the construction thereof. The powers herein granted are supplemental to any powers now or hereafter granted by law to any county or municipality and this act shall not be construed as repealing any other powers to use or utilize such work or improvements, but when any legislative body shall elect to proceed under this act, the provisions hereof only shall apply and the limitations herein must be followed.

SEC. 4. This act and all of its provisions shall be liberally construed to the end that the purposes hereof may be effective.

CHAPTER 128.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two j, embracing sections three hundred seventy-three to three hundred seventy-three i, relating to a department of natural resources.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. The Political Code is hereby amended by adding a new article to chapter III of title I of part III thereof, to be numbered article IIj, embracing sections 373 to 373i and to read as follows:

ARTICLE IIj.

DEPARTMENT OF NATURAL RESOURCES.

373. A department of the government of the State of California to be known as the department of natural resources is hereby created. The department shall be conducted under

the control of an executive officer to be known as the director of natural resources, which office is hereby created. The director shall be appointed by and hold office at the pleasure of the governor and shall receive a salary of six thousand dollars per annum.

Adminis-
trative
department
provisions
applicable.

Except as in this article otherwise provided, the provisions of article II of this chapter, title, and part of the Political Code as adopted at the forty-fourth session of the Legislature and as the same may be amended from time to time shall govern and apply to the conduct of the department of natural resources in every respect the same as if such provisions were herein set forth at length and wherever in said article II the term "head of the department" or similar designation occurs, the same shall for the purposes of this article mean the director of natural resources.

Organization
of
department

373a. For purposes of administration the department shall be forthwith organized by the director thereof, subject to the approval of the governor, in such manner as he shall deem necessary to properly segregate and conduct the work of the department, and the director shall have power to appoint in accordance with the civil service and other provisions of law such deputies, officers and other expert and clerical assistants as may be necessary. The work of the department is hereby divided into at least four divisions to be known as the division of mines and mining, the division of forestry, the division of parks and the division of fish and game.

Division of
mines and
mining

373b. The division of mines and mining shall be administered through a chief of division who shall also be known as the state mineralogist. He shall be appointed by the director of natural resources and shall receive a salary of six thousand dollars per annum.

Division of
forestry.

373c. The division of forestry shall be administered through a chief of division who shall be known as the state forester, who shall be a technically trained forester, appointed by the director of natural resources upon nomination by the state board of forestry hereinafter provided. General policies for the guidance of the division of forestry shall be determined by a state board of forestry which shall consist of seven members appointed by and holding office at the pleasure of the governor. Of the seven members one shall be familiar with the pine timber industry, one with the redwood industry, one with the live stock industry, one with general agriculture and one with the problems of water conservation.

Division of
parks.

373d. The division of parks shall be administered through a chief of division who shall be appointed by the director of natural resources upon nomination by the state park commission hereinafter provided. General policies for the administration of the state park system shall be determined by the state park commission which is hereby created to consist of five members appointed by the governor and holding office at his pleasure.

373e. The division of fish and game shall be administered through a fish and game commission consisting of three members appointed by and holding office at the pleasure of the governor.

Division of
fish and
game.

373f. The chiefs of the divisions of forestry and parks respectively shall receive such salaries as may be determined by the director with the approval of the governor. The director of natural resources and the chief of each division before entering upon his duties shall execute to the State of California an official bond in the penal sum of twenty-five thousand dollars conditioned upon the faithful performance of his duties. The members of the board of forestry, the state parks commission and fish and game commission shall serve without compensation, but shall be entitled to their actual necessary expenses incurred in the performance of their duties.

Compensa-
tion and
official bonds.

373g. The department of natural resources shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities and jurisdiction of the state mining bureau, state mineralogist, department of petroleum and gas, state oil and gas supervisor, state forester, state board of forestry, California redwood park commission, San Pasqual battlefield commission, Mount Diablo park commission, state fish and game commission, state fish and game commissioners, and, except as herein otherwise provided, of the several officers, deputies and employees of such bodies and offices, and whenever by the provisions of any statute or law now in force or that may hereafter be enacted a duty or jurisdiction is imposed or authority conferred upon any of said officers, offices, bodies, deputies or employees by any statute the enforcement of which is transferred to the department, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of natural resources and the appropriate officers thereof with the same force and effect as though the title of said department of natural resources had been specifically set forth and named therein in lieu of the name of any such body, office, officer, deputy or employee. Said bodies and offices, the duties, powers, purposes, responsibilities and jurisdiction of which are so transferred and vested in the department of natural resources, and the positions of all officers, deputies and employees thereunder, are and each of them is hereby abolished and shall have no further legal existence, but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction, together with all lawful rules and regulations established thereunder are hereby expressly continued in force.

Duties,
powers, etc.,
succeeded to

The department of natural resources shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other

Property.

property real or personal now or hereafter held for the benefit or use of said bodies, offices and officers.

Boards and
offices
continued.

The boards of district oil and gas commissioners, the offices of district oil and gas commissioners and the board of review, correction and equalization created by the act approved June 10, 1915, establishing the department of petroleum and gas, are hereby respectively continued in force with the powers, duties, responsibilities and jurisdiction in them vested by the provisions of said act approved June 10, 1915, as amended; *provided*, that said board of review shall consist of the director of natural resources, the director of finance and the chairman of the state board of equalization.

San Pasqual
battlefield.

373h. The management and control of the property acquired by the State of California under or pursuant to the provisions of the act entitled "An act to accept the gift to the state of San Pasqual battlefield in San Diego county, to provide for collecting and systematizing the history of said battle, for determining the exact location thereof, and to report a suitable method of marking said battlefield and commemorating the heroism of those Americans who fought and died there," approved May 11, 1919, is hereby transferred to and vested in the department of natural resources.

Expenditure
of funds

373i. From and after the date upon which this act takes effect, the department of natural resources shall be and is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of all the statutes the administration of which is committed to the department, or for the use, support, or maintenance of any board, bureau, commission, department, office or officer whose duties, powers, and functions are, by the provisions of this article, transferred to and conferred upon the department of natural resources. Such expenditures by the department shall be made in accordance with law in carrying out the purposes for which such appropriations were made or such special funds created.

CHAPTER 129.

An act to amend section fifty of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of

acts inconsistent with the provisions of this act," approved April 23, 1915, as amended.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 50 of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title 15 of part IV of division 1 of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended, is hereby amended to read as follows:

Sec. 50. (a) No railroad corporation whose railroad is operated primarily by electric energy, street railroad corporation, gas corporation, electrical corporation, telegraph corporation, telephone corporation or water corporation shall henceforth begin the construction of a street railroad, or of a line, plant, or system, or of any extension of such street railroad or line, plant, or system, without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction; *provided*, that this section shall not be construed to require any such corporation to secure such certificate for an extension within any city and county, or city or town within which it shall have theretofore lawfully commenced operations, or for an extension into territory either within or without a city and county, or city or town, contiguous to its street railroad, or line, plant, or system, and not theretofore served by a public utility of like character, or for an extension within or to territory already served by it, necessary in the ordinary course of its business; *and provided, further*, that if any public utility, in constructing or extending its line, plant, or system, shall interfere or be about to interfere with the operation of the line, plant, or system of any other public utility, already constructed, the commission, on complaint of the public utility claiming to be injuriously affected, may, after hearing, make such order and prescribe such terms and conditions for the location of the lines, plants, or systems affected as to it may seem just and reasonable.

(b) No public utility of a class specified in subsection (a) hereof shall henceforth exercise any right or privilege under any franchise or permit hereafter granted, or under any franchise or permit heretofore granted but not heretofore actually exercised, or the exercise of which has been suspended for

more than one year, without first having obtained from the commission a certificate that public convenience and necessity require the exercise of such right or privilege; *provided*, that when the commission shall find, after hearing, that a public utility has heretofore begun actual construction work and is prosecuting such work, in good faith, uninterruptedly and with reasonable diligence in proportion to the magnitude of the undertaking, under any franchise or permit heretofore granted but not heretofore actually exercised, such public utility may proceed, under such rules and regulations as the commission may prescribe, to the completion of such work, and may, after such completion, exercise such right or privilege; *and provided, further*, that this section shall not be construed to validate any right or privilege now invalid or hereafter becoming invalid under any law of this state.

Articles of
incorporation
and evidence
to be filed.

(c) Before any certificate may issue, under this section, a certified copy of its articles of incorporation or charter, if the applicant be a corporation, shall be filed in the office of the commission. Every applicant for a certificate shall file in the office of the commission such evidence as shall be required by the commission to show that such applicant has received the required consent, franchise or permit of the proper county, city and county, municipal or other public authority.

Complaint of
violation

When a complaint has been filed with the commission alleging that a public utility of the class specified in subsection (a) of this section is engaged or is about to engage in construction work without having secured from the commission a certificate of public convenience and necessity as required by the provisions of this section, the commission shall have power, with or without notice, to make its order requiring the public utility complained of to cease and desist from such construction until the commission makes and files its decision on said complaint or until the further order of the commission. The commission shall have power, after hearing, to issue said certificate, as prayed for, or to refuse to issue the same, or to issue it for the construction of a portion only of the contemplated street railroad, line, plant or system, or extension thereof, or for the partial exercise only of said right or privilege, and may attach to the exercise of the rights granted by said certificate such terms and conditions, including provisions for the acquisition by the public of such franchise or permit and all rights acquired thereunder and all works constructed or maintained by authority thereof, as in its judgment the public convenience and necessity may require. If a public utility desires to exercise a right or privilege under a franchise or permit which it contemplates securing, but which has not as yet been granted to it, such public utility may apply to the commission for an order preliminary to the issue of the certificate. The commission may thereupon make an order declaring that it will thereafter, upon application, under such rules and regulations as it may prescribe, issue the

Hearing and
order.

Order pre-
liminary to
certificate.

desired certificate, upon such terms and conditions as it may designate, after the public utility has obtained the contemplated franchise or permit. Upon the presentation to the commission of evidence satisfactory to it that such franchise or permit has been secured by such public utility, the commission shall thereupon issue such certificate.

(d) No corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, shall hereafter begin to operate or cause to be operated any vessel for the transportation of persons or property, for compensation, between points exclusively on the inland waters of this state, without first having obtained from the railroad commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required as to termini between which any such corporation or person is actually operating vessels in good faith at the time this act becomes effective, under tariffs and schedules of such corporations or persons, lawfully on file with the railroad commission. Every applicant for such a certificate shall file in the office of the commission application and evidence in such form as shall be required by the commission, and the commission shall have power, after hearing, to issue said certificate as prayed for, or to refuse to issue the same, or to issue it for the partial exercise only of said privilege sought, or to issue it for operation between certain points only, and may attach to the exercise of the rights granted by such certificate such terms and conditions as, in its judgment, the public convenience and necessity require. Any right, privilege, franchise or permit held, owned or obtained by any such person or corporation for the operation of vessels between points exclusively upon the inland waters of this state may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the railroad commission, and the commission may at any time for a good cause suspend, and upon notice to the grantee of any certificate and opportunity to be heard revoke, alter or amend any certificate issued under the provisions of this subsection.

(e) The Legislature hereby declares that the provisions of this section are being enacted under the state's reserved power over public utilities or corporations, or both, as the case may be, for the purpose of acting on the right of the grantee of a public utility franchise granted by a county, city and county or incorporated city or town, to exercise rights thereunder, and not for the purpose of acting on the right of any city and county or incorporated city or town to grant any such franchise. The Legislature hereby declares that the provisions of this section shall be and remain in full force and effect concurrently with the right of any city and county or incorporated city or town to grant franchises for public utilities upon the terms and conditions and in the manner prescribed by law.

Vessels
navigating
inland
waters

Purpose and
effect of
section

CHAPTER 130.

An act to amend section two of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

Stats 1919,
p 489,
amended.

SECTION 1. Section 2 of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended, is hereby amended to read as follows:

Words and
phrases
defined

Sec. 2. (a) The term "commission," when used in this act, means the railroad commission of the State of California.

(b) The term "commissioner," when used in this act, means one of the members of the commission.

"Corporation"

(c) The term "corporation," when used in this act, includes a corporation, a company, an association and a joint stock association.

"Person"

(d) The term "person," when used in this act, includes an individual, a firm and a copartnership.

"Transportation of persons"

(e) The term "transportation of persons," when used in this act, includes every service in connection with or incidental to the safety, comfort or convenience of the person transported and the receipt, carriage and delivery of such person and his baggage.

"Transportation of property"

(f) The term "transportation of property," when used in this act, includes every service in connection with or incidental to the transportation of property, including in particular its receipt, delivery, elevation, transfer, switching, carriage, ventilation, refrigeration, icing, dunnage, storage and handling, and the transmission of credit by express corporations.

(g) The term "street railroad," when used in this act, includes every railway, and each and every branch or extension thereof, by whatsoever power operated, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any city and county, or city or town, together with all real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property; but the term "street railroad," when used in this act, shall not include a railway constituting or used as a part of a commercial or interurban railway.

(h) The term "street railroad corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any street railroad for compensation within this state, or owning, controlling, operating or managing as a part of or in conjunction with such street railroad any automobile, jitney bus, stage or auto stage used in the business of transportation of persons or property for compensation over any public highway in this state between fixed termini or over a regular route.

(i) The term "railroad," when used in this act, includes every commercial, interurban and other railway other than a street railroad, and each and every branch or extension thereof, by whatsoever power operated, together with all tracks, bridges, trestles, rights of way, subways, tunnels, stations, depots, union depots, ferries, yards, grounds, terminals, terminal facilities, structures and equipment, and all other real estate, fixtures and personal property of every kind used in connection therewith, owned, controlled, operated or managed for public use in the transportation of persons or property.

(j) The term "railroad corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any railroad for compensation within this state.

(k) The term "express corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, engaged in or transacting the business of transporting any freight, merchandise or other property for compensation on the line of any common carrier or stage or auto stage line within this state.

(l) The term "common carrier," when used in this act, includes every railroad corporation; street railroad corporation; express corporation; dispatch, sleeping car, dining car, drawing room car, freight, freight-line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading and every other car corporation or person, their lessees, trustees, receivers or

trustees appointed by any court whatsoever, operating for compensation within this state; and every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any vessel engaged in the transportation of persons or property for compensation between points upon the inland waters of this state, or regularly engaged in the transportation of persons or property for compensation upon the high seas on regular routes between points within this state. The term "inland waters" as used in this subsection includes all navigable waters within the State of California other than the high seas.

"Pipe
line."

(m) The term "pipe line," when used in this act, includes all real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the transmission, storage, distribution or delivery of crude oil or other fluid substances except water through pipe lines.

"Pipe line
corporation."

(n) The term "pipe line corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any pipe line for compensation within this state.

"Gas
plant."

(o) The term "gas plant," when used in this act, includes all real estate, fixtures, and personal property, owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of gas, natural or manufactured, for light, heat or power.

"Gas
corporation"

(p) The term "gas corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any gas plant for compensation within this state, except where gas is made or produced on and distributed by the maker or producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

"Electrical
plant."

(q) The term "electric plant," when used in this act, includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of electricity for light, heat or power, and all conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

"Electrical
corporation"

(r) The term "electrical corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any electric plant for compensation within this state, except where electricity

is generated on or distributed by the producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

(s) The term "telephone line," when used in this act, includes all conduits, ducts, poles, wires, cables, instruments and appliances, and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires. "Telephone line."

(t) The term "telephone corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever owning, controlling, operating or managing any telephone line for compensation within this state. "Telephone corporation."

(u) The term "telegraph line," when used in this act, includes all conduits, ducts, poles, wires, cables, instruments and appliances, and all other real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate communication by telegraph, whether such communication is had with or without the use of transmission wires. "Telegraph line."

(v) The term "telegraph corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any telegraph line for compensation within this state. "Telegraph corporation."

(w) The term "water system," when used in this act, includes all reservoirs, tunnels, shafts, dams, dikes, headgates, pipes, flumes, canals, structures, and appliances, and all other real estate, fixtures and personal property, owned, controlled, operated or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing, carriage, apportionment, or measurement of water for power, irrigation, reclamation or manufacturing, or for municipal, domestic or other beneficial use. "Water system."

(x) The term "water corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any water system for compensation within this state. "Water corporation."

(y) The term "vessel," when used in this act, includes every species of watercraft, by whatsoever power operated, which is owned, controlled, operated or managed for public use in the transportation of persons or property, except row-boats, sailing boats and barges under twenty tons dead weight carrying capacity, and vessels propelled by steam, gas, fluid naphtha, electricity, or other motive power under the burden of five tons net register. "Vessel"

(z) The term "wharfinger," when used in this act, includes every corporation or person, their lessees, trustees, "Wharfinger."

receivers or trustees, appointed by any court whatsoever, owning, controlling, operating or managing any dock, wharf or structure used by vessels in connection with or to facilitate the receipt or discharge of freight or passengers for compensation within this state.

"Warehouse-
man "

(aa) The term "warehouseman," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any building or structure in which property is regularly stored for compensation within this state, in connection with or to facilitate the transportation of property by a common carrier or vessel, or the loading or unloading of the same, other than a dock, wharf or structure, owned, operated, controlled or managed by a wharfinger.

"Heating
plant."

(bb) The term "heating plant," when used in this act, includes all real estate, fixtures and personal property owned, controlled, operated or managed in connection with or to facilitate the production, generation, transmission, delivery or furnishing of heat for domestic, business, industrial or public use.

"Heat
corporation."

(cc) The term "heat corporation," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any heating plant for compensation within this state, except where heat is generated on or distributed by the producer through private property alone solely for his own use or the use of his tenants and not for sale to others.

"Public
utility."

(dd) The term "public utility," when used in this act, includes every common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger, warehouseman, and heat corporation, where the service is performed for or the commodity delivered to the public or any portion thereof. The term "public or any portion thereof" as herein used means the public generally, or any limited portion of the public including a person, private corporation, municipality or other political subdivision of the state, for which the service is performed or to which the commodity is delivered, and whenever any common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger, warehouseman or heat corporation performs a service or delivers a commodity to the public or any portion thereof for which any compensation or payment whatsoever is received, such common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, wharfinger, warehouseman or heat corporation is hereby declared to be a public utility subject to the jurisdiction, control and regulation of the commission and the provisions of this act. Furthermore, when any person or corporation per-

"Public or
any portion
thereof "

forms any service or delivers any commodity to any person or persons, private corporation or corporations, municipality or other political subdivision of the state, which in turn either directly or indirectly, mediately or immediately, perform such service or deliver such commodity to or for the public or some portion thereof, such person or persons, private corporation or corporations and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and the provisions of this act.

CHAPTER 131.

An act to amend sections two, seven and eight and to add a new section to an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, to be numbered forty-three, relating to the resolution initiating proceedings, to the report of directors, to the purposes of the district and to assessments.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2 of an act entitled "An act providing for the creation, organization and government of joint highway districts composed of two or more counties of the State of California," approved April 5, 1917, as amended, is hereby amended to read as follows:

Stats 1921,
p 1111,
amended.

Sec. 2. The board of supervisors of any county may initiate proceedings for the creation of a joint highway district to be composed of two or more counties of the state by the adoption of a resolution reciting:

Resolution
initiating
proceedings.

(a) That the public interest requires the construction of a public highway, stating generally the location and course thereof, and naming the county or counties in which such highway will be constructed.

(b) The names of the counties interested in and which will be benefited by such highway construction.

(c) That it is proposed to create a joint highway district composed of the counties so named.

When adopted, certified copies of the same shall be transmitted to the clerks of the boards of supervisors of the counties named in the resolution.

SEC. 2. Section 7 of said act is hereby amended to read as follows:

Stats. 1921,
p 1112,
amended.

Sec. 7. Said board of directors shall tentatively fix the route of the proposed district highway, determine the approximate total cost thereof, and the portion thereof that should be

Report of
directors

borne by each county respectively. The board shall make and file a copy of said report with the board of supervisors of each of the counties affected. Within thirty days of the receipt of such report, each board of supervisors shall adopt or reject the proposal for formation of the joint highway district. Failure of a board of supervisors to act within said time shall be deemed a rejection. A certified copy of each such resolution shall be forthwith transmitted to the board which initiated the proceedings, whereupon the latter board shall make a finding as to the final approval or disapproval of the formation of the district, and notify the clerks of the several counties as to the result. In case the several boards vote in favor of formation of the district, a certified copy of such notice of finding shall be filed with the secretary of state, whereupon the said joint highway district shall be deemed created and organized, and shall exercise all the powers granted by this act, and shall be a public corporation under the designation of "Joint highway district No.---- of the State of California." Districts shall be numbered in the order of their creation.

Finding
creating
district

Stats. 1917,
p. 47,
amended.
Purpose of
districts.

SEC. 3. Section 8 of said act is hereby amended to read as follows:

Sec. 8. The purpose for which the joint districts may be created is to provide the necessary authority and means to construct and maintain the highway described in the initiatory resolution. Said highway may lie in all of the counties comprising the district, without regard, however, to the proportion of the same which will lie in any given county, or the highway may have both termini within any one or more of the counties which may be embraced within such joint highway district. This act shall be so construed as to facilitate the accomplishment of this purpose.

Stats. 1917,
p. 57,
amended
Highways
taken over
by state.

SEC. 4. A new section is hereby added to the said act to be numbered 43 and to read as follows:

Sec. 43. When any district has been formed under the provisions of this act for the construction of a certain highway and the State of California has assumed the duty of constructing the same, such district may continue to exist for the purpose of acquiring rights of way therefor or for meeting such obligations as the state highway commission may impose in connection with such construction. Funds necessary for such purpose may be provided by an assessment as herein prescribed for the incidental expenses of the district and the several counties comprising the district may pay the amount of the assessment so imposed from any funds from which appropriations may be made for highway purposes, including money received from the state under the provisions of any act of the Legislature.

CHAPTER 132.

An act to amend the California irrigation district act, approved March 31, 1897, as amended, by amending section fifty-seven thereof, relating to the compensation of directors and other officers.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 57 of the California irrigation district act approved March 31, 1897, as amended, is hereby amended to read as follows: Stats 1921, p. 1004, amended.

Sec. 57. The directors, when sitting as a board or acting under the orders of the board, shall receive not to exceed eight dollars per day and ten cents per mile for each mile actually traveled from their respective places of residence to the office of the board, and returning therefrom, and actual and necessary expenses paid while engaged in official business under the orders of the board; *provided*, that in irrigation districts containing five hundred thousand acres or more the directors, in lieu of said per diem, shall each receive a salary of two hundred dollars per month. The board shall fix the compensation to be paid to all officers named in this act, to be paid out of the treasury of the district; *provided*, that the board shall, upon the petition of at least fifty freeholders within the district therefor, submit to the electors at any general election a schedule of salaries and fees to be paid hereunder. Such petition must be presented to the board not less than twenty days, nor more than forty days prior to a general election and the result of such election shall be determined and declared in all respects as other elections are determined and declared under this act. Compensation of directors and officers.

CHAPTER 133.

An act making full paid investment certificates issued by any building and loan association licensed by, and under the direct supervision of the building and loan commissioner of the State of California in accordance with the provisions of title sixteen, part four, division first of the Civil Code, legal investments for certain purposes.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. All full paid investment certificates issued by any building and loan association licensed by, and under the direct supervision of the building and loan commissioner of the State of California in accordance with the provisions of Building and loan investment certificates as legal investments.

title XVI of part IV of division I of the Civil Code shall be legal investments for the funds of executors, administrators, guardians, receivers, and trustees of every kind and nature, and for the funds of all insurance companies.

Intent
of act.

SEC. 2. This act is intended to be, and shall be considered, the latest enactment upon the matters herein contained, and is supplemental to any and all other acts regulating, relating to and declaring what shall be, legal investments for the funds of executors, administrators, guardians, receivers or trustees or for the funds of insurance companies.

CHAPTER 134.

An act to add a new section to the Code of Civil Procedure to be numbered one thousand four hundred fifty-four a, relating to the collection of money by heirs.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

New section.

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 1454a, and to read as follows:

Surviving
heirs may
collect
moneys from
building and
loan
associations.

1454a. The surviving husband or wife, or the guardian of the estate of any insane or incompetent husband or wife, of any deceased person, or if no husband or wife is living, then the children, or the guardian of the estates of any minor or insane or incompetent children of said deceased, or, if no children are living, then the father or mother or guardian of the estate of any insane or incompetent father or mother of such decedent, and if neither the father nor mother is living, then the brothers and sisters or the guardian of the estates of any minor or insane or incompetent brothers and sisters of such decedent may, without procuring letters of administration, collect any and all moneys which such decedent, if living, would have been entitled to collect from any building and loan association in this state, including any moneys of such decedent invested in, or represented by, shares of stock, membership shares, investment certificates, promissory notes or other evidences of indebtedness, standing in his name, on the books or records of such association, at the time of his death; *provided*, that all of such moneys do not, in the aggregate, exceed the sum of one thousand dollars. Any building and loan association upon receiving an affidavit stating that said investor in, or creditor of, such association is dead, and that affiant is the surviving husband or wife or the guardian of the estate of an insane or incompetent surviving husband or wife, as the case may be, of said decedent, or stating that decedent left no husband or wife, and that affiant is the child, or that affiants are the children, or the guardians of the estates of the minor, insane or incompetent children, as the case may be, of

Associations
authorized
to pay.

said decedent, or stating that decedent left neither husband, wife nor children, and that affiant is the father or mother, or the guardian of the estate of the insane or incompetent father or mother, as the case may be, of said decedent, or stating that the decedent left neither husband, wife, children, father nor mother, and that affiants are the brothers and sisters, or the guardians of the estates of the minor, insane or incompetent brothers and sisters, as the case may be, of said decedent, and that the entire amount of investments of said decedent in shares of stock, membership shares, investment certificates, promissory notes and other evidences of indebtedness, standing in his name on the books or records of any and all building and loan associations in this state, at the time of his death, including all moneys owing to said decedent, at the time of his death, from any such association in this state, does not exceed in the aggregate the sum of one thousand dollars, may pay to said affiant or affiants any and all such moneys, if the total amount thereof does not exceed the sum of one thousand dollars and the receipt of such affiant or affiants shall constitute sufficient acquittance therefor and shall fully discharge such association from any further liability with reference thereto.

CHAPTER 135.

An act to amend section six hundred thirty-three of the Civil Code, relating to building and loan associations.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 633 of the Civil Code is hereby amended to read as follows:

633. Building and loan associations, as hereinafter in this title defined, shall have power to receive money and accumulate funds to be loaned, and to loan the same to their shareholders, investors and others; to permit shareholders and investors to withdraw part or all of their payments, investments or stock deposits, and to prescribe the terms and conditions of such withdrawal; to cancel shares of stock, the payments on which have been withdrawn; to receive money and to execute certificates therefor, which must specify the date, amount, rate of interest, and when the principal and interest are payable, and also the withdrawal value thereof at the end of each year; to borrow money for the purpose of making loans and of paying withdrawals and maturities; and shall have such further powers as may be specifically set forth under this title; *provided, however*, that no such association shall, at any time, have or carry upon its books, for any member or investor, any demand, commercial or checking account or any

Stats. 1913,
p. 562,
amended
Powers of
building and
loan
associations

credit to be withdrawn upon the presentation of any negotiable check or draft.

Purposes for which formed

Every such corporation hereafter formed, in setting forth the purposes for which it is formed, shall state, in its articles of incorporation, that it is formed to encourage industry, frugality, home building, and savings among its shareholders and members; the accumulation of savings; the loaning to its shareholders and members of the moneys or funds so accumulated, with the profits and earnings thereon, and the repayment to each of his savings and profits, whenever they have accumulated to the full par value of the shares, or at any time when he shall desire the same or when the corporation shall desire to repay the same, as it may be provided in the by-laws; and shall also state that it is formed for all the purposes specified in this title, and nothing in the statutes of this state, to the contrary withstanding, shall preclude any such association in any of its advertising from setting forth any of the foregoing purposes.

CHAPTER 136.

An act to amend section one thousand four hundred sixty-five of the Code of Civil Procedure, relating to provision for the support of the family.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

Stats 1909, p. 806, amended.
Exempt property to be set apart for use of family.

SECTION 1. Section 1465 of the Code of Civil Procedure is hereby amended to read as follows:

1465. Upon the return of the inventory, or at any subsequent time during the administration, the court may on petition therefor, set apart for the use of the surviving husband or wife, or, in case of his or her death, to the minor children of the decedent, all the property exempt from execution, including the homestead selected, designated, and recorded; *provided*, such homestead was selected from the common property, or from the separate property, of the persons selecting or joining in the selection of the same. If none has been selected, designated, and recorded, or in case the homestead was selected by the survivor out of the separate property of the decedent, the decedent not having joined therein, the court must select, designate, and set apart, and cause to be recorded, a homestead for the use of the surviving husband or wife, and the minor children; or, if there be no surviving husband or wife, then for the use of the minor children, in the manner provided in article II of this chapter, out of the common property or out of real estate owned in common by the decedent and the person or persons to whom the homestead is set apart, or if there be no common property and no such jointly owned property, then out of the real estate belonging to the decedent as his separate property.

CHAPTER 137.

An act to amend section two thousand seven hundred thirteen of the Political Code, relating to construction and repairs of bridges.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2713 of the Political Code is hereby amended to read as follows: Stats 1919, p 162, amended.

2713. No bridge, the cost of construction or repair of which will exceed the sum of two thousand dollars (\$2,000), must be constructed or repaired except on the order of the board of supervisors. When ordered to be constructed or repaired, the contract therefor may, in their discretion, be let out, and if let, it must be after reasonable notice given by the board of supervisors, by publication at least once a week for two weeks in a county newspaper; and if no paper is published in said county, then by three posted notices, one at the courthouse, one at the point to be bridged, and one at some other neighboring place in the county. Construction and repair of bridges.

All bids shall be sealed; they shall be opened at the time specified in the notice, and the contract awarded to the lowest responsible bidder. The board may, however, reject any and all bids. Bids.

The contract and bond for its performance must be entered into and approved by the board of supervisors; except, however, in cases of great emergency, by the unanimous consent of the whole board they may proceed at once to replace or repair any and all structures of whatever nature without notice. Contracts and bonds

Bridges crossing the line between counties must be constructed by the counties into which such bridges reach, and each of the counties into which any such bridge reaches shall pay such portion of the cost of such bridge as shall have been previously agreed upon by the boards of supervisors of said counties; *provided*, that where such bridge or bridges, crossing the line between counties shall reach within the limits of an incorporated town, or city, or city and county, the provisions of this section shall apply. Intercounty bridges.

Whenever any county has adopted a county charter under article XI, section seven and one-half, of the constitution of the State of California, providing for the appointment of a road commissioner as a county officer, and the organization of a permanent road department for the construction and maintenance of highways and bridges, said road commissioner shall have charge of the construction and the repairing and maintenance of all bridges in said county, under the order and direction of the board of supervisors and the board of supervisors may authorize said road commissioner to employ In counties with charters.

such workmen and purchase such materials and equipment, tools, and appliances and cause such work to be done as may be necessary to construct and maintain said bridges and to keep them in repair without adopting plans and specifications, strain-sheets or working details or advertising for bids as required in this section or in subdivision 7 of section 4041 of this code. The cost of such construction, maintenance, and repairs shall be paid out of the county road funds or out of the general fund of the county, as provided by law.

CHAPTER 138.

An act to amend section four thousand two hundred fifty-six of the Political Code, relating to the salaries, fees, and compensation of county officers of the twenty-seventh class.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p. 994,
amended.
Counties of
27th class;
salaries and
fees of
officers.

SECTION 1. Section 4256 of the Political Code is hereby amended to read as follows:

4256. In counties of the twenty-seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, three thousand dollars per annum; and in any year when a new and complete or supplemental registration of voters is required by law to be made, he shall receive the sum of fifteen cents for each elector registered, which shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county. The county clerk shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum, and one deputy at a salary of one thousand five hundred dollars per annum.

The county clerk shall also be allowed one copyist at a salary of one thousand five hundred dollars per annum, and one copyist during each even numbered year at a salary of one hundred dollars per month, said deputies and copyists to be appointed by the county clerk.

The county clerk shall appoint all necessary deputies for the registration of voters, said deputies to be paid by the county clerk.

Sheriff

2. The sheriff, five thousand dollars per annum, and necessary expenses for pursuing criminals or transacting any other necessary and proper business. The sheriff shall also be paid twenty-five cents per meal for all meals furnished prisoners confined in the county jail. The sheriff shall be allowed one deputy, who shall be the jailer, at a salary of two thousand four hundred dollars per annum; one deputy at a

salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand five hundred dollars per annum; said deputies to be appointed by the sheriff.

3. The recorder, three thousand dollars per annum; ^{Recorder} *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists who shall be appointed by the recorder of said county and shall be paid salaries and compensation as follows:

One chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, and three additional deputies for indexing and comparing, each of whom shall receive a salary of one thousand five hundred dollars per annum.

Said recorder may also appoint such copyists, not to exceed three as may be required for the recording of all papers, notices and documents in his office, who shall receive as compensation for their services the sum of six cents per folio for actual work done in copying any instrument to be recorded (except maps and plats) and for making copies of any records or papers.

The salaries and compensations of all deputies and copyists herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; *provided*, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as such copyists and the amount due to each for such copying. All fees collected by said recorder for filing and recording of instruments and other documents, maps and plats, or for copies made from records shall be paid in to the county treasurer.

4. The auditor, three thousand dollars per annum. ^{Auditor.} The auditor shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum; said deputy to be appointed by the auditor; *and provided, further*, that the said auditor shall be allowed one copyist who shall hold office for a period not to exceed four months of each year, at a salary of one hundred dollars per month; said copyist to be appointed by the auditor.

As compensation for keeping records of orphan and half-orphan aid the auditor shall receive a commission of five per cent of the amount expended for such aid, said commission to be paid from the same fund as the orphan and half-orphan aid.

When required by the board of supervisors to compile an annual statistical report, the auditor shall receive three hundred dollars from the general fund of the county as compensation for compiling such report.

Treasurer. 5. The treasurer, three thousand dollars per annum. The treasurer shall be allowed one deputy at a salary of one thousand five hundred dollars per annum; said deputy to be appointed by the treasurer.

Tax collector. 6. The tax collector, three thousand dollars per annum. The tax collector shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum; said deputy to be appointed by the tax collector; and *provided, further*, that the said tax collector shall be allowed one deputy who shall hold office during the months of September, October, November and December at a salary of one hundred dollars per month; said deputy to be appointed by the tax collector.

Assessor. 7. The assessor, three thousand six hundred dollars per annum and necessary traveling expenses in the performance of the duties of his office; *provided*, that in counties of this class there shall be, and there hereby is allowed to the assessor the following deputies, who shall be appointed by the assessor and who shall be paid salaries as follows: one assistant assessor who shall receive a salary of two thousand four hundred dollars per annum; one deputy assessor who shall receive a salary of one thousand eight hundred dollars per annum; one deputy who shall receive a salary of one thousand five hundred dollars per annum; one copyist for a period not to exceed eight months each year at a salary of one hundred dollars per month; such additional deputies as may be necessary to carry on the work of his office for a length of time not to exceed three months for each deputy and the aggregate compensation to be paid all of such deputies shall not exceed the sum of six thousand fifty dollars in any fiscal year. The deputies herein provided for shall be paid at the same time and in the same manner, and out of the same fund as the salary of the county assessor is paid; *provided*, the assessor shall be allowed a draftsman who shall annually revise the plats in the office of the assessor, for which he shall receive a sum not to exceed six hundred dollars in any one year. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply to the present incumbents.

Attorney. 8. The district attorney, three thousand dollars per annum. The district attorney shall be allowed one deputy at a salary of two thousand five hundred and twenty dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum; also a stenographer at a salary of one thousand six hundred twenty dollars per annum; said deputies and stenographer to be appointed by the district attorney.

Coroner. 9. The coroner, such fees as are now or may hereafter be allowed by law.

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

Supt. of schools. 11. The superintendent of schools, three thousand dollars per annum; and shall also be allowed the compensation allowed

by law for services on the board of education and actual traveling expenses when visiting in his (or her) county. The superintendent of schools shall be allowed one deputy at a salary of one thousand eight hundred dollars per annum; and one deputy at a salary of one thousand five hundred dollars per annum, said deputies to be appointed by superintendent of schools.

12. The surveyor, such fees as are now or may hereafter be Surveyor.
allowed by law.

13. For the purpose of regulating the compensation of Classification
of townships.
justices of the peace and constables, townships in counties of the twenty-seventh class are hereby classified according to population to be determined by the board of supervisors at the time of the formation of any new judicial township or townships in the manner prescribed by section 4055 of the Political Code. Townships having a population of six thousand five hundred or more shall belong to and be known as townships of the first class. Townships having a population of less than six thousand five hundred and more than five thousand shall belong to and be known as townships of the second class. Townships having a population of less than five thousand and more than one thousand six hundred shall belong to and be known as townships of the third class. Townships having a population of less than one thousand six hundred shall belong to and be known as townships of the fourth class. Justices of the peace shall receive the following Justices.
salaries for all services rendered by them: in townships of the first class, one hundred seventy-five dollars per month; in townships of the second class, one hundred twenty-five dollars per month; in townships of the third class, ninety dollars per month; in townships of the fourth class, fifty dollars per month.

14. Constables in counties of this class shall receive the Constables.
following salaries for all services rendered by them in criminal cases: in townships of the first class, one hundred twenty-five dollars per month; in townships of the second class, one hundred ten dollars per month; in townships of the third class, ninety dollars per month; in townships of the fourth class, fifty dollars per month; constables shall also receive for their own use and benefit, such fees as are now or may hereafter be allowed by law in civil cases. They shall also be allowed their actual expenses in conveying prisoners from place of arrest to court, and, in case of conviction, from the court to the county jail.

15. Supervisors, each, the sum of one thousand eight hundred dollars per annum for all services performed by them as supervisors and as members of the board of equalization. Each supervisor shall receive mileage at the rate of twenty-five cents per each mile traveled in going to and from the meeting of the board. They shall act as road commissioners in their respective districts and shall receive for their services as such road commissioner mileage at the rate of twenty-five cents per mile Supervisors.

for all distances actually traveled by them in the discharge of their duties as such road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of six hundred dollars for any one of the road commissioners.

Librarian.

15a. There is created for counties of the twenty-seventh class a county librarian, who shall be appointed by the board of supervisors for a term of four years and shall receive a salary of two thousand five hundred dollars per annum; to be paid at the time and in the manner as other county officers.

Reporter.

16. The official reporter of the superior court, such fees as are now or may hereafter be allowed by law.

Traffic officer.

16a. The county traffic officer, two thousand one hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county traffic officer three deputies which offices are hereby created. Said deputies shall be appointed by said county traffic officer and shall each receive a salary of one thousand eight hundred dollars per annum which shall be paid by said county in monthly installments at the same time in the same manner and out of the same funds as the salary of the county traffic officer is paid. Said county shall provide motorcycles or other vehicles and gasoline and oil for the purpose of propelling the same, for such traffic officer and his deputies and shall pay all of the expense of the upkeep of said machines. All the provisions of this paragraph are to apply to the office of county traffic officer and his deputies whenever said office of county traffic officer is created by law.

Jurors.

17. Juror fees shall be as follows: for attending as a grand juror, or a trial juror in the superior court, for each day's attendance, three dollars per day; for each mile he travels in attending court as such juror, fifteen cents per mile in going only.

Public defender

18. If at any time there shall be created and established in this state a county office designated the office of county public defender, then, and in that case, the salary to be allowed such officer in counties of this class shall be one thousand two hundred dollars per annum.

Same.

19. The provisions of subdivision 18 of this section shall have no force unless the office therein anticipated is created by constitutional or legislative enactment.

Payment of salaries

20. The salaries of all county and township officers and their deputies shall be payable in equal monthly installments from the salary fund of the county on the first day of each month.

Effect of act

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

provisions of such statute, except as otherwise herein expressly provided.

CHAPTER 139.

An act to add a new section to the Political Code, to be numbered one thousand six hundred eighteen b, relating to the education of persons in tubercular sanatoriums and preventoriums.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section to be numbered 1618b is hereby added to the Political Code to read as follows: New section.

1618b. Whenever a sanatorium or preventorium is established for the cure of pretuberculous and tuberculous, or other physically afflicted persons, any school district may in its discretion establish and maintain in such institution, with the consent of the authorities thereof, special classes to provide elementary, secondary, and vocational education to the inmates of such institutions, who are residents of such school district. Said classes shall be considered a part of the school system of the district establishing them, and attendance shall be so reported even though such classes are maintained beyond the boundaries of said district. Such school district may admit to such classes residents of other school districts on such terms and conditions as the governing board may prescribe. Education of persons in tubercular sanatoriums and preventoriums.

CHAPTER 140.

An act to amend section two thousand three hundred twenty-two x seven of the Political Code, relating to the salary of the horticultural commissioner and inspectors in counties of the seventh class.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2322x7 of the Political Code is hereby amended to read as follows: Stats. 1925, p. 199, amended.

2322x7. In counties of the seventh class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit: Counties of 7th class horticultural commissioner

(a) Two inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed, two

inspectors at a monthly salary of one hundred thirty-five dollars each during the time actually employed, two inspectors at a monthly salary of one hundred twenty dollars each during the time actually employed, two inspectors at a compensation of four dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed ten thousand three hundred forty dollars.

CHAPTER 141.

An act to amend section two thousand three hundred twenty-two x thirty-seven of the Political Code, relating to the salary and expenses of the horticultural commissioner, his deputies and employees in counties of the thirty-seventh class.

[Approved by the Governor April 13, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p. 211,
amended.

SECTION 1. Section 2322x37 of the Political Code is hereby amended to read as follows:

Counties of
37th class:
horticultural
commissioner

2322x37. In counties of the thirty-seventh class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerk, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Four inspectors at a compensation of four dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed five thousand six hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of ninety dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand eighty dollars.

(c) An additional inspector at a salary of one hundred thirty dollars per month.

CHAPTER 142.

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of section thirty-four of article four of the constitution of the State

of California, approved and adopted by the people at the general election held November 7, 1922.

[Approved by the Governor April 14, 1927, with reductions and eliminations attached hereto. In effect immediately.]

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

April 14, 1927.

To the Assembly of the State of California:

Assembly Bill No. 500 is approved by me except for two items specifically set forth which are reduced or eliminated in accordance with the powers conferred on me by the provisions of sections 16 and 34 of article IV of the Constitution, and which are objected to for the following respective reasons:

1. I object to the item on page 5 under the heading "Administrative" reading as follows: "For support of secretary of state two hundred thirty-seven thousand six hundred fifty dollars (\$237,650)" and reduce the amount to two hundred twenty-two thousand six hundred fifty dollars (\$222,650) for the reason that the measure recently passed by the Legislature repealing the corporation license tax act makes possible this reduction in the expenses of the office of the secretary of state, according to the opinion of that office. Items disapproved.

2. I object to the item on page 10 reading: "For support of California highway commission and state highway engineer, forty-one thousand six hundred dollars (\$41,600), payable from highway maintenance fund" for the reason that in my opinion ample provision for such expenditures is included in the language of the item of appropriation on page 10 reading: "For general administration of California highway commission, and maintenance and reconstruction of highways, twenty-seven million one hundred thousand dollars (\$27,100,000), payable from highway maintenance fund"

It was the intention at the time of my recent message to you suggesting amendments to the budget that this item be eliminated and a corresponding reduction in the budget was reported to you in that message.

It is evident that savings will be made as the result of consolidations to be effected under the bills for reorganization of various state departments.

I am convinced, however, that these savings will be accomplished within the budget itself and reflected in unexpended balances to be restored to the general fund at the close of the biennium. I therefore feel that I should not at this time make further changes in the appropriations passed by the Legislature, in anticipation of legislation not yet finally enacted.

Respectfully submitted.

C. C. YOUNG,
Governor.

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

SECTION 1. The following sums of money are hereby appropriated for the use and support of the State of California for the seventy-ninth and eightieth fiscal years and unless otherwise herein provided shall be paid out of the general fund in the state treasury. Budget appropriations.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for all such purposes, and not from the general fund, to the extent only of the amount herein appropriated unless otherwise herein stated; *provided, however,* that if no amount is herein appropriated for such purposes or any part thereof, any appropriation therefor heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby. Use of special funds.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby. Recurrent appropriations.

Support to include what.

Whenever herein an appropriation is made for support it shall, unless otherwise herein provided, include salaries and all other proper expenses incurred, in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Public works balances.

Whenever herein an appropriation is made for the construction, improvement or repair of any building, structure, or works of any character, any unexpended balance thereof shall not, unless otherwise herein provided, revert to the general fund at the end of the fiscal year or years for which such appropriation was made but shall continue available for the purposes for which the same was appropriated until one year after the close of the biennial period for which such appropriation is made.

LEGISLATIVE.

Legislature.

For salaries of senators, ninety-six thousand dollars (\$96,000).

For pay of officers, clerks, and all other employees of Senate, thirty thousand dollars (\$30,000).

For mileage of lieutenant governor and senators, two thousand two hundred dollars (\$2,200).

For contingent expenses of Senate, fourteen thousand dollars (\$14,000).

For salaries of assemblymen, one hundred ninety-two thousand dollars (\$192,000).

For pay of officers, clerks and all other employees of the Assembly, thirty thousand dollars (\$30,000).

For mileage of assemblymen, three thousand eight hundred dollars (\$3,800).

For contingent expenses of Assembly, sixteen thousand dollars (\$16,000).

For legislative printing, binding, etc., one hundred sixty-two thousand dollars (\$162,000).

For legislative mailing, three thousand dollars (\$3,000).

Legislative counsel bureau.

For support of legislative counsel bureau, twenty-two thousand nine hundred ninety-six dollars (\$22,996).

JUDICIAL.

Judicial department.

For support of supreme court, two hundred ninety-nine thousand four hundred eighty dollars (\$299,480).

For support of first district court of appeal, one hundred fifty-nine thousand six hundred dollars (\$159,600).

For support of second district court of appeal, one hundred fifty-seven thousand seven hundred sixty dollars (\$157,760).

For support of third district court of appeal, eighty-five thousand three hundred twenty-five dollars (\$85,325).

For support of superior courts, seven hundred sixty thousand dollars (\$760,000).

For support of judicial council, one hundred eighty thousand dollars (\$180,000).

EXECUTIVE.

For salaries of the governor, his secretaries and employees, forty-four thousand two hundred dollars (\$44,200). Executive department

For postage, traveling and contingent expenses, governor's office (exempt from section 672 of Political Code), eighteen thousand four hundred dollars (\$18,400).

For special contingent expenses (secret service), governor's office (exempt from provisions of section 433 and 672 of the Political Code), ten thousand dollars (\$10,000).

For printing, etc., governor's office, one thousand five hundred dollars (\$1,500).

For support of governor's residence (exempt from section 433 and 672 of Political Code), seventeen thousand five hundred dollars (\$17,500).

For salary of lieutenant governor, eight thousand dollars (\$8,000).

ADMINISTRATIVE.

For support of attorney general, two hundred sixty-nine thousand two hundred dollars (\$269,200). Attorney general.

For support of civil service commission, ninety-one thousand nine hundred fifty dollars (\$91,950). Civil service commission

For support of state controller, two hundred ninety-seven thousand four hundred fifty dollars (\$297,450). Controller.

For support of motor vehicle fuel tax refund division, state controller's department, twenty-eight thousand eight hundred fifty dollars (\$28,850), payable from motor vehicle fuel fund.

For support of department of finance, administration, nine hundred ninety-one thousand five hundred sixty-four dollars (\$991,564). Finance, dept. of.

For support of department of finance, children's agents, seventy-three thousand eight hundred eighty dollars (\$73,880).

For transportation of dependent children, one thousand five hundred dollars (\$1,500).

For encouragement of county agricultural fairs, seventy-five thousand dollars (\$75,000). County fairs.

For support of division of motor vehicles, two million six hundred forty-seven thousand eight hundred ten dollars (\$2,647,810), payable from motor vehicle fund. Motor vehicles, division of.

For support of state board of equalization, one hundred twelve thousand four hundred forty dollars (\$112,440). Equalization, board of

For support of fuel tax division, state board of equalization, seventeen thousand two hundred dollars (\$17,200), payable from motor vehicle fuel fund.

For support of transportation tax division, state board of equalization, fifty-three thousand nine hundred sixty dollars (\$53,960), payable from motor vehicle fuel fund.

For support of state treasurer, sixty-nine thousand nine hundred dollars (\$69,900). Treasurer

For linoleum, carpets, office furniture, etc., state treasurer's office, two thousand five hundred dollars (\$2,500).

Secretary of state. For support of secretary of state, two hundred thirty-seven thousand six hundred fifty dollars (\$237,650).

For vault equipment, secretary of state's office, ten thousand nine hundred fifty-six dollars (\$10,956).

BENEVOLENT.

Industrial Home for Adult Blind. For support of Industrial Home for Adult Blind, one hundred twenty-six thousand six hundred dollars (\$126,600).

For permanent improvements, Industrial Home for the Adult Blind, consisting of: repairs, improvements and equipment, one thousand dollars (\$1,000); additions to industrial shop building, fifteen thousand dollars, (\$15,000).

Public welfare, dept of. For support of the department of public welfare, seventy-two thousand dollars (\$72,000).

Veterans' Home. For support of Veterans' Home of California, four hundred fifty-six thousand eight hundred twenty dollars (\$456,820).

For permanent improvements, Veterans' Home of California, consisting of: repairs, improvements and equipment, forty-five thousand dollars (\$45,000); construction of store-room building and employees' building, thirty-five thousand dollars (\$35,000).

For construction of barracks, Veterans' Home of California, one hundred seventy thousand dollars (\$170,000), payable from athletic commission fund.

Woman's Relief Corps Home. For support of Woman's Relief Corps Home, thirty-nine thousand five hundred fifty dollars (\$39,550).

For permanent improvements, Woman's Relief Corps Home, consisting of repairs and improvements to buildings and drilling and equipping of well, seven thousand dollars (\$7,000).

CONSERVATION AND PARKS.

Balboa park. For support of California building at Balboa park, eleven thousand dollars (\$11,000).

Fish and game commission. For support of fish and game commission, one million six hundred twenty-six thousand dollars (\$1,626,000), payable from fish and game preservation fund.

Forestry, state board of. For support of state board of forestry, one hundred fifty-seven thousand three hundred thirty dollars (\$157,330).

For additional support of state board of forestry, payable from state board of forestry fire prevention fund, eighty-four thousand dollars (\$84,000).

For state board of forestry for cooperation in forest and watershed protection, viz: Los Angeles county, fifty thousand dollars (\$50,000); San Bernardino county, ten thousand dollars (\$10,000); other counties and agencies, forty thousand dollars (\$40,000); Tamalpais fire district, ten thousand dollars (\$10,000); San Jacinto mountains, five thousand dollars (\$5,000); California experimental station and other federal agencies, twenty thousand dollars (\$20,000).

For support of state board of forestry for administration of state parks, thirty-four thousand one hundred dollars (\$34,100).

For support of California redwood park commission, thirty-nine thousand three hundred seventy dollars (\$39,370). Redwood
park
commission.

For permanent improvements, California redwood park commission, consisting of construction of roads, trails and pavilion, fifteen thousand five hundred dollars (\$15,500).

CORRECTIONAL.

For support of Preston School of Industry, seven hundred eighty-three thousand six hundred fifteen dollars (\$783,615). Preston
School of
Industry.

For permanent improvements, Preston School of Industry, consisting of: repairs, improvements and equipment, twenty-four thousand dollars (\$24,000); purchase of land, sixteen thousand dollars (\$16,000); construction of hospital and receiving unit, one hundred thousand dollars (\$100,000); construction and equipment of classroom building, forty thousand dollars (\$40,000); purchase of damsite and construction of dam and pipe line, seventy thousand dollars (\$70,000).

For support of Ventura School for Girls, two hundred forty-five thousand eight hundred twenty-two dollars (\$245,822). Ventura
School for
Girls.

For permanent improvements, Ventura School for Girls, consisting of: repairs, improvements and equipment, sixteen thousand dollars (\$16,000); and construction and equipment of laundry building, eighteen thousand dollars (\$18,000).

For support of Whittier State School, five hundred five thousand one hundred eighty dollars (\$505,180). Whittier
State School.

For permanent improvements, Whittier State School, consisting of: repairs, improvements and equipment, forty thousand dollars (\$40,000); construction of administration building, fifty thousand dollars (\$50,000); construction of two cottages for boys, eighty thousand dollars (\$80,000); construction of hospital building, thirty-five thousand dollars (\$35,000).

CURATIVE.

For support of department of institutions, one hundred thirty-seven thousand four hundred eighty dollars (\$137,480). Institutions,
dept. of.

For transportation of prisoners and the insane, three hundred ninety thousand dollars (\$390,000).

For support of Agnews State Hospital, one million one hundred twenty-one thousand nine hundred twenty dollars (\$1,121,920). Agnews State
Hospital

For permanent improvements, Agnews State Hospital, consisting of: repairs, improvements and equipment, twenty thousand dollars (\$20,000); construction of addition to work-therapy building, four thousand dollars (\$4,000); construction and equipment of two cottages for physicians, twenty thousand dollars (\$20,000); purchase of land, ninety-seven thousand five hundred dollars (\$97,500); levee and water service development, twenty-three thousand dollars (\$23,000).

For support of Mendocino State Hospital, seven hundred eighty-nine thousand four hundred fifty dollars (\$789,450). Mendocino
State
Hospital.

For permanent improvements, Mendocino State Hospital, consisting of: repairs, improvements and equipment, nineteen thousand dollars (\$19,000); purchase and survey of land, sixty-five thousand dollars (\$65,000); construction and equipment of attendants' building and garages, ninety thousand dollars (\$90,000); construction and equipment of one patients' cottage, ninety-five thousand dollars (\$95,000); construction and equipment of cottage for assistant physician, ten thousand dollars (\$10,000); boiler installation and gas house equipment, twenty-two thousand dollars (\$22,000); remodeling buildings, forty thousand dollars (\$40,000).

Napa State
Hospital.

For support of Napa State Hospital, one million three hundred sixty-five thousand one hundred twenty dollars (\$1,365,120).

For permanent improvements, Napa State Hospital, consisting of: repairs, improvements and equipment, twenty-eight thousand dollars (\$28,000); construction of cottage for female patients, ninety thousand dollars (\$90,000); construction of quarters for day attendants, forty thousand dollars (\$40,000); construction of cottage for assistant physician, ten thousand dollars (\$10,000); purchase of land, thirty-five thousand dollars (\$35,000).

Norwalk
State
Hospital.

For support of Norwalk State Hospital, eight hundred forty-two thousand four hundred thirty dollars (\$842,430).

For permanent improvements, Norwalk State Hospital, consisting of: repairs, improvements and equipment, forty-seven thousand dollars (\$47,000); construction and equipment of two ward buildings, one hundred seventy-five thousand dollars (\$175,000); construction and equipment of assembly hall and chapel, seventy-five thousand dollars (\$75,000); construction and equipment of warehouse, seven thousand five hundred dollars (\$7,500); construction and equipment of nurses' and attendants' building, thirty-six thousand dollars (\$36,000); construction and equipment of three cottages for employees, twenty-seven thousand dollars (\$27,000).

Pacific
Colony.

For support of Pacific Colony, one hundred eighty-eight thousand one hundred ninety-five dollars (\$188,195).

For permanent improvements, Pacific Colony, consisting of: repairs, improvements and equipment, thirty-three thousand five hundred dollars (\$33,500); construction and equipment of two dormitory buildings, ninety thousand dollars (\$90,000); construction and equipment of school house and gymnasium, thirty-five thousand dollars (\$35,000); construction and equipment of carpenter, shoe shop and boys' training building, fifteen thousand dollars (\$15,000); construction and equipment of employees' building, fifty thousand dollars (\$50,000); construction and equipment of employees' garage, five thousand dollars (\$5,000); furnishings and equipment for buildings, twenty thousand dollars (\$20,000).

Sonoma
State Home.

For support of Sonoma State Home, one million one hundred five thousand eight hundred thirty-six dollars (\$1,105,836).

For permanent improvements, Sonoma State Home, consisting of: construction and equipment of general hospital building, one hundred fifty thousand dollars (\$150,000); construction and equipment of cottage for employees, forty thousand dollars (\$40,000); purchase and installation of boiler and pumping distribution, thirty thousand dollars (\$30,000).

For support of Southern California State Hospital, one million three hundred fifty-nine thousand four hundred eighty-five dollars (\$1,359,485). Southern
California
State
Hospital.

For permanent improvements, Southern California State Hospital, consisting of: repairs, improvements and equipment, fifteen thousand dollars (\$15,000); construction and equipment of one two-story class A ward building, ninety thousand dollars, (\$90,000); construction and equipment of one single story building group, fifty thousand dollars (\$50,000); construction and equipment of kitchen, bakery, cold storage and dining room unit, one hundred twenty thousand dollars (\$120,000); water development, eight thousand dollars (\$8,000); replacement of power house boilers, fifteen thousand dollars (\$15,000).

For support of Stockton State Hospital, one million four hundred ninety-nine thousand eight hundred twenty dollars (\$1,499,820). Stockton
State
Hospital

For permanent improvements, Stockton State Hospital, consisting of: repairs, improvements and equipment, twenty thousand dollars (\$20,000); construction and equipment of three cottages for patients at farm, two hundred fifty thousand dollars (\$250,000); construction and equipment of two houses for assistant physicians, twenty thousand dollars (\$20,000); construction and equipment of industrial building, twenty-five thousand dollars (\$25,000); grading and paving of Harding way, nineteen thousand five hundred dollars (\$19,500); improvements to power and water systems, ten thousand dollars (\$10,000); state's share of cost of Calaveras dam project, twenty-six thousand dollars (\$26,000), to be expended by the department of finance.

DEFENSIVE.

For support of the adjutant general and the California national guard, five hundred seventy-seven thousand eight hundred ten dollars (\$577,810). National
guard.

For permanent improvements, adjutant general and the California national guard, consisting of: repairs and improvements, Los Angeles armory, five thousand two hundred sixty dollars (\$5,260); completion of Los Angeles air port, two thousand dollars (\$2,000); repairs and improvements, Sacramento armory, five thousand ninety dollars (\$5,090); paving street in front of Sacramento armory, one thousand two hundred dollars (\$1,200); repairs and improvements, Stockton armory, four thousand one hundred fifty-eight dollars (\$4,158).

For maintenance of high school cadets, thirty thousand dollars (\$30,000).

DEVELOPMENTAL.

Agriculture,
dept. of.

For support of state department of agriculture, one million five hundred forty-six thousand five hundred eighty-one dollars (\$1,546,581).

For leased wire and market news service extension for state department of agriculture, twenty thousand dollars (\$20,000).

For support of cattle protection service, state department of agriculture, two hundred nineteen thousand nine hundred eighty-six dollars and fifty cents (\$219,986.50), payable from cattle protection fund.

For support of meat inspection service, state department of agriculture, two hundred fifty-two thousand dollars (\$252,000), payable from meat hygiene fund.

For support of stallion registration service, state department of agriculture, eight hundred seventy dollars (\$870), payable from stallion registration board contingent fund.

For support of apple inspection service, state department of agriculture, fifty-nine thousand six hundred dollars (\$59,600), payable from standard apple fund.

For support of shipping point inspection service, state department of agriculture, five hundred thousand dollars (\$500,000), payable from standardization fund.

For support of fish exchange, state department of agriculture, sixty thousand five hundred forty dollars (\$60,540), payable from fish exchange fund.

Highway
commission.

For general administration of California highway commission, and maintenance and reconstruction of highways, twenty-seven million one hundred thousand dollars (\$27,100,000), payable from highway maintenance fund.

For construction of new highways by California highway commission, such sum or sums as may be received from the federal government, donations or other sources, for highway construction.

For support of California highway commission and state highway engineer, forty-one thousand six hundred dollars (\$41,600), payable from highway maintenance fund.

For California highway commission assessments for joint highway districts, two hundred thousand dollars (\$200,000).

Mining,
division of.

For support of division of mining, state mining bureau, one hundred twenty-four thousand eight hundred sixteen dollars (\$124,816).

For support of division of petroleum and gas, state mining bureau, three hundred twenty-two thousand nine hundred forty dollars (\$322,940), payable from petroleum and gas fund.

Public works,
dept. of.

For support of department of public works, general office, forty-five thousand ninety-five dollars (\$45,095).

For support of division of architecture, department of public works, two hundred ninety-nine thousand one hundred

ten dollars (\$299,110), not subject to the provisions of section 4 of this act.

For support of division of engineering and irrigation, department of public works, one hundred fifty-three thousand nine hundred sixty dollars (\$153,960).

For cooperation of division of engineering and irrigation, department of public works, with other agencies in emergency flood protection and rectification of river channels, ninety thousand four hundred dollars (\$90,400).

For special flood control and irrigation studies by division of engineering and irrigation, department of public works, twenty-five thousand dollars (\$25,000).

For cooperation of division of engineering and irrigation, department of public works, with federal government in stream gauging and topographic mapping, eighty-five thousand dollars (\$85,000).

For support of division of water rights, department of public works, one hundred seventy-four thousand four hundred eighty dollars (\$174,480).

For investigation of streams, lakes, etc., by division of water rights, department of public works, sixty-five thousand dollars (\$65,000).

For support of sixth district agricultural association, seventy-four thousand seven hundred forty dollars (\$74,740).

Agricultural
Assn., 6th
district

For permanent improvements, sixth district agricultural association, consisting of repairs to roof of exposition building, seven thousand five hundred dollars (\$7,500).

For support of state agricultural society, three hundred fifty-five thousand three hundred dollars (\$355,300).

Agricultural
society.

For permanent improvements, state agricultural society, consisting of: purchase of land, forty thousand dollars (\$40,000); construction of barns, thirteen thousand five hundred dollars (\$13,500); construction of machinery building, one hundred thousand dollars (\$100,000); remodeling and repairs to buildings, twenty-five thousand dollars (\$25,000); repairs and improvement of water and electric systems, thirty thousand dollars (\$30,000).

For support of surveyor general, fifty-five thousand two hundred forty-five dollars (\$55,245).

Surveyor
general.

For completion of construction of the John Muir trail, in accordance with the provisions of chapter 217, page 365, statutes of 1925, ten thousand dollars (\$10,000).

John Muir
trail.

For improvement of navigation and flood control of the Sacramento, San Joaquin and Feather rivers, in accordance with the provisions of chapter 303, page 498, statutes of 1925, four hundred thousand dollars (\$400,000).

River
improvement.

For improvement of navigation and flood control of the Sacramento, San Joaquin and Feather rivers, in accordance with the provisions of chapter 304, page 499, statutes of 1925, four hundred thousand dollars (\$400,000).

For rectification of channel of San Joaquin river in cooperation with federal government, pursuant to act of congress

entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President of the United States on January 21, 1927, four hundred nineteen thousand dollars (\$419,000) to be expended by the department of finance.

For cooperation with federal government in development of the Suisun bay channel, ninety-one thousand five hundred dollars (\$91,500), to be expended by the department of finance.

For provision of additional spoil area in connection with Sacramento and San Joaquin river channel work through the purchase of warrants of Sacramento-San Joaquin Drainage District Project Number Two, one hundred eight thousand five hundred dollars (\$108,500), to be expended by the department of finance.

EDUCATIONAL.

Education,
dept of.

For support of state board of education, general administration, one hundred fourteen thousand one hundred forty dollars (\$114,140).

For support of state board of education, vocational rehabilitation, twenty thousand dollars (\$20,000), in addition to such sum or sums as appropriated by the statutes of 1925, chapter 296.

For support of credentials department, state board of education, eighty-one thousand six hundred dollars (\$81,600).

For support of superintendent of public instruction, one hundred twelve thousand seven hundred fifty dollars (\$112,750).

For support of free text books department, superintendent of public instruction, eight hundred fourteen thousand four hundred eighty-two dollars and seventy-two cents (\$814,482.72).

University.

For support of University of California, six million two hundred ten thousand four hundred two dollars and fifty-four cents (\$6,210,402.54).

For permanent improvements, University of California, consisting of: animal science building at Davis, three hundred thousand dollars (\$300,000); improvement of grounds at Berkeley, one hundred thousand dollars (\$100,000); completion and opening of west entrance, at Berkeley, one hundred thousand dollars (\$100,000); paving Parnassus and Fourth avenues, four thousand four hundred dollars (\$4,400); agricultural economic surveys, twenty thousand dollars (\$20,000).

Chico State
Teachers
College.

For support of Chico State Teachers College, two hundred ninety-six thousand, nine hundred thirty dollars (\$296,930).

For permanent improvements, Chico State Teachers College, consisting of: repairs, improvements and equipment, twenty thousand dollars (\$20,000); purchase of land, Mt. Shasta, five thousand dollars (\$5,000); improvements, Mt. Shasta Summer School, three thousand dollars (\$3,000); construction and

equipment of building at Chico, seventy-five thousand dollars (\$75,000).

For support of Fresno State Teachers College, four hundred ninety-eight thousand fifty dollars (\$498,050). Fresno State
Teachers
College

For permanent improvements, Fresno State Teachers College, consisting of: construction and equipment of building, two hundred fifteen thousand dollars (\$215,000); permanent improvements at Huntington Lake, fifteen thousand dollars (\$15,000).

For support of Humboldt State Teachers College, one hundred ninety-three thousand ninety dollars (\$193,090). Humboldt
State
Teachers
College

For permanent improvements, Humboldt State Teachers College, consisting of: construction and equipment of new gymnasium, forty thousand dollars (\$40,000); purchase of land, eight thousand dollars (\$8,000); completion of main buildings, fifteen thousand dollars (\$15,000).

For support of San Diego State Teachers College, four hundred twenty-three thousand eight hundred dollars (\$423,800). San Diego
State
Teachers
College

For permanent improvements, San Diego State Teachers College, consisting of: new equipment, twenty-five thousand dollars (\$25,000); repairs and improvements, seven thousand five hundred dollars (\$7,500); improvement of grounds, five thousand dollars (\$5,000); construction of temporary quarters, seven thousand five hundred dollars (\$7,500).

For support of San Francisco State Teachers College, four hundred twenty-nine thousand one hundred two dollars (\$429,102). San
Francisco
State
Teachers
College

For permanent improvements, San Francisco State Teachers College, consisting of: construction and equipment of three training school units, one hundred eighty thousand dollars (\$180,000); construction and equipment of building for kindergarten, fifteen thousand dollars (\$15,000); repairs, improvements and equipment, twenty thousand dollars (\$20,000).

For support of San Jose State Teachers College, six hundred fifty-nine thousand four hundred twenty dollars (\$659,420). San Jose
State
Teachers
College.

For permanent improvements, San Jose State Teachers College, consisting of: repairs, improvements and equipment, thirty-five thousand dollars (\$35,000); completion of recreational field, fifteen thousand dollars (\$15,000); construction and equipment of training school building, one hundred thousand dollars (\$100,000).

For support of Santa Barbara State Teachers College, two hundred seventy-seven thousand seven hundred ninety-nine dollars and thirty-eight cents (\$277,799.38). Santa
Barbara
State
Teachers
College

For permanent improvements, Santa Barbara State Teachers College, consisting of: repairs, improvements and equipment, twenty thousand dollars (\$20,000); construction and equipment of home economics and science building, one hundred seventy-five thousand dollars (\$175,000).

Polytechnic
School.

For support of California Polytechnic School, two hundred ninety-one thousand nine hundred fifty dollars (\$291,950).

For permanent improvements, California Polytechnic School, consisting of: construction and equipment of president's home and garage, twenty thousand dollars (\$20,000); construction and equipment of addition to boys' dormitory, forty thousand dollars (\$40,000); construction and equipment of addition to dining hall, fifteen thousand dollars (\$15,000); completion and equipment of north wing of mechanical unit, twenty-five thousand dollars (\$25,000); purchase of gas or Diesel engine, ten thousand dollars (\$10,000); repairs, improvements and equipment, twenty-seven thousand nine hundred seventy-five dollars (\$27,975).

Schools for
Deaf and
Blind.

For support of California Schools for the Deaf and the Blind, four hundred fifty-two thousand six hundred eighty-one dollars (\$452,681).

For college readers for graduates and expenses of graduates at Gallaudet College, California School for the Deaf and the Blind, ten thousand dollars (\$10,000).

For permanent improvements, California Schools for the Deaf and the Blind, consisting of: repairs, improvements and equipment, twenty-two thousand dollars (\$22,000); construction of dormitory for blind boys, seventy-five thousand dollars (\$75,000).

Hastings
College of
Law.
State
Library.

For support of Hastings College of Law, eighteen thousand eight hundred dollars (\$18,800).

For support of California State Library, three hundred two thousand three hundred fifty dollars (\$302,350).

PENAL.

Pardon
board

For support of advisory pardon board, five thousand dollars (\$5,000).

Transporta-
tion.

For transportation on account of arrest of criminals without the state, sixty thousand dollars (\$60,000).

Rewards.

For rewards offered by the governor, two thousand five hundred dollars (\$2,500).

Identifica-
tion.

For support of bureau of criminal identification and investigation, seventy-two thousand nine hundred forty-four dollars and ten cents (\$72,944.10).

Parole dept.

For support of parole department, board of prison directors, forty-nine thousand forty dollars (\$49,040).

Folsom State
Prison.

For support of Folsom prison, nine hundred ninety-eight thousand six hundred seventy-two dollars (\$998,672).

For permanent improvements, Folsom prison, consisting of: construction and equipment of additional cells, one hundred fifty-three thousand dollars (\$153,000); construction and equipment of hospital for tubercular prisoners, seventy thousand dollars (\$70,000); repairs, improvements and equipment, twenty thousand dollars (\$20,000); purchase of tools and equipment for wall construction, four thousand five hundred dollars (\$4,500); construction and equipment of ten cottages,

twenty-two thousand five hundred dollars (\$22,500); lining reservoir with concrete, three thousand five hundred dollars (\$3,500); purchase of four hundred (400) double-deck beds, six thousand dollars (\$6,000); purchase of additional laundry machinery, five thousand dollars (\$5,000).

For support of San Quentin prison, one million seven hundred ninety thousand five hundred fifty-five dollars (\$1,790,555). San Quentin
State
Prison

For permanent improvements, San Quentin prison, consisting of: repairs, improvements and equipment, sixty-five thousand dollars (\$65,000); construction and equipment of east prison wing, two hundred and sixty thousand dollars (\$260,000); construction and equipment of extension of hospital tuberculosis ward, twenty-five thousand dollars (\$25,000).

REGULATIVE.

For support of state board of architecture, northern district, six thousand two hundred twenty-one dollars (\$6,221), payable from board of architecture (northern district) fund. Architecture,
boards of

For support of state board of architecture, southern district, seven thousand twenty dollars (\$7,020), payable from the board of architecture (southern district) fund.

For support of state athletic commission, forty-eight thousand two hundred fifty dollars (\$48,250), payable from athletic commission fund. Athletic
commission

For support of state banking department, five hundred seven thousand forty dollars (\$507,040), payable from banking fund. Banking
dept.

For support of state board of bar examiners, twenty-four thousand three hundred fifty dollars (\$24,350), payable from bar examiners' fund. Bar
examiners

For support of state building and loan commissioner, fifty-seven thousand three hundred forty dollars (\$57,340), payable from building and loan commission fund. Bldg and
loan commis-
sioner.

For support of state corporation department, six hundred ninety-six thousand five hundred sixty dollars (\$696,560), payable from corporation commission fund. Corporation
dept.

For support of state board of chiropractic examiners, thirty-three thousand fifty dollars (\$33,050), payable from chiropractic examiners' fund. Chiropractic
examiners

For support of state board of dental examiners, forty-eight thousand nine hundred seventy-eight dollars (\$48,978), payable from dentistry fund. Dental
examiners.

For support of detective license department, state board of prison directors, one thousand nine hundred forty dollars (\$1,940), payable from detective license fee fund. Detective
license dept.

For support of state board of embalmers, nine thousand one hundred twenty dollars (\$9,120), payable from embalmers' fund. Embalmers,
board of.

For support of board of state harbor commissioners, San Francisco, four million nine thousand six hundred five dollars and fifty cents (\$4,009,605.50), payable from San Francisco harbor improvement fund. Harbor
commis-
sioners, San
Francisco

For redemption of matured San Francisco harbor bonds and bond interest coupons, one million three hundred fifteen thousand eight hundred fifty-six dollars and sixteen cents (\$1,315,856.16), payable from San Francisco harbor improvement fund.

For permanent improvements, board of state harbor commissioners, San Francisco, payable from San Francisco harbor improvement fund, two million four hundred fifty-one thousand dollars (\$2,451,000), consisting of: construction and equipment of dredger, one hundred thirty-five thousand dollars (\$135,000); extension of pier No. 41, forty thousand dollars (\$40,000); construction and equipment of Islais creek wharf, two hundred fifty thousand dollars (\$250,000); construction and equipment of pier No. 45, one million nine hundred sixty-six thousand dollars (\$1,966,000); paving of Jefferson street, thirty-five thousand dollars (\$35,000); paving pier No. 41, twenty-five thousand dollars (\$25,000);

Harbor com-
missioners,
Eureka.

For support of board of state harbor commissioners, Eureka, seven thousand nine hundred dollars (\$7,900).

Harbor com-
missioners,
San Diego.

For support of board of state harbor commissioners, San Diego, four thousand one hundred sixty-two dollars (\$4,162), payable from San Diego harbor improvement fund.

Health,
board of.

For support of state board of health, four hundred ninety-eight thousand two hundred fifty-three dollars (\$498,253).

For state board of health aid to mosquito abatement districts, twenty thousand dollars (\$20,000).

For support of division of cannery inspection, state board of health, one hundred twenty-six thousand twenty dollars (\$126,020), payable from cannery inspection fund.

For support of registration of nurses, state board of health, thirty-five thousand three hundred ninety dollars (\$35,390), payable from nurses' examination and registration fund.

For support of bureau of tuberculosis, state board of health, forty-three thousand six hundred forty dollars (\$43,640).

For subsidies, bureau of tuberculosis, state board of health, six hundred thousand dollars (\$600,000).

Industrial
accident
commission

For support of industrial accident commission, four hundred eight thousand dollars (\$408,000).

For support of industrial accident commission, two hundred four thousand dollars (\$204,000), payable from accident prevention fund.

Industrial
welfare
commission.

For support of industrial welfare commission, eighty-six thousand dollars (\$86,000).

Immigration
and housing.

For support of immigration and housing commission, one hundred fifty-one thousand three hundred eighty-two dollars (\$151,382).

Insurance
commis-
sioner.

For support of state insurance commissioner, one hundred thirty-seven thousand twenty dollars (\$137,020), payable from insurance commissioner's special fund.

Labor
statistics

For support of bureau of labor statistics, four hundred nineteen thousand six hundred thirty-eight dollars (\$419,638).

For support of state board of medical examiners, one hundred seven thousand six hundred sixty-nine dollars and fifty cents (\$107,669.50), payable from medical examiners' contingent fund. Medical examiners

For support of state board of optometry, eight thousand two hundred dollars (\$8,200), payable from optometry fund. Optometry

For support of state board of osteopathic examiners, sixteen thousand five hundred eleven dollars and seventy-six cents (\$16,511.76), payable from osteopathic examiners' contingent fund. Osteopathic examiners.

For support of state board of pharmacy, one hundred twenty-seven thousand ten dollars (\$127,010), payable from pharmacy board contingent fund. Pharmacy

For support of state railroad commission, one million six thousand eight hundred dollars (\$1,006,800). Railroad commission

For support of state real estate department, three hundred eighteen thousand nine hundred ninety-eight dollars and fifty cents (\$318,998.50), payable from real estate commissioners' fund. Real estate department.

For support of state board of veterinary medical examiners, six hundred dollars (\$600), payable from veterinary medical examiners' contingent fund. Veterinary.

MISCELLANEOUS

For official advertising, two thousand five hundred dollars (\$2,500). Miscellaneous.

For premiums on official bonds, five thousand dollars (\$5,000).

For compensation benefits, state officers and employees, one hundred ten thousand dollars (\$110,000).

For traveling expenses of county treasurers, two thousand five hundred dollars (\$2,500).

EMERGENCIES

For emergency fund, one million dollars (\$1,000,000) (exempt from section 4 of this act) to be expended only on written authorization of the state board of control for emergencies. Emergencies within the meaning of this provision are hereby defined as contingencies for which no provision or insufficient provision has been made by the appropriations herein contained. Emergencies.

SEC. 2. When any state publication is printed and paid for out of any appropriation in this act, the disposition of the same shall be subject to the provision of section 2295a of the Political Code of the State of California. The sums that are herein appropriated for expenses of the Senate and Assembly shall be disbursed under the direction of the bodies to which they respectively belong, and shall not be subject to any of the provisions of section 672 of the Political Code; *provided*, that the state controller shall not be required to draw any warrants until the original claims and vouchers, Publications
Legislative expenses

National
guard.Uses of
funds.Biennial
statements
of officers.Original
bills
required.Revolving
fund.

itemized and properly sworn to are filed with him. The sums herein appropriated for the expenses of the national guard shall be audited by the adjutant general, as required by sections 2083 and 2085 of the Political Code. Not more than five hundred dollars of the money hereby appropriated for the support of the institutions of the state shall be used in each fiscal year for permanent improvements, but shall be used solely for the payment of salaries and traveling expenses of the commissioners or directors having charge of the same (when such salaries or expenses are allowed by law), the salaries of employees, the purchase of materials and supplies for the use of said institutions, and for such incidental and current expenses as may be necessarily incurred for the proper management and support of said institutions.

SEC. 3. All persons having demands against the state, and various state officers, and the officers of all institutions under the control of the state, except the governor, to whom and for which appropriations other than salaries are made under the provisions of this act, shall, with their biennial report, submit a detailed statement, under oath, of the manner in which all appropriations for their respective departments and institutions have been expended, and the state board of control is hereby expressly prohibited from allowing any demand payable out of any such appropriations until the same are presented in itemized form, accompanied by affidavit and voucher for money expended by them stating specifically the service rendered, by whom performed, time employed, distance traveled, and necessary expenses thereof; if for articles purchased, the name of each article, together with the price paid for each and of whom purchased, with the date of the purchase; *provided*, that in instances where the duties of any state officers or board make necessary the use of moneys for purposes of a confidential nature, the board of control may audit claims for such expense without requiring itemization or vouchers; but such claims must be accompanied by a statement of the fact surrounding the expenditure, which statement must be filed in the office of the board of control; *provided, further*, that the total amount so allowed for such confidential purposes from the moneys herein appropriated shall not exceed in any one fiscal year the sum of two thousand dollars. All bills and vouchers, which shall be presented for supplies furnished or services rendered, shall be original bills and vouchers of the parties furnishing supplies and rendering services; *provided*, that no officer shall use or appropriate any money, appropriated by this act, for any purpose whatsoever, unless authorized thereto by law; *and provided*, that any officer, board, commission or department for whom any appropriation is made herein, may, with the permission of the board of control, and without at the time furnishing vouchers and itemized statements, draw from such appropriation, a sum not to exceed one per cent of the total amount appropriated for any such officer, board, commission or department. The

sums so drawn shall be used as a revolving fund where cash advances are necessary, and at the close of each biennium, or at any other time, upon the demand of the board of control, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and the controller.

SEC. 4. Not more than one twenty-fourth of the amount appropriated under this act for each department or institution for support for the two years ending June 30, 1929, shall be expended during any one month without the consent of the state board of control, and not more than one-half of such appropriation shall be expended during the seventy-ninth fiscal year, unless the same has been expressly authorized by this act. Amounts expendable monthly.

SEC. 5. The officers of the various departments, boards, commissions and institutions for whose benefit and support appropriations are made in this act are expressly forbidden to make any expenditure in excess of such appropriations, except the unanimous consent of the state board of control be first obtained, and a certificate, in writing, duly signed by every member of said board, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by said state board of control nor paid out of any state appropriation; *provided*, that any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the unanimous consent of the state board of control, and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing. Expenditures in excess of appropriations.

SEC. 6. No money appropriated by this act shall be used to renew, or pay for the renewal of any fire insurance on any public building or property, nor to effect or pay for any new insurance on any public building or property, except the property of San Francisco harbor and the University of California. Fire insurance

SEC. 7. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section 1, of article IV, of the constitution of the State of California, take effect immediately. Effective immediately

CHAPTER 143.

An act to regulate the packing, shipping and sale of Capri figs, vesting the enforcement thereof in the state director of agriculture and the county horticultural commissioners, defining their powers and duties hereunder and providing a penalty for violation hereof.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

Words and
phrases
defined

SECTION 1. The following terms when used in this act shall be construed as follows:

Profichi crops shall mean the crop of Capri figs maturing in June and July and used to caprify or pollinate the main crop of the Smyrna type of figs.

Mamme crop shall mean the winter crop of Capri figs.

Matured pollen shall mean pollen in a powdery condition which can be dusted or shaken out from the anthers in appreciable quantities.

Spent figs shall mean Capri figs from which all the female Blastophaga insects have issued.

Blanks shall mean Capri figs which are devoid of Blastophaga insects or galls containing Blastophaga insects.

Profichi
crop.

SEC. 2. Every person who shall pack, ship, deliver for shipment, offer for sale or sell in any container or subcontainer any lot of Capri figs of the profichi crop, which shall not contain matured pollen, or which shall not contain living Blastophaga insects in the adult stage, or which shall contain more than twenty-five per cent of spent figs, or which shall contain more than ten per cent of blanks, is guilty of a misdemeanor.

Mamme
crop.

SEC. 3. Every person who shall pack, ship, deliver for shipment, offer for sale or sell in any container or subcontainer any lot of Capri figs of the mamme crop, which shall contain more than twenty-five per cent of spent figs, or which shall contain more than ten per cent of blanks, is guilty of a misdemeanor.

Enforcement
of act.

SEC. 4. The state director of agriculture is hereby empowered through his duly authorized agents and the county horticultural commissioners of each county of the state, their deputies and inspectors, acting under the supervision and control of the state director of agriculture, to enforce all of the provisions of this act, and to promulgate and enforce such rules and regulations as he may deem necessary thereto. All enforcing officers under this act shall have the power to enter any place where Capri figs are produced, packed, stored, shipped, delivered for shipment, offered for sale or sold, and to inspect the same, and to seize and hold for evidence any Capri figs packed, shipped, delivered for shipment, offered for sale or sold in violation of any of the provisions of this act, and to prosecute actions for violation of the provisions hereof.

CHAPTER 144.

An act to amend sections six hundred sixteen and six hundred seventeen of the Civil Code of the State of California, relating to cemetery corporations.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 616 of the Civil Code of the State of California, is hereby amended to read as follows:

Stats 1901,
p 814,
amended.

616. Any corporation organized to establish and maintain, or to improve, a cemetery, may take and hold any property bequeathed, granted, or given to it in trust, to apply the proceeds or income thereof to any and all of the following purposes: To the improvement or embellishment of such cemetery or of any lot therein; or to the erection, renewal, repair or preservation of any monument, fence or other structure in such cemetery; or to the planting or cultivation of trees, shrubs, or plants in or around such cemetery, or any lot therein; or to the improving, ornamenting, or embellishing of such cemetery, or any lot therein, in any other mode or manner not inconsistent with the purposes for which such cemetery was established or is being maintained. Such property and the proceeds or income thereof shall be invested and reinvested in bonds of the United States, or of this state, or of any municipality of this state, or in first mortgages on real estate, or in centrally located income producing improved real estate in any city, or city and county in this state, or in investment certificates of any building and loan association organized and existing under the laws of this state, if such investment is not repugnant to the terms of the bequest, grant, or gift.

Property and
income:
receiving,
investing
and using.

SEC. 2. Section 617 of the Civil Code of the State of California, is hereby amended to read as follows:

Stats 1921,
p 424,
amended.

617. Any cemetery corporation or association under contract for the perpetual care of a certain lot or lots in the cemetery of said corporation or association, is hereby expressly forbidden to use the funds received for the perpetual care of any lot or lots under such contract or contracts, for any other purpose than to provide the perpetual care mentioned in said contract, and it shall be the duty of the board of directors, or board of trustees of a cemetery corporation or association receiving funds from perpetual care contracts, to invest or reinvest such funds in bonds of the United States or the State of California, or of any county, city and county, or city, of the State of California, or in first mortgages on real estate, or in centrally located income producing improved real estate in any city or city and county in this state, or in bonds legal for investment by savings banks in this state, or in investment certificates of any building and loan association organized and existing under the laws of this state.

Funds for
perpetual
care of lots.

CHAPTER 145.

An act to amend an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof and for the districting, governing and municipal control of such annexed territory," approved June 11, 1913, as amended, by amending section nine of said act to provide for the preservation of the status of special improvement proceedings.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

Stats. 1913,
p 594,
amended

SECTION 1. Section 9 of an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof and for the districting, governing and municipal control of such annexed territory," approved June 11, 1913, as amended, is hereby amended to read as follows:

Legislative
districts and
special im-
provement
proceedings

Sec. 9. Nothing in this act contained shall alter or affect the boundaries of any senatorial or assembly district. No annexation of territory to a municipal corporation under the provisions of this act shall affect, terminate or invalidate any special improvement proceeding, pending at the time of such annexation, under the "Road district act of 1907," "The county improvement act of 1921," "The county street opening act of 1923," "The acquisition and improvement act of 1925," "The drainage district improvement act of 1919," or any other act relating to proceedings for the acquisition of lands or rights of way for the use of, or for the improvement of roads, highways, streets, parks, drains, sewers or other public improvements, or to proceedings for the opening, widening and extending of streets or other public places, or to proceedings for the change of grade thereof, all of which proceedings shall be continued, conducted and concluded by and under the authority of the county initiating the same with the same force and effect as if the territory affected thereby were not annexed under the provisions of this act.

CHAPTER 146.

An act to amend section one of an act entitled "An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties

of certain public officers with respect thereto," approved May 10, 1919, as amended, relating to bonds of contractors on public work.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1 of an act entitled "An act to secure the payment of the claims of persons employed by contractors upon public works, and the claims of persons who furnish materials, supplies, teams, implements or machinery used or consumed by such contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, as amended, is hereby amended to read as follows:

Stats 1925,
p. 538,
amended.

Section 1. Every contractor, person, company, or corporation, to whom is awarded a contract involving an expenditure in excess of one hundred dollars for the improvement, erection or construction of any building, road, bridge or other structure, excavating, or other mechanical work for this state, or for any political subdivision or agency of the state shall, before entering upon the performance of such work, file with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom such contract was awarded, a good and sufficient bond, to be approved by such contracting body, officers or board, in a sum not less than one-half of the total amount payable by the terms of the contract; *provided*, that whenever the total amount, payable by the terms of any such contract shall be not less than five million dollars or more than ten million dollars, a bond in a sum not less than one-fourth of the amount payable under the terms of the contract may be accepted and if the amount payable under any such contract exceeds the sum of ten million dollars, a bond in the sum of two million five hundred thousand dollars shall be sufficient; such bond shall be executed by either two or more good and sufficient sureties or by corporate surety as provided by law, in an amount not less than the sum specified in the bond, and must provide that if the contractor, person, company, or corporation, or his or its subcontractors, fail to pay for any materials, provisions, provender or other supplies, or teams, used in, upon, for or about the performance of the work contracted to be done, or for any work or labor thereon of any kind, that the surety or sureties will pay for the same, in an amount not exceeding the sum specified in the bond, and also, in case suit is brought upon such bond, a reasonable attorney's fee, to be fixed by the court. Such bond must by its terms inure to the benefit of any and all persons, companies and corporations entitled to file claims under this act so as to give a right of action to them or their assigns in any suit

Bond of
contractor
on public
work.

Where bond
not filed.

brought upon said bond. Unless such bond is filed as herein provided, no claim in favor of the contractor arising under such contract shall be audited, allowed, or paid by any public officer of this state, or of any political subdivision or state agency, but persons who have in good faith, performed work upon such contract, or supplied materials for the execution thereof, shall, upon giving the notice prescribed in section two hereof, be entitled to receive payment of their respective claims in the manner provided by sections 1184, 1184a, 1184b, and 1184c of the Code of Civil Procedure.

CHAPTER 147.

An act to amend sections seven and nine of an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

Stats. 1923,
p 238,
amended.

SECTION 1. Section 7 of an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, is hereby amended to read as follows:

Sale of bonds
after adver-
tisement.

Sec. 7. Improvement bonds, or any number of such bonds issued hereunder, except as otherwise provided in section 9 hereof, shall be sold to the highest cash bidder after advertising for bids, which advertisement shall be published for at least three times in a daily newspaper published and circulated in said city, or if there be no such newspaper, then such advertisement shall be published once in a weekly or semiweekly newspaper so published and circulated; *provided, however,* that said bonds shall not be sold for less than the amounts of the assessments for which they were issued. If any bond be sold for an amount in excess of the amount for which it was issued, such excess shall be paid into the general fund of the city.

Stats 1911,
p 1196,
amended.
City may
advance
funds.

SEC. 2. Section 9 of said act is hereby amended to read as follows:

Sec. 9. It shall be competent for the city to advance to the appropriate fund the minimum sum for which all or any part of said bonds may be sold, as provided in section 7 hereof, in which case said city shall have the same right in respect to the enforcement and collection thereof as other purchasers

Where the city advances money, as in this section provided, it shall have authority at any time to sell said bonds to reimburse itself therefor.

CHAPTER 148.

An act empowering the state board of health, the state department of education and the state department of public welfare to carry on their respective functions for the benefit of the Indians of California to the extent that the cost of such services shall be provided for by the congress of the United States through federal appropriations.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

SECTION 1. If and whenever the congress of the United States shall authorize the administration of federal appropriations for the welfare of the Indians of California through the agency of public departments and bureaus of this state, full power and authority is conferred upon such state agencies to administer the expenditure of such federal appropriations for the welfare of such Indians within the scope of the powers conferred upon such departments by law.

State
departments
may
administer
Indian
funds.

SEC. 2. In furtherance of this authorization, the state board of health is hereby authorized, empowered and directed to administer the expenditure of all such federal appropriations as may be made for the care and hospitalization of and for medical attention to sick or injured Indians and for the control and prevention of communicable and infectious diseases and general sanitation among the Indians of California. The state department of education is authorized, empowered and directed to administer the expenditure of such federal appropriations as may be made for the construction and maintenance of schools and the education of the California Indians. The state department of public welfare is authorized, empowered and directed to administer the expenditure of such federal appropriations as may be made for the relief of aged, infirm and indigent Indians throughout the State of California. Subject to such limitations as the congress of the United States or the secretary of the interior may lawfully impose upon the administration of such funds, the several state departments above mentioned are authorized to expend the same for the purposes within their respective jurisdictions which in the opinion of the respective heads of said departments will best conserve the interests and welfare of all the Indians residing within the State of California.

Division of
authority
among state
departments

SEC. 3. If the congress of the United States shall require the submission of budgets to the secretary of the interior or any other federal agency before authorizing the expenditure

Budgets may
be submitted

of federal funds, such state agencies are hereby authorized to prepare budgets showing the amounts necessary during each year to carry out the purposes for which such federal appropriations may be made, and shall submit such budgets when prepared to the state board of control who shall coordinate the same so far as possible and approve them before they are forwarded to the federal agency charged with receiving them by congress. Thereafter said state agencies shall account directly to the federal disbursing and auditing officers for the expenditures of funds which congress may direct to be made subject to their administration, and the officers and employees of each of said departments shall be responsible upon their official bonds to such federal disbursing and auditing officers for a proper accounting for all funds so disbursed.

Account of
expenditures.

CHAPTER 149.

An act to add a new section to the Political Code to be numbered one thousand seven hundred thirty-one a, relating to schools.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code to be numbered 1731a, to read as follows:

Organization
of
consolidated
school
districts.

1731a. On the written request of a majority of the members of the union or joint union high school board or the board of a city high school district to which elementary school districts have been annexed under the terms of section 1734b, or whenever a majority of the heads of families who have children attending the elementary schools as shown by the school registers of the elementary schools in a union or joint union high school district, or city high school district to which elementary school districts have been annexed under the terms of section 1734b, or a majority of electors residing in any union or joint union high school district in a city high school district to which elementary school districts have been annexed under the terms of section 1734b, as shown by the affidavit of one of the petitioners, shall unite in a petition to the county superintendent of schools who has jurisdiction over the high school district, asking that an election be called to determine whether a consolidated school district under a name to be specified in such petition shall be formed to include all the territory in such high school district and to be governed and controlled by a board of education of five members as hereinafter provided, the county superintendent of schools having jurisdiction over such high school district must call such election within twenty days after receipt of said petition and shall appoint three qualified electors in each of the elementary

Arrange-
ments for
election.

school districts in such high school district, to conduct the election therein; *provided*, that more than one polling place may be established in any elementary school district in the discretion of the county superintendent of schools. Said election shall be held separately and simultaneously at the public school house in each of the elementary districts in the high school district, and shall be called by posting notices thereof in three of the most public places in each district, one of which places shall be a public school house thereof, at least two weeks before the election, and by publishing such notice at least once a week for two successive weeks in a newspaper of general circulation published at least as often as once a week in said proposed consolidated school district, if there be such newspaper, the first publication to be not less than two weeks before the election. Said election shall be conducted by the officers appointed for that purpose, in a manner provided by law for conducting elections of school trustees. The ballots used at such election in each district shall contain the words "Consolidated school district—Yes" and "Consolidated school district—No," and electors voting at such election shall make a cross with pencil, ink or rubber stamp after the answer they desire to give. It shall be the duty of the said election officers in each district to canvass the vote at said election as soon as the polls are closed, and to report the result to the superintendent of schools within five days subsequent to the holding of said election. Within ten days after receiving the returns of said election, the superintendent of schools shall combine the votes "for" and "against" the formation of the consolidated school district and shall declare and record the result, with the details of the vote in each district, in a book kept by him for that purpose. If a majority of the votes cast at such election shall be in favor of the formation of the consolidated school district, he shall also file, with the county clerk of the county, or in the case of a joint union high school district, with the county clerk of each county in which any part of the joint union high school district is situated, a certificate showing the total number of votes cast in each district in favor of the consolidated school district, the total number of votes in each district against the consolidated school district, the aggregate result of said election and the boundaries of said proposed district. If it shall appear from such certificate that a majority of the votes cast at such election were cast in favor of the formation of the consolidated school district, and if a majority of the votes in a majority of the elementary districts comprising the high school district was cast in favor of the consolidated school district, such consolidated school district shall be deemed to be formed from the time of the filing thereof, and the county clerk shall record said certificate in full in his record of school districts. Within five days after the filing of the certificate, the county superintendent of schools shall declare the result and shall notify the boards of school trustees of the elementary districts

Conduct of election.

Result of election

Selection and organization of board

and the board of high school trustees that the government of the elementary school districts and of the high school district is thereafter vested in a board of education to be selected and organized in the same manner and for the same terms as boards in union school districts as provided in section 1588 and 1589b of the Political Code, or in the same manner and for the same terms as city boards of education as the case may be; *provided*, that in consolidated districts formed from union or joint union high school districts consisting of more than two elementary school districts not more than two members of the board of education shall be elected or appointed from any one of such elementary districts.

High school board.

In considering all matters relating to the high school, the board of education of such consolidated school district shall sit as a high school board and shall have all the powers and duties of a city high school board, including the establishment of junior high schools.

Funds.

In a consolidated school district formed under the provision of this section the funds for the elementary schools shall be estimated, apportioned and transferred in the same manner as for union or joint union school districts as provided in section 1590 of the Political Code, or in the same manner as for city school districts as the case may be, and the high school funds shall be estimated, apportioned and transferred in the same manner as for other high school districts.

Property.

Whenever a consolidated school district is formed as herein provided, all records, equipment, supplies, moneys, funds, appropriations, land and other property held in the name of the high school and elementary school districts, included in such consolidated school district shall be and become the property of such consolidated school district. Nothing herein contained shall affect the bonded debt of any district included in such consolidated school district and taxes shall be levied for the payment of such debt as if the consolidation had not been effected. All other obligations of the several school districts included in such consolidated school district shall be and become the obligations of such consolidated school district.

Debts.

Annexation and exclusion of districts.

Whenever in accordance with law, an elementary school district is annexed to a high school district included in a consolidated school district, such elementary school district shall be thereby automatically incorporated into said school district for all purposes; and whenever in accordance with law an elementary school district is excluded from a high school district included in a consolidated school district, such elementary school district shall be thereby automatically excluded from said school district for all purposes.

Lapsed and disincorporated districts

Whenever a high school district which is a part of a consolidated school district shall be lapsed, the consolidated district shall also be lapsed. Whenever a high school district which is a part of a consolidated district is disincorporated the consolidated district shall also be deemed to be disincorporated.

Any consolidated school district may, after the expiration of three years from its formation, disincorporate and be dissolved as a consolidated district in the manner prescribed in section 1736 for the disincorporation of a high school district; *provided*, that disincorporation of the consolidated district in accordance with this procedure shall not effect the disincorporation of a high school district which is a part of such consolidated district.

Disincorporation of consolidated district

A consolidated school district formed under the provisions of this section shall be subject to the provisions of sections 1735 and 1736 of the Political Code applying to the lapsing or disincorporation of high school districts; *provided*, that when any such consolidated school district shall be so lapsed or disincorporated, each elementary school district included in such consolidated district shall be restored to the status existing immediately prior to its incorporation into such consolidated school district, and the superintendent of schools of the county having jurisdiction shall appoint three trustees for each of such elementary school districts who shall serve until the first day of May next succeeding. At the date of the next regular election of trustees following such lapsing or disincorporation, trustees shall be elected as provided in the case of new districts. The disincorporation of a consolidated school district in the manner prescribed in section 1736 of this code shall not be deemed to disincorporate the high school district included in such consolidated district.

Same

Restoration of elementary school districts

CHAPTER 150.

An act to add a new section to the Political Code to be numbered one thousand six hundred seven b, relating to the powers and duties of governing boards of school districts.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section, to be numbered 1607b, is hereby added to the Political Code.

New section

1607b. The governing board of every school district of whatsoever kind and class shall have power and it shall be its duty:

Additional powers.

First. To require each employee of the district, whose duty it is to handle funds of the district, to provide a suitable bond indemnifying the district against loss; *provided*, such board shall pay from the funds of the district the cost of the premium necessary to provide such bond.

Bonding of employees.

Second. To provide for the supervision and auditing of all funds raised by student bodies or student organizations using the name of the school; *provided*, that the cost of such supervision and auditing may constitute a proper charge against the funds of the district.

Funds of student organizations

CHAPTER 151.

An act to amend section nine of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

Stats 1913,
p 1058,
amended.

SECTION 1. Section 9 of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of waterworks and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, is hereby amended to read as follows:

Ordinances.

Sec. 9. The board of directors shall act only by ordinance or resolution. The ayes and noes shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the board of directors. No ordinance or resolution shall be passed or become effective without the affirmative votes of at least a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be in these words: "Be it ordained by the board of directors of ----- county water district as follows:" All resolutions and ordinances shall be signed by the president of the board of directors and attested by the secretary. Each director shall receive the sum of ten dollars for each meeting of the board of directors attended by him, not exceeding three meetings in any calendar month, and such additional compensation not exceeding ten dollars per day as shall be fixed and allowed by the board for his services while otherwise employed by authority of the board in the business of the district. He shall also be allowed, with the approval of the board of directors, all traveling and other expenses reasonably incurred by him in such employment. Any vacancy in the board of directors, whether the vacant office is elective or appointive, shall be filled by the remaining directors.

Compensa-
tion of
directors.

Vacancies.

CHAPTER 152.

An act to amend section six hundred forty-nine of the Civil Code and to add certain new sections to be known as sections six hundred forty-nine a, six hundred fifty-one a, six

hundred fifty-one b, six hundred fifty-one c and six hundred fifty-one d, relating to the incorporation of colleges and seminaries of learning.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 649 of the Civil Code is hereby amended to read as follows: Stats 1911,
p. 583,
amended.

649. Any number of persons who may desire to establish a college or seminary of learning may incorporate themselves as provided in this part, except that in lieu of the requirements of section 290, the articles of incorporation shall contain: Incorporation
of colleges

1. The name of the corporation.
2. The purpose for which it is organized.
3. The place where the college or seminary is to be conducted.
4. The number of its trustees, which shall not be fewer than

five nor more than thirty, and the names and residences of the trustees. The term for which the trustees named and their successors are to hold office may also be stated. If it is desired that the trustees, or any portion of them, shall belong to any organization, society, or church, such limitation shall be stated. Trustees.

5. If said corporation is to have capital stock, the amount of its capital stock and the number of shares into which it is divided, and the amount actually subscribed, and by whom. Capital
stock.

6. If said corporation is organized for the purpose among others of conferring academic or professional degrees there shall be no dividend paying capital stock but the articles shall state the description and value of the real and personal property of such corporation used exclusively for the purposes of education which must not be less than fifty thousand dollars (\$50,000) in the case of any college or seminary of learning conferring degrees.

SEC. 2. A new section is hereby added to the Civil Code to be numbered 649a, and to read as follows: New section.

Sec. 649a. If the proposed articles of incorporation of any college or seminary of learning provide for the conferring of academic or professional degrees, the secretary of state, before issuing a certificate of incorporation, shall ascertain whether the conditions stated in the articles have been complied with and shall not issue the usual certificate of incorporation until he is satisfied that such conditions have been complied with. Duty of
secretary of
state

SEC. 3. A new section is hereby added to the Civil Code to be numbered 651a, and to read as follows: New section.

Sec. 651a. No person, firm, association or corporation, other than a corporation incorporated under the provisions of this title, shall have power to confer academic or professional degrees. This provision shall not apply to any university, college or seminary of learning which has been chartered under existing laws as an educational institution with the power to confer degrees, or to any university, college or seminary of Power to
confer
degrees.

learning which has heretofore been given, or whose trustees have heretofore been given, the right to exercise corporate powers and privileges by special legislative act.

New section. SEC. 4. A new section is hereby added to the Civil Code to be numbered 651*b*, and to read as follows:

Reports to
Supt. of
public
instruction.

Sec. 651*b*. Every corporation incorporated under the provisions of this title shall file annually with the superintendent of public instruction a verified report showing the number of students of said corporation, the courses of study offered by said corporation, the names and addresses of the teachers employed by said corporation, the subjects taught by them, the degrees, if any, granted by said corporation and to whom granted, the curricula upon the basis of which such degrees were granted and any other information concerning the educational work or activities of said corporation that may be required by said superintendent of public instruction.

New section

SEC. 5. A new section is hereby added to the Civil Code to be numbered 651*c*, and to read as follows:

Duty of
attorney
general

Sec. 651*c*. It shall be the duty of the attorney general, in case he has notice of a failure of any such corporation to comply with the provisions of this title, or of any fraudulent practice by any such corporation, or by any firm, person or association in connection with the granting of degrees, or of any abuse, misuse or violation of the articles of incorporation, to take steps by bill in equity or otherwise to dissolve such corporation or to restrain and enjoin such fraudulent practices, abuse, misuse or violation or to punish any person guilty of fraudulent practices.

New section.

SEC. 6. A new section is hereby added to the Civil Code to be numbered 651*d*, and to read as follows:

Violation a
misdemeanor.

Sec. 651*d*. Any person or persons, firm, association or corporation who shall confer any academic or professional degree in violation of section 651*a* of this code or shall offer by advertisement or otherwise to confer such degree shall be guilty of a misdemeanor.

CHAPTER 153.

An act to add a new section to the Political Code, to be numbered four thousand forty-one j, relating to the building and maintenance of permanent county fair buildings by the county board of supervisors.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code to be numbered 4041*j*, and to read as follows:

County
fair
buildings

4041*j*. Any county board of supervisors may erect and maintain permanent county fair buildings in their respective

counties on lands owned by the county or any municipal corporation or body politic when, in their discretion, the same may be necessary or desirable.

CHAPTER 154.

An act to add a new section to the Political Code, to be numbered one thousand six hundred twenty-four, relating to the sale of school property by one district to another.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section, to be numbered 1624, is hereby New section. added to the Political Code, to read as follows:

1624. Boards of school trustees, high school boards, city boards of education, and junior college boards, constituting the governing body of an elementary district, a high school district and a junior college district, or any two of such districts, are hereby authorized to sell, or lease for a term not exceeding ninety-nine years, any real property belonging to one of their respective districts to another district governed by them upon the following conditions:

Before ordering any sale or lease of such real property such board shall, in open meeting by a two-thirds vote of its members, adopt a resolution declaring its intention to sell the same, or a resolution declaring its intention to lease the same, as the case may be, which resolution shall describe the property to be sold or leased in such manner as to identify it, and the terms and conditions, not including the price or rental, upon which it will be sold or leased and shall, by said resolution, appoint two members of a board of appraisers, the third member of which shall be selected by the county superintendent of schools, which board of appraisers shall thereafter make a report in duplicate to the board and county superintendent of schools of its finding and determination of the cash market value of the property proposed to be sold, or the rental value of the property proposed to be leased. Said resolution, together with a notice fixing a time and place within the district at which a public meeting of such board will be held to consider the report of the appraisers and the sale or lease of the real property described in the resolution, shall be published in a newspaper of general circulation published within the district if any newspaper is published therein, or, if none is published therein, in a newspaper published in the county, for not less than once a week for two weeks prior to said meeting. At the time and place fixed in the published notice, the board shall meet and consider such sale or lease and the report of said

Sale of real property to another district.

board of appraisers. If the county superintendent of schools shall approve the sale or lease at the price or rental fixed by said board of appraisers and the terms and conditions of sale or lease set forth in the resolution appointing said board of appraisers, the governing board of the district owning such property may thereupon consummate such sale or lease by one district to the other district governed by it by executing, acknowledging and delivering such instruments as are necessary to convey title or demise such property.

The compensation of such board of appraisers to be fixed by the governing board, shall be a legal charge against the funds of the district selling property hereunder.

CHAPTER 155.

An act to amend section one thousand seven hundred forty of the Political Code, relating to meeting places of high school boards.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1740 of the Political Code is hereby amended to read as follows:

1740. District, union and joint union high school boards shall meet on the first Saturday in May of each year at twelve o'clock m., and organize by electing a president from their own number, and a clerk. Every high school board shall hold regular monthly meetings at such times as may be provided in the rules and regulations adopted by them for their own government; *provided*, that in union or joint union high school districts the regular meetings as above provided may be quarterly. Special meetings may be held at the call of the president of the board. Upon the request, in writing, signed by a majority of any board, the president of said board shall call a meeting thereof. Of all special meetings of any board the members thereof shall have at least two days' notice, issued and served by the clerk thereof. At special meetings no business shall be transacted other than that specified in the call therefor. All meetings of the high school board shall be held at the high school building; *provided*, that if no high school building exists in the high school district, or if in the judgment of its board of trustees, the interests of the high school district may be better served by holding its meetings elsewhere, the board may meet at such other place in the high school district as it may be resolution determine; *provided*, that all such meetings shall be open to the public.

Stats. 1913,
p 93,
amended.
Meetings of
high school
boards.

CHAPTER 156.

An act to add two new sections to the Political Code to be numbered two thousand two hundred sixty-one and two thousand two hundred sixty-two, relating to establishment of kindergarten service for the blind and for vocational training in schools for the blind.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section to be numbered 2261 is hereby New section added to the Political Code and to read as follows:

2261. The state department of education, as soon as proper Kindergarten service. facilities may be provided therefor in connection with the California school for the blind, shall establish and maintain a kindergarten service for the care and teaching of children under school age, and said department shall prescribe the rules and regulations which shall govern the conduct of such kindergarten service, appoint such teachers as it may determine necessary, and fix their salaries.

SEC. 2. A new section to be numbered 2262 is hereby New section added to the Political Code and to read as follows:

2262. The state department of education, in addition to the Vocational training. teaching and education of the blind of suitable age as in this article provided, shall adopt such measures and prescribe such rules for the giving of vocational training to the attendants at the school, in order that such pupils may be equipped upon their graduation to engage in occupations or industries by which they may become self-supporting. The board shall determine the nature and scope of such vocational training, with the view of best adapting the blind to follow useful and productive pursuits, after the completion of their education.

CHAPTER 157.

An act to revise an act entitled "An act to provide for the adoption of textbooks for use in the public high schools of the state and for furnishing textbooks for the use of pupils of such schools," approved May 18, 1917.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

SECTION 1. An act entitled, "An act to provide for the adoption of textbooks for use in the public high schools of the state and for furnishing textbooks for the use of pupils of Stats 1917, p. 729, and 1919, p. 443, amended

such schools," approved May 18, 1917, is hereby revised to read as follows:

Adoption
and
purchase of
textbooks.

Section 1. The high school board of each and every high school district shall adopt textbooks for use in such districts from a list prescribed by the state board of education. Such list shall include textbooks in such high school subjects as in the judgment of the state board of education require the use of textbooks; *provided*, that separate classics in English and modern languages and texts for adult classes need not be listed. The high school board of each and every high school district shall purchase textbooks for the use of pupils enrolled in the high schools of such district which textbooks shall at all times be and remain the property of such district to be supplied to the pupils thereof for use without charge; *provided*, that the high school board may fix a charge not to exceed the cost of such books to the high school district for books furnished pupils in classes for adults.

Textbooks
furnished
pupils
residing
outside
district.

Sec. 2. Whenever the high school board of any high school district purchases textbooks for the use of pupils residing in portions of the county not included in any high school district and attending the high school of such district, and furnish textbooks free for the use of such pupils, the board may on or before July twentieth of each year file with the county superintendent of schools of the county in which such pupils reside, a list of such pupils and an itemized statement of the amount expended for textbooks for their use during the preceding school year. The county superintendent of schools shall include such amount in his estimate of the county high school fund required, and the board of supervisors shall include the amount in levying the county high school fund. Before the county superintendent of schools shall apportion any of the county high school fund on average daily attendance, he shall transfer from said fund to the fund of each of the several high school districts of the county, or draw a warrant in favor of the board of trustees of such high school district, for the amount claimed by each on account of textbooks furnished free for the use of pupils residing in portions of the county not included in any high school district, and attending such high school.

Publisher's
application
for listing
of books.

Sec. 3. All publishers desiring to offer school books for the use of pupils enrolled in the high schools of the state shall file with the state board of education at Sacramento a written application for the listing of such book or books accompanied by a fee of ten dollars for each book for which listing is applied, such sum to be deposited in the state treasury to the credit of the state board of education; also three copies of each book, together with a statement of the list price of said book as shown by the publisher's catalog, a statement of all discounts allowed thereon when new copies of such book are purchased by or on behalf of a high school board directly from the publisher, and a statement of the lowest exchange price that will be given when old books in the same subject and of the

like kind and grade, but of a different series, are received in exchange; *provided*, that no fee shall be required to accompany the application for the listing of a book in a subject studied by less than one hundred pupils in the high schools of the state. They shall also submit a sworn statement giving the lowest net wholesale price at which such book is sold anywhere in the United States and the maximum total discount allowed thereon to any public school board anywhere in the United States. Such sworn statements shall give the lowest exchange price given anywhere in the United States where old books in the same subject and of like kind and grade, but of a different series, are received in exchange. Such sworn statement shall also include a statement that said publisher is not directly or indirectly associated or connected with any combination in restraint of trade in textbooks, and that he is not and will not become a party in any way to any understanding, agreement or combination to control prices or restrict competition in the sale of textbooks for use in the State of California.

Sec. 4. Each publisher offering one or more books for use in the high schools of the state must, after notification by the state board of education of its intention to place on the list any book or books submitted by him, and as a prerequisite for such listing, file with the state board of education a bond payable to the State of California in a sum to be determined by the state board of education, said sum for any publisher offering one or more books to be not less than one thousand dollars nor more than ten thousand dollars, the bond to be conditioned as follows; first, that the publisher will furnish said book or books offered by him and listed by the state board of education, to the high school board of any high school district in the state at the lowest net wholesale price contained in the statement filed at the time said book or books were offered, less the maximum total discount allowed thereon to any public school board according to such statement, and at the lowest exchange price given according to such statement, when old books in the same subject and of like kind and grade, but of a different series, are given in exchange, which price shall not exceed the lowest price the publisher has made for such book or books anywhere in the United States; *provided*, that the cost of transporting all textbooks to the high school from the publisher's office or depository in California shall be paid by the high school district, or prepaid by the publisher and then charged to the district, as the high school board may determine; second, that he will maintain said price uniformly throughout the State of California, on his own book or books, listed under the provisions of this act; third, that the publisher will reduce such price automatically to purchasers within the State of California whenever reductions are made elsewhere in the United States, so that at no time shall any book so filed and listed be sold to school authorities in California at a higher net price than is received for such book elsewhere in the United States; and that upon failure or refusal of the publisher to

Sworn
statement.

Publisher's
bond its
amount and
conditions.

make such reduction all contracts for such book or books shall become null and void; fourth, that all such books offered for sale, adoption, or exchange in the State of California shall be equal in quality to those filed in the office of the state board of education, as regards paper, binding, print, illustration, subject-matter, and all other particulars that may affect the value of such school books; fifth, that the publisher will not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in textbooks, and that he will not enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of school books for use in the State of California; sixth, that the publisher will maintain an office in California or designate an agent or arrange with a depository in California, to receive and handle orders for said book or books.

Approval
and term
of bond.

Sec. 5. Such bond shall be approved by the attorney general, and shall continue in force for a period of eight years after its filing, at or before the expiration of which period a new bond shall be given, or the right to continue selling such textbooks in the State of California shall be forfeited.

Lists of
textbooks
adopted.

Sec. 6. The state board of education shall, within six months after the approval of such bond, send a list of such books to the principal of each high school, county superintendent of schools and the clerk of each high school board, with a statement of the list price, discounts and the exchange price of each; *provided*, that such lists shall not be issued oftener than twice each year; *provided, further*, that whenever a book is dropped from the list, such action shall not affect existing contracts for such book. The state board of education shall, on or before January 1, 1918, and on or before the first day of January of each following year, publish and send to the principal of each high school, county superintendent of schools and the clerks of each high school board, a printed copy of all such lists then in force.

Forfeiture
for failure
to furnish
textbooks.

Sec. 7. If any publishers shall comply with the provisions of the foregoing sections and then fail or refuse to furnish such books to any high school board upon the terms herein provided within a reasonable time after an order therefor is filed, said board shall at once notify the state commissioner of secondary schools of such failure or refusal, and he shall at once cause an investigation of such charge to be made. If the state commissioner of secondary schools find such charge to be true, he shall at once report his finding to the state board of education which shall notify such publisher and notify the principal of each high school and the clerk of each high school board in the State of California that such book or books shall not thereafter be adopted or purchased by any of the public school authorities in the state. Said publishers shall forfeit and pay to the State of California the sum of one hundred dollars for each failure or refusal to furnish said book or books, to be recovered in the name of the State of California in an action

to be brought by the attorney general in any proper court, the amount when collected to be paid into the treasury to the credit of the high school fund of the State of California.

Sec. 8. The high school board of each high school district in the State of California shall adopt textbooks for use in the schools under its control, until a complete list of textbooks covering the entire course of study has been adopted. The books so adopted shall be put in actual use in such district not later than the beginning of the school year next following such adoption. A majority vote of the membership of any board shall determine which of said books prescribed by the state board of education shall be used in the schools under its control, and after such books have been selected and adopted by said board, no book shall be changed, nor any other book substituted therefor, except as otherwise provided in this act, for a period of four years after the date of its adoption, as shown by the official records of the board; *provided*, that any such school textbooks as may be in use in the public schools of California when this act goes into effect may be continued until textbooks are purchased and distributed by the high school board in accordance with the provisions of this act, but when said books are changed or other books substituted, the books adopted shall be from the list prescribed by the state board of education in pursuance of this act and shall be used for a full period of four years.

High school boards to adopt and use.

Sec. 9. All textbooks adopted as provided for in this act may be bought by the various school authorities direct from the publishers at the lowest net wholesale price less the maximum total discount thereon, as listed by the state board of education. The high school board of each and every high school district shall at a regular meeting, cause to be ascertained the number of each of such books adopted as the schools under its charge require. The clerk or secretary of each high school board may order the book so agreed upon direct from the publisher, agent, or depository in California, who, on receipt of such order, shall ship the books as directed without delay. It shall be the duty of the clerk or secretary, or other person named by the board for such purpose, to examine the books when received, and if found to be correct and in accordance with the order, a warrant payable out of the county or district high school fund for the proper amount, shall be issued and remitted to the publisher within thirty days. It shall be the duty of each high school board to make all necessary provisions and arrangements to place the books so purchased within easy reach and accessible for the use of all the pupils in the schools under its control. All orders for books under this act shall be made by a duly authorized agent of the high school board and billed by the publisher or the depository in California designated by him to the high school board.

Purchase direct from publisher.

Sec. 10. No publisher of school textbooks, nor agent of such publisher, shall offer or give any emolument, money, or

Influencing adoption of textbooks.

other valuable thing, or any inducement, to any member of any high school board or school official or teacher connected with any of the high schools of California, for his vote, or promise to vote, or for the use of his influence for the adoption of any school textbook to be used in any of the high schools of this state, nor shall any member of any high school board or school official connected with any of the public schools of California, accept emolument, money or other valuable thing, or any other inducement, from any publisher, or agent of any publisher, for his vote or promise to vote, or for the use of his influence for the adoption of any school textbooks; *provided*, that nothing in this section shall be construed to prevent any person, publisher, or publisher's agent from lending one sample copy of any school textbook to any member of a high school board or school official for examination of such book or books before the adoption of books, as provided for in this act, and nothing shall be construed to prevent such a member of a high school board or school official from receiving such sample copies; *provided*, that all copies of textbooks so received shall be returned within thirty days after the adoption of textbooks in the subject or subjects by the high school board.

Violation
of act.

Sec. 11. Any publisher of school textbooks, or agent of such publisher, or any member of any high school board or public school official in the State of California, who violates any of the provisions of this act, on conviction thereof, shall be punished as for a misdemeanor; and any member of a high school board or public school official shall, in addition, be removed from his official position.

CHAPTER 158.

An act to amend an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District'; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof," approved June 12, 1915, as amended, by amending section six thereof, relating to elections.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

Stats 1915,
p 1505,
amended.

SECTION 1. Section 6 of an act entitled "An act to create a flood control district to be called 'Los Angeles County Flood Control District;' to provide for the control and conservation of flood and storm waters, and for the protection of harbors,

waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers therefor," approved June 12, 1915, as amended, is hereby amended to read as follows:

Sec. 6. After the adoption of the report by said board of supervisors, as above provided, said board shall without delay call a special election and submit to the qualified electors of said district the proposition of incurring a bonded debt in the amount and for the purposes stated in said report.

Said board of supervisors shall call such special election by ordinance, and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; *provided*, that it shall be sufficient to give a brief general description of such objects and purposes, and refer to the report adopted by said board of supervisors, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, and which shall be not less than one-fortieth of the whole amount of such indebtedness, and the rate of interest to be paid on such indebtedness, and shall fix the date on which such special election shall be held, the manner of holding the same, and the manner of voting for or against incurring such indebtedness. The rate of interest to be paid on such indebtedness shall not exceed six per centum per annum.

For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and shall appoint election boards, the composition of which shall correspond with the boards appointed in general elections in Los Angeles county. Said board of supervisors is further authorized to consolidate such election as to all or part of such precincts in accordance with the provisions of an act entitled "An act to permit the consolidation of elections and to provide a procedure therefor," approved June 11, 1913, as amended, with any city or county election, or elections, if more than one city included in said district is holding an election on the day set for said bond election, regardless of whether the election boards in such city or county election are composed of less, the same or more members than election boards as herein provided, or less, the same or more members than election boards in the precincts at said bond election not included in such consolidation or consolidations.

In all particulars not recited in such ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

Report of
work to be
done.

Said board of supervisors shall cause so much of said report as covers a general description of the work to be done, and the map showing the location of the proposed work and improvements, to be printed at least thirty days before the date fixed for such election, and a copy thereof furnished to every qualified elector of said district who shall apply for the same.

Notice.

Said ordinance calling such election shall, prior to the date set for such election, be published ten times in a daily, or four times in a weekly, newspaper of general circulation, printed and published in said district, and designated by said board of supervisors for said purpose. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds.

Result

If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district for the amount stated in such proceedings shall be issued and sold as in this act provided.

CHAPTER 159.

An act to amend section nine a ten of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, said section relating to salaries of county librarians in counties of the tenth class.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p. 1445,
amended.

SECTION 1. Section 9a10 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, is hereby amended to read as follows:

Counties of
10th class:
librarian.

Sec. 9a10. In counties of the tenth class the salary of the county librarian shall be two thousand one hundred dollars per annum.

Effect of
act

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of

this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 160.

An act to amend "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919, as amended, by adding a new section thereto to be numbered section twenty-five and one-half, providing for the payment of certain work by special tax and authorizing the levy of special tax therefor.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section to be numbered 25½ is hereby added to an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks, and other sanitary disposal of sewerage matter; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levying, collection, custody, and disbursement of taxes therein; the issuance, disposal and retirement of the bonds thereof, and the determination of their validity and making provision for the payment of such bonds, and the disposal of their proceeds," approved May 25, 1919, as amended to read as follows:

Sec. 25½. When an order of the sanitary board shall have been adopted ordering the construction of a sewer in any street, highway, or property or right of way owned by the district where a sewer is not already constructed, after the construction of main sewer, and ordering that the cost thereof be borne by the district, the sanitary board shall have power, when the cost of such sewer does not exceed two per cent of the assessed value of the property within said district according to the last equalized roll thereof, to pay such cost from the

Stats 1919,
p 956,
amended.

Special tax
where cost
borne by
district.

proceeds of a special tax to be levied by the sanitary board at the regular time of fixing the rate of taxation for such district, which said taxation shall be in addition to the taxes provided for in section 11 of this act, and such sanitary boards are hereby authorized and empowered to levy and cause to be collected such special tax; *provided, however*, that such board shall not be authorized or empowered to levy or cause to be collected the special tax in this section provided for, without first giving notice of intention so to do and according to the owners of land situate within the district an opportunity to protest the same. Such notice shall briefly describe the object for which it is proposed to levy and collect said special tax and shall specify a time and place for hearing of such protests, which said time shall not be less than twenty days from and after the day said notice is posted. The notice shall be posted in not less than ten public places within the district. At any time before the day in said notice specified for the hearing, any owner of real property within the district may file written objections to the levying of said special tax. If, upon said hearing, it appears that the owners of real property representing seventy-five per cent or more in value of the real property situate within the district as shown by the last equalized assessment book of the county in which said district is situate have filed written objections protesting the levy of said tax, the board shall have no power or authority to levy the special tax provided for in this section.

CHAPTER 161.

An act to amend section eleven of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, with respect to the support of wards of the juvenile court, and the reimbursement

of the county for expenditures made, and duration of orders for support.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 11 of "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, is hereby amended to read as follows:

Stats. 1921,
p. 803,
amended

Sec. 11. An order providing for the care and custody of a ward of the juvenile court in such case where it is necessary that provision be made for the expense of support and maintenance of said ward, must direct that the whole expense of such support and maintenance of said ward, up to the amount of twenty-five dollars per month, except that in the case of any physically sick, epileptic, insane or feeble-minded ward, an amount not to exceed forty dollars per month, shall be paid from the county treasury, and in such case shall state the amount to be so paid from the county treasury, the amount so ordered to be paid not to exceed, in the case of any one ward, the sum of twenty-five dollars in any one month, except that in the case of any physically sick, epileptic, insane or feeble-minded ward, an amount not to exceed forty dollars per month shall be paid from the county treasury.

Support of
ward

At the time of making any order providing for the support and maintenance of a ward of the juvenile court, said court shall inquire into the earnings, property or estate of said ward, and into the ability of the parent, parents, guardian of said ward, or other person liable for the support and maintenance of said ward, to pay for the expense of support and maintenance of said ward.

If it is found that twenty-five dollars a month is insufficient to pay the whole expense of support and maintenance of said ward, or in the case of the physically sick, epileptic, insane or feeble-minded ward it is found that forty dollars a month is

insufficient to pay the whole support and maintenance of said ward, the court may order and direct that such additional amount as may be necessary shall be paid out of the earnings, property or estate of said ward, or by the parent, parents, guardian of said ward, or other person liable for the support and maintenance of said ward, to said probation officer, who shall in turn pay the same to the person, association or institution that under court order is caring for and maintaining said ward.

Reimburse-
ment of
county.

Said court shall further order, and direct that the county for its expense of support and maintenance of any such ward shall be reimbursed, either in whole or in part, from the earnings, property or estate of said ward, or by the parent, parents, guardian of said ward, or other person liable for the support of said ward, if it is found that there are earnings, property or estate of said ward sufficient therefor, or that said parent, parents, guardian of said ward, or other person liable for the support of said ward, is able to pay, either in whole or in part, for such expense of support and maintenance of said ward, and for the purpose of said reimbursement may order and direct payments to be made to the probation officer from the earnings, property or estate of said ward, or by the parent, parents, guardian of said ward, or other person liable for the support of said ward, the amount of which payments shall be determined by said court and which said payments shall be paid by said probation officer in turn to the county treasurer of said county on account of said reimbursement.

No order for payment shall be made in a sum in excess of the actual cost of supporting and maintaining said ward.

Duration
of order

No order for the payment from the county treasury of the expense of support and maintenance of a ward of the juvenile court shall be effective for more than twelve months, and upon all said original and all subsequent hearings the case shall be continued on the calendar, but in no instance to exceed twelve months; *provided, however*, that in the case of each person committed to any state school there shall be paid monthly to the state treasurer the sum of twenty dollars by the county from which such person is committed, for and during each month or part of month such person so committed remains in such state school or in any other state school within this state to which such person may be transferred.

Accounts
of officers.

For the purpose of handling the reimbursement and other payments provided for herein said probation officer shall keep suitable books and accounts and shall give and keep suitable receipts and vouchers, and if such funds shall be by said probation officer kept in a bank, said bank shall be designated by the judge of said court. The auditor of said county annually in the month of January shall audit such books and accounts and shall make a report thereon to the judge of said court and to the supervisors of such county prior to the thirty-first day of said month of January.

In all cases the court may determine whether or not the parent, parents, or guardian shall exercise any control of said ward and define the extent thereof. Parent's control.

Any disobedience or interference with any order of the juvenile court or of the judge thereof shall constitute a contempt of court. Contempt.

It shall be the duty of the probation officer to see that such parent, parents, guardian of said ward, or other person liable therefor, comply with such orders, or upon failure to make any payment directed in such orders, to report such failure to such court. The court may at any time set aside, change or modify any order herein provided for. Compliance with orders.

Where said juvenile court has ordered payment of money to be made as reimbursement to the county for the expense of support and maintenance of any ward as herein provided for or as additional amount for the expense of support and maintenance of said ward for said person, association or institution that under court order is caring for and maintaining said ward, either from the earnings, property or estate of said ward, or by the parent, parents, guardian of said ward, or other person liable for the support of said ward, execution may issue for such payment or payments upon the order and at the discretion of said court, upon affidavit of said probation officer showing that any payment or payments are due and have not been made. Execution to enforce payment.

CHAPTER 162.

An act to amend section one thousand six hundred sixty-two of the Political Code, and to add a new section to the Political Code to be numbered one thousand six hundred ten a, relating to schools.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1662 of the Political Code is hereby amended to read as follows: Stats. 1921,
p. 1160,
amended

1662. First—The courses of study for the day elementary schools of California in districts maintaining junior high schools shall embrace six years of instruction, and in districts in which junior high schools are not maintained such courses of study shall embrace eight years of instruction; and such courses must allot six or eight years, respectively, for instruction in subjects required to be taught in such schools and may allot not more than two years for kindergarten instruction. Courses of study.

Second—The day elementary schools of each school district of California shall be open for the admission of all children between six and twenty-one years of age residing within the boundaries of the district, including Indian children whose Age of admission.

education may not otherwise have been provided for by the federal government, and may be open for the admission of adults if the governing body of the district deem such admission advisable; *provided*, that where kindergarten instruction is given in the schools of a district, such school shall admit children to the kindergarten classes at four and one-half years of age; and the reports for the kindergarten classes shall be kept and shall be made separate from other school reports; *and, provided, further*, that wherever a school is established for the instruction of the deaf, such children may be admitted to such school at three years of age; *provided*, that the average daily attendance of deaf children who are six years of age or older shall be counted as part of the average daily attendance in the day elementary schools.

Exclusion of children.

Third—The governing body of the school district shall have power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Chinese, Japanese or Mongolian parentage. When such separate schools are established, Indian children or children of Chinese, Japanese, or Mongolian parentage must not be admitted into any other school.

It is further provided, that in school districts in California where the United States government has established an Indian school, or in an area not to exceed three miles from the said Indian school, the Indian children of the district, or districts, eligible for attendance upon such Indian school, may not be admitted to the district school.

Special day and evening classes.

Fourth—The governing body of any elementary school district shall have power to establish and maintain, in connection with any school under its jurisdiction, special day and evening classes for the purpose of giving instruction in any of the branches of study mentioned in section 1665 of this code. These classes may be convened at such hours and for such length of time during the school day or evening, and at such period and for such length of time during the school year as may be determined by such governing authority; and the enrollment of and attendance upon such classes shall be kept separately and the units of average daily attendance shall be determined as provided in section 1858 of this code and shall be added to the attendance of the elementary school district.

Admission to special classes.

Fifth—The evening elementary schools and the special day and evening classes of the elementary schools of any school district shall be open for the admission of all children over the age of sixteen years, residing in the district and for the admission of adults.

Special courses for special classes.

Sixth—The board of education of any city school district, upon recommendation of the city superintendent of schools, or the board of school trustees of any elementary school district, upon recommendation of the county superintendent of

schools, may establish and maintain one or more separate classes for pupils who would profit more from a course other than the regular course of study prescribed for the elementary schools, and may substitute for the regular course of study other types of school work or study approved by the superintendent of schools as being better adapted to the mental needs of the pupils enrolled. Pupils enrolled in such classes shall be required to use the state series of textbooks only in so far as such textbooks may be adopted to the work of such classes, but all textbooks and materials required in such classes shall be furnished free.

SEC. 2. There is hereby added to the Political Code a new section to be numbered 1610a, to read as follows: New section.

1610a. First—In every elementary school district the first full week in October in the year one thousand nine hundred twenty-seven and the first full week in October every third year thereafter is hereby designated as official registration week for minors under the age of eighteen years; *provided*, that in case of epidemic, fire, flood, or other public disaster which would make it undesirable or impossible to conduct such registration, the governing board of such elementary school district shall designate a week not later than thirty days after the cessation of such epidemic, fire, flood or other public disaster for said registration of minors; *provided, further*, that any elementary school district in which a continuous registration of minors is maintained or in which a yearly registration of minors is had shall be exempt from the requirements of this section. Triennial registration of minors.

Second—On or before the fifteenth day of September in each year in which a registration of minors is required by law, the governing board of each elementary school district in which such registration is to be taken as set forth in subdivision first of this section, shall appoint a registrar of minors and such deputy registrars as said governing board may find necessary to secure a full and complete registration of minors in the district within the week set aside for such registration, and shall pay such registrar and deputy registrars such compensation as may be fixed by the governing board, not exceeding thirty dollars for the first statutory teacher and ten dollars for each additional statutory teacher allowed such elementary school district. Registrars.

Third—It shall be the duty of the superintendent of public instruction to prescribe registration blanks and such other blanks as are necessary to record information regarding sex, age, nationality of parents, nativity, residence, education, occupation, and such other information as he may deem necessary in providing free educational opportunities under the laws of this state; such blanks to be provided in cities, and cities and counties, by the boards of education, and in territory outside of cities, by the superintendent of schools of the county. Blanks.

Fourth—It shall be the duty of every parent, guardian, or other person having control or charge of any minor under the Parent's duty.

age of eighteen years, to give the registrar of minors, his deputy or assistant, the information concerning his child or children indicated in subdivision third of this section.

Reports.

Fifth—A report of the registration of minors, in each district, compiled on forms prescribed by the superintendent of public instruction shall be made under oath and filed by the registrar of minors with the superintendent of schools of the county on or before the first day of November of the year in which the registration takes place. In case a continuous registration of minors is provided in any district, the city or district superintendent, or if there be no superintendent, then the principal of schools in such district, shall file such report. The superintendent of schools of each county, or city and county, shall make a report to the superintendent of public instruction on the registration of minors in his county on forms prescribed by the superintendent of public instruction on or before the thirty-first day of December of the year in which a registration of minors is conducted.

Penalties.

Sixth—In case any elementary school district, without excuse acceptable to the superintendent of public instruction, shall fail to conduct the registration of minors herein provided for, the superintendent of schools of the county on notification of the superintendent of public instruction shall, in making apportionments of school moneys to such district during the then current fiscal year, withhold an amount computed at thirty dollars for the first statutory teacher and ten dollars for each additional statutory teacher allowed such district. In case any superintendent of schools fails to make the report to the superintendent of public instruction hereinbefore provided for, he shall be subject to the same penalty as has been fixed in case a superintendent of schools fails to file his annual report as required by law.

CHAPTER 163.

An act to amend section six hundred thirty-four of the Civil Code of the State of California, relating to the issuance of shares and investment certificates of building and loan associations and relating to the creation of a reserve fund; selection of directors and fees chargeable by such associations.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p. 167,
amended.
Capital.

SECTION 1. Section 634 of the Civil Code of the State of California is hereby amended to read as follows:

634. The capital of every such corporation shall be divided into shares of the matured or par value of one hundred or two hundred dollars each, as provided by the articles of incorporation, and shall be paid in by the subscribers in the manner

provided by the by-laws. All such payments shall be called dues. Certificates shall be issued to each shareholder on the first payment of dues by him. Shares pledged as security for the payment of a loan shall be called pledged shares, and all others free shares. All shares matured and surrendered or canceled, shall become the property of the corporation and may be reissued. The capital shall consist of the accumulated dues, together with the apportioned profits of the corporation, and shall be accumulated by the issuance of shares in any one or more of the following forms, viz: "installment shares," "full paid shares," "pass book shares" and "guarantee stock."

(a) Installment shares shall be either "serial" or "permanent" in form. When issued in "serial" form the periodical dues on shares in each series shall commence with the date of the issue of such series and the holder must pay such dues and such amounts per share and at such times as the by-laws may provide, and such payments must continue on each share until, with the profits allotted thereto, it reaches its matured value or is withdrawn or canceled. On all such issues the dividends shall be apportioned or credited equally to each share in each series. No share of a prior series shall be issued after the issue of shares in a new series, except by way of transfer. Shares issued in "permanent" form may be issued at any time and the dividends thereon may be credited in the pass books of the members. Shares of either form may be issued in "classes" with a different periodical payment for each class designation, to be specified in the by-laws, and shall be issued with full participation in the profits subject to apportionment as dividends.

Installment shares.

(b) Full paid shares shall be shares upon which a single payment of dues amounting to one hundred or two hundred dollars per share shall be paid at the time of subscription and upon which the holder shall be entitled to either a full participation in the net profits or to an agreed rate of dividends not exceeding six per cent per annum, payable semiannually in cash, to be specified in the body of the certificate issued. All such shares may be issued in separate classes as to participation, under regulations to be provided in the by-laws and which must be fully set forth in or upon each certificate issued.

Full paid shares.

(c) Pass book shares are shares which shall participate in the apportionment of net profits and be credited therewith at a rate not less than seventy-five nor more than ninety per centum of the rate apportioned to installment shares, as the by-laws shall determine, and upon which the dues may be paid in at such times and in such amounts as the holder thereof may elect until said shares reach their matured value or are withdrawn. Such shares shall be withdrawable under rules to be provided in the by-laws and fully set forth in the pass books issued. The matured value of this class of shares shall not exceed in volume twenty-five per centum of the matured value of all other shares in force. No membership fee, fine or forfeiture shall be chargeable against such shares.

Pass book shares

Guarantee
stock.

(d) Guarantee stock shall be stock, provided by the by-laws, to be set apart and sold as a fixed, permanent or guarantee capital, and shall be issued with full participation in the profits subject to apportionment as dividends. When any such stock has been once so set apart, sold and issued, it shall thereafter remain as a fixed, permanent and guarantee capital, and shall be subjected to all the conditions and liabilities attaching to the paid-in capital stock of other classes of corporations. Such guarantee stock shall protect and guarantee all other stockholders and creditors against any loss, and when once paid it must be kept unimpaired.

Minors as
shareholders.

(e) Every corporation specified in this title, in addition to being entitled to issue investment certificates to adults, shall also have power to issue one or more investment certificates to a minor of any age and receive payments thereon by or for such minor. If such minor be fourteen years of age or over, he shall be entitled to withdraw, transfer or pledge any such certificate owned by him and to receive from such corporation any and all interest or other moneys at any time becoming due thereon and his receipt or acquittance therefor shall constitute a valid release and discharge to the corporation for the payment of such money.

Ratio of
permanent
capital to
investment
certificate
liabilities.

(f) Every corporation specified in this title issuing installment or full paid investment certificates, or both, shall at all times have issued and fully paid for, either an amount of guarantee capital stock, or permanent non-withdrawable capital stock, or both such guarantee capital stock and permanent non-withdrawable capital stock, or a reserve fund, equal to ten per cent of the aggregate amount of its liability on its said installment investment certificates and full paid investment certificates; *provided, however*, that the aggregate of guarantee capital stock, or permanent non-withdrawable capital stock, or both such guarantee capital stock and permanent non-withdrawal capital stock, or a reserve fund, of every building and loan association issuing installment or full paid investment certificates, or both, must equal the following percentages of its investment certificate liabilities:

1. Ten per centum of any amount up to and including one million dollars.

2. Seven and one-half per centum of any amount in excess of one million dollars, up to and including two million dollars.

3. Five per centum of any amount in excess of two million dollars, up to and including five million dollars.

4. Three per centum of any amount in excess of five million dollars.

Directors.

(g) Corporations specified in this title, issuing guarantee stock, may provide in their by-laws that a majority of the board of directors shall be selected from the holders of such stock.

Fees.

(h) Every corporation specified in this title shall also have power, by its by-laws, to charge and collect an entrance fee, for each share of stock, or membership share, or investment

certificate, it may issue, not exceeding one dollar on each share or investment certificate having a matured or face value of one hundred dollars, and also to charge and collect a transfer fee, not exceeding ten cents on each share, or investment certificate, all of which fees shall be accounted for by the corporation like other funds of the association. No other fee, charge or deduction shall ever be made or permitted to be made against any shareholder, or certificate holder, or against any of his shares or certificates, hereafter issued, or the dues paid in thereon for the purpose of creating a fund to be used in the payment of current or running expenses.

CHAPTER 164.

An act to amend section six hundred forty-one of the Civil Code, relating to guarantee stock dividends and reserve fund of building and loan associations.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 641 of the Civil Code is hereby amended to read as follows:

641. Profits and losses shall be apportioned at least annually, and shall be apportioned to all shares in each class at the time of such apportionment, according to the actual or book value thereof. If the guarantee capital herein provided for if any there be, together with the reserve fund, or if the reserve fund, where there be no guarantee capital shall not equal five per cent of the outstanding loans at the time of each apportionment of profits, the directors shall set aside, as a reserve fund, not less than five per cent of the net profits accruing since the last prior apportionment, and shall continue so to do until said fund shall amount to at least five per cent of the loans in force, at which figure said fund shall thereafter be maintained. Said reserve fund shall at all times be available to meet losses arising from any source not heretofore provided to be assumed by the guarantee capital. Every such corporation having a paid-in guarantee capital stock, may provide in its by-laws, that an amount not exceeding one per cent per annum on the average loans in force, shall be set aside from and out of the net profits, at each annual distribution thereof, or a proportionate amount at each semi-annual distribution, from which to declare additional dividends on and provide a reserve fund that shall be specially applicable thereto. At least one-tenth of the amount so set aside shall be carried to such reserve fund until the same shall amount to at least twenty-five per cent of the paid-in guarantee stock.

Stats. 1925,
p. 262,
amended.
Guarantee
stock
surplus.

CHAPTER 165.

An act to amend section six hundred thirty-seven of the Civil Code of the State of California, relating to building and loan associations.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

Stats 1913,
p 551,
amended.

SECTION 1. Section 637 of the Civil Code is hereby amended to read as follows:

Loans.

637. Loans may be made upon the "mutual plan" or upon the "definite contract plan." Loans made upon the mutual plan shall be accompanied by a pledge of shares having a matured or par value equal to the face of the loan. Definite contract loans shall be repayable in a definite number of equal periodical installments, to be named in the note or obligation, each in an amount sufficient for the aggregate of all to repay the principal of the loan together with interest on the unpaid periodical balances, within the time and at the rate agreed upon. It shall be unlawful for any director or officer of any corporation governed by this title, directly or indirectly, for himself, or as a partner or agent for others, to borrow any of the funds of such corporation, and any officer or director violating the provisions of this section shall be guilty of a felony. Any officer or director of any such corporation who consents on behalf of such corporation to make a loan to any officer or director of such corporation shall be guilty of a felony, and shall also be personally liable to the corporation for the full amount thereof. Any officer, director, or employee of such corporation who asks or receives or consents or agrees to receive any commission, emolument, gratuity or reward, or any money, property or thing of value, for his own personal benefit or of personal advantage, for procuring or endeavoring to procure for any person, firm or corporation any loan from such corporation, is guilty of a felony. It shall be unlawful for any building and loan association, corporation or society operating under the provisions of this title to loan any of its funds upon any of its own guarantee stock or upon its permanent nonwithdrawal capital stock as security. Any officer or director of an association who shall make any such loan for and on behalf of any association shall be personally liable to the corporation for the full amount thereof, and shall also be deemed guilty of a felony. It shall be unlawful for any building and loan association, corporation or society, operating under the provisions of this title, to loan any of its funds upon the security of, or to invest any of its funds in mining shares or mining stocks, or in the stocks or bonds of any corporation, other than in this title provided; and any officer or director who, on behalf of any such corporation, shall make any such loan or investment, or who shall consent thereto, shall be

Officers
may not
borrow.

Officer
receiving
reward

No loans
on own
guaranteed
stock.

No loans
on mining
stock.

personally liable to the corporation for the whole amount of any such loan or investment, and shall also be guilty of a felony.

CHAPTER 166.

An act to amend section three hundred sixty-five c of the Political Code, relating to powers of the state highway commission.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 365c of the Political Code is hereby amended to read as follows:

365c. The California highway commission is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of all the statutes the enforcement of which is committed to the said commission or for the use, support, or maintenance of any board, commission, office, or officer that is abolished by the provisions of this article and whose duties, powers and functions are, by the provisions of this article, transferred to and conferred upon the California highway commission. Such expenditures by said commission shall be made in accordance with law in carrying on the work for which said appropriations were made or said special funds created.

The California highway commission is hereby authorized to make preliminary surveys on which to base recommendations for or against inclusion of additional mileage in the state highway system and may use funds provided for administrative purposes, to make such surveys, with the approval of the department of finance.

CHAPTER 167.

An act to amend section six hundred forty-seven of the Civil Code of the State of California, relating to building and loan associations.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 647 of the Civil Code is hereby amended to read as follows:

647. Any building and loan association may invest in or loan upon bonds of the United States, of the State of California, or of any county, municipality or school district of

Stats 1925,
p 380,
amended
Expenditures
by
commission

Preliminary
surveys.

Stats.1915,
p 317.
amended.

Investment
in and loan
on securities

said state, or of any public utility corporation, or notes or bonds secured by mortgage or deed of trust, payment of which is guaranteed by a policy of mortgage insurance, or mortgage participation certificates, issued by a mortgage insurance company, in accordance with the provisions of chapter VIII of title II of part IV, division I of the Civil Code, and may also invest in bonds or securities certified by the superintendent of banks to be legal as investments for savings banks in accordance with the provisions of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, and acts amendatory thereof and supplemental thereto, and in full paid investment certificates issued by any building and loan association licensed by, and under the direct supervision of the building and loan commissioner of the State of California in accordance with the provisions of this title, the total of which investments shall not at any time exceed twenty-five per centum of the assets of such investing association; *provided, however*, that any such loan or investment, made by such association, must first be approved by the official, or officials, vested with the powers of supervision and license.

CHAPTER 168.

An act to amend section one thousand eight hundred thirty-eight of the Political Code, relating to a building fund tax.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

Stats 1919,
p 478,
amended.
Building
fund
estimate
and tax.

SECTION 1. Section 1838 of the Political Code is hereby amended to read as follows:

1838. The board of school trustees or the board of education of any school district or of any city, or city and county, must on or before the tenth day of July submit to the county superintendent of schools an estimate of any amount of money which will be required for purchasing school lots for building or purchasing one or more school buildings or making alterations or additions or repairs to any school building or buildings, for repairing, restoring or rebuilding any school building damaged, injured, or destroyed by fire, or other public calamity, for insuring school buildings, for supplying school buildings with furniture or necessary apparatus, or for improving school grounds in their several districts for the ensuing school year.

The county superintendent of schools shall thereupon examine said estimates, and submit copies of the same with his approval or disapproval endorsed thereon, to the board of supervisors and to the county auditor at the time he submits to them his estimate for the county school tax for the ensuing

school year. If the county superintendent of schools approve such estimate, the said board of supervisors must, at the time and in the manner of levying other taxes, levy and cause to be collected in the several school districts for which estimates have been submitted and approved as herein provided, the excess amounts so submitted and approved. The funds so levied and collected shall be known as the special building fund of ----- school district (as the case may be), and shall be available for any or all of the purposes hereinbefore enumerated and the moneys drawn from such fund shall be paid out in the same manner as are moneys from the building funds of school districts; *provided*, that the maximum rate of taxation which may be levied under this section shall not exceed fifteen cents on the one hundred dollars; *provided*, this section shall not be so construed as to repeal sections 1830 and 1837, inclusive, and 1840 of the Political Code, or any part or parts thereof and any tax levied under the provisions of this section shall be in addition to any tax for maintenance levied under the provisions of section 1840 of the Political Code.

CHAPTER 169.

An act to add a new section to the Political Code, to be numbered two thousand five hundred twenty-four and one-half, relating to the power of the board of state harbor commissioners.

[Approved by the Governor April 15, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be numbered 2524 $\frac{1}{2}$, and to read as follows: New section.

2524 $\frac{1}{2}$. The commissioners shall have full jurisdiction over, and the power to construct, keep, maintain and improve, upon any of the property under its control, at such location or locations as they may deem advisable and the needs of commerce shall require, any number of platforms, landing places or places for the landing of aircraft and airports and any air navigation facility, appurtenances, conveniences or requirements necessary or useful in conjunction therewith, and in the furtherance of needs of commerce by aircraft and shall have full jurisdiction and power to provide such rules and regulations covering the use of such places of landing, or of moorage, and the use of other property within their jurisdiction by any other means of transportation, so as not to interfere with such transportation by air, and shall have the power to regulate the receipt, deposit and removal, the embarkation or debarkation of passengers or property to and from such landing places or moorage, to exact and require fees and tolls for Airports: establishment and control

the use of such landing places or moorage, together with a lien to enforce the payment thereof and the right to lease or assign for operation such space or area, appurtenances, appliances or other conveniences necessary or useful in connection therewith, and shall further have full jurisdiction and power to do and regulate any and all things necessary in conjunction with such air traffic, upon or over the property within their jurisdiction, and have such jurisdiction, and exercise such powers, and perform such duties, as provided in the next preceding section, so far as the same may apply to such air traffic and be consistent therewith.

The term "aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation or flight in the air, except a parachute, or other contrivance designed for such navigation but used primarily as safety equipment.

The term "airport" means any terminal landing field or other supporting surface, including elevated platforms, structures fixed thereto or anchored or floating thereon which is suitable for the landing or taking off of aircraft.

The term "platform" means any terminal landing or other supporting surface, elevated or otherwise, which is suitable for the landing or taking off of aircraft.

The term "air navigation facility" includes any airport, landing platform, light or other signal structure, radio directional finding facility, radio or other electrical communication facility, and any other structure or facility used as an aid to air navigation.

CHAPTER 170.

An act making an appropriation to meet a deficiency in the appropriation for transportation on account of arrest of criminals without the state for the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor April 16, 1927. In effect immediately.]

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

Appropriation transportation of criminals.

SECTION 1. The sum of twelve thousand five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet a deficiency in the appropriation for transportation on account of arrest of criminals without the state for the seventy-seventh and seventy-eighth fiscal years.

Urgency measure.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

CHAPTER 171.

An act making an appropriation to meet a deficiency in the appropriation for transportation of prisoners and insane for the seventy-seventh and seventy-eighth fiscal years.

[Approved by the Governor April 16, 1927. In effect immediately.]

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

SECTION 1. The sum of sixty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet a deficiency in the appropriation for transportation of prisoners and insane for the seventy-seventh and seventy-eighth fiscal years. Appropriation transportation of prisoners and insane

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately. Urgency measure.

CHAPTER 172.

An act to amend section four thousand two hundred eighty-five of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fifty-sixth class.

[Approved by the Governor April 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4285 of the Political Code is hereby amended to read as follows: Stats 1921, p. 398, amended

4285. In counties of the fifty-sixth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Counties of 56th class: salaries and fees of officers.

1. The county clerk, one thousand three hundred dollars per annum; *provided*, that in years when a great register of voters is required by law to be made the county clerk shall receive in addition to his regular salary the sum of four hundred dollars for such services, and said clerk may appoint one deputy clerk, which office of deputy county clerk is hereby created, who shall receive a salary of nine hundred dollars per annum. The deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the county clerk is paid. Clerk

2. The sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only. Sheriff.

3. The recorder, four hundred dollars per annum; *provided*, that the recorder may retain to his own use all fees paid Recorder

him for filing, marking for record, recording and indexing notices of location of mining claims and affidavits of annual expenditures upon mining claims.

- Auditor. 4. The auditor, three hundred dollars per annum.
- Treasurer. 5. The treasurer, one thousand five hundred dollars per annum.
- Tax collector 6. The tax collector, three hundred fifty dollars per annum.
- Assessor. 7. The assessor, one thousand six hundred dollars per annum.
- Attorney. 8. The district attorney, one thousand eight hundred dollars per annum, and his necessary traveling expenses, to be allowed by the board of supervisors.
- Coroner. 9. The coroner, such fees as are now or may be hereafter allowed by law.
- Adminis- 10. The public administrator, such fees as are now or may trator. be hereafter allowed by law.
- Supt of 11. The superintendent of schools, one thousand dollars per schools. annum, and actual traveling expenses when visiting the schools of his county.
- Surveyor. 12. The surveyor, ten dollars per day when engaged in county work. He shall also receive his actual and necessary expenses when at work in the field.
- Classification 13. For the purpose of fixing the compensation of justices of townships of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors, in any manner determined upon by said board, upon the enactment of this act, and also at the time of the formation of any new township or townships.
- Townships having a population of one thousand two hundred and more shall belong to and be known as townships of the first class; townships having a population of six hundred and less than one thousand two hundred shall belong to and be known as townships of the second class; townships having a population of three hundred and less than six hundred shall belong to and be known as townships of the third class; townships having a population of less than three hundred shall belong to and be known as townships of the fourth class.
- Justices. Justices of the peace shall receive the following salaries: In townships of the first class the sum of two hundred forty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of two hundred forty dollars per annum; in townships of the second class the sum of one hundred eighty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of one hundred eighty dollars per annum; in townships of the third class the sum of one hundred twenty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter

a salary of one hundred twenty dollars per annum; in townships of the fourth class the sum of sixty dollars for the period beginning with the date upon which this act takes effect and ending December 31, 1915, and thereafter a salary of sixty dollars per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officials are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month.

14. Constables, such fees as are now or may be hereafter allowed by law. Constables.

15. Each supervisor, six hundred fifty dollars per annum, and twenty cents per mile for traveling to and from his residence to the county seat at each session. Supervisors.

When traveling by order of the board upon county business, each supervisor shall be allowed his actual itemized expenses. For all services as road commissioner, each supervisor shall receive five dollars per day, but he shall not in any one year receive more than nine hundred dollars as supervisor.

16. License collector. The license collector, such fees as are now or may be hereafter allowed by law. License collector.

17. Jurors. For attending as a grand juror or a trial juror in both civil and criminal cases, in the superior court, for each day's attendance, three dollars; for each mile actually traveled one way as such grand juror or trial juror in both civil and criminal cases, in the superior court, under summons or order of the court, twenty-five cents. The county clerk shall certify to the auditor the number of days attendance, and the number of miles traveled by each juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same. Jurors.

CHAPTER 173.

An act to amend section two of an act entitled "An act empowering and authorizing the board of state harbor commissioners to insure against loss or damage by fire or other disaster the property of the State of California located on the water front of San Francisco, California," approved April 30, 1919.

[Approved by the Governor April 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2 of an act entitled "An act empowering and authorizing the board of state harbor commissioners to insure against loss or damage by fire or other disaster the property of the State of California located on the water

Stats 1919,
p. 254,
amended.

front of San Francisco, California," approved April 30, 1919, is hereby amended to read as follows:

Amount,
distribution
and cost.

Sec. 2. This insurance is to be effected and distributed at the discretion and under the direction of said board of state harbor commissioners. The cost of said insurance shall not exceed two per cent per hundred in premiums for policies to be written for a three years' term. Said cost to be defrayed and paid out of the San Francisco harbor improvement fund.

CHAPTER 174.

An act to add a new section to the Political Code, to be numbered one thousand six hundred eight b, providing courses in forestry, the acquiring by school districts of necessary lands therefor outside such districts, the afforestation and reforestation thereof, and of public lands, and for transportation of pupils.

[Approved by the Governor April 18, 1927. In effect July 29, 1927.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code, to be numbered 1608b, and to read as follows:

Forestry
education.

1608b. Boards of school trustees and city boards of education shall have power to, and may in their discretion:

First—Conduct courses in forestry, and for that purpose employ instructors and supervisors of classes, and acquire necessary equipment.

Second—Acquire forest lands outside the boundary of the district by lease for a period not exceeding five years, or may purchase or sell such lands in the same manner as lands within the boundary of the district are purchased or sold.

Third—Afforest and reforest, and plant trees, shrubs and vines, on such lands, or upon any public lands which may be placed at their disposal, and to enter into contracts and agreements with the government of the United States, the state or any political subdivision thereof for such purpose.

Fourth—Transport pupils, instructors or supervisors of classes to and from any such classes or places where such work is being done, whether within or without the district, in the same manner and subject to the same limitations as in transporting pupils to and from school.

CHAPTER 175.

An act to amend section seven hundred ninety-one of the Political Code, relating to the number of notaries public in counties of the second class.

[Approved by the Governor April 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 791 of the Political Code is hereby amended to read as follows:

791. The governor may appoint and commission such number of notaries public for the several counties and cities and counties of the state as he shall deem necessary for the public convenience, except that in counties of the second class the number shall not exceed one hundred eighty.

Stats 1923,
p. 465,
amended.
Number of
notaries.

CHAPTER 176.

An act to amend section two thousand three hundred twenty-two x forty-two of the Political Code, relating to salaries of horticultural commissioner in counties of the forty-second class.

[Approved by the Governor April 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2322x42 of the Political Code is hereby amended to read as follows:

2322x42. In counties of the forty-second class, the commissioner shall receive a salary of two thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Stats. 1925,
p. 213,
amended.
Counties of
42d class
horticultural
commis-
sioner.

(a) One deputy county horticultural commissioner at a compensation of five dollars per diem, during the time actually employed, but the aggregate amount which may be expended in any year for such deputy shall not exceed one thousand five hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed three inspectors at a compensation of three dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand dollars.

CHAPTER 177.

An act to amend section two thousand three hundred twenty-two x forty of the Political Code, relating to the salaries of county horticultural commissioners, deputies, and inspectors in counties of the fortieth class.

[Approved by the Governor April 18, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p 212,
amended.
Counties of
40th class:
horticultural
commls-
sioner.

SECTION 1. Section 2322x40 of the Political Code is hereby amended to read as follows:

2322x40. In counties of the fortieth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by the said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner, which office is hereby created, and whose salary is hereby fixed at the sum of two thousand one hundred dollars per annum.

(b) Two inspectors at a compensation of six dollars per diem, each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed three thousand six hundred dollars.

CHAPTER 178.

An act to amend an act entitled "An act authorizing the creation, government and maintenance of county sanitation districts, the issuance of bonds by such districts and the powers thereof," approved May 29, 1923, as amended, by adding thereto a new section to be known as section nineteen a, to provide for the joint administration of county sanitation districts.

[Approved by the Governor April 18, 1927. In effect July 29, 1927.]

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

Stats. 1923,
p. 506,
amended.

SECTION 1. A new section to be designated section 19a is hereby added to an act entitled "An act authorizing the creation, government and maintenance of county sanitation districts, the issuance of bonds by such districts and the powers thereof," approved May 29, 1923, as amended, such new section 19a to read as follows:

Joint ad-
ministration
of districts.

Sec. 19a. Whenever two or more sanitation districts shall find and declare by resolution adopted by their respective

boards of directors that it will be for the interest or advantage of such districts so to do, such sanitation districts by their respective boards of directors may enter into an agreement for the maintenance of a centralized and joint administrative organization to care for the general administration of the affairs of each of such districts, and the construction, supervision, operation and maintenance of the work of each of said districts, and for that purpose the said districts may agree to employ the same engineers, surveyors, counsel and other persons needed to carry out the purposes of this act. Such agreement shall specify the proportionate amount to be paid by each district, party thereto, toward the costs and expenses of such organization and the salaries, wages or other compensation of all persons employed jointly by such districts, and for the purpose of facilitating the payment of such joint costs, expenses, salaries, wages or other compensation, such agreement may also provide for the payment by each district, party to such agreement, of its proportionate share of such costs, expenses, salaries, wages or other compensation, into the funds of any one of such districts which may be designated for the purpose, and such designated district shall thereafter pay all such costs, expenses, salaries, wages or other compensation incurred by, or to be paid in connection with the maintenance of such joint organization.

CHAPTER 179.

An act to amend section four thousand two hundred thirty-nine of the Political Code, relating to salaries, fees and expenses of officers of counties of the tenth class.

[Approved by the Governor April 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4239 of the Political Code is hereby amended to read as follows:

4239. In counties of the tenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk one deputy for each department of the superior court in each of said counties, which offices are hereby created, as provided by section 4290 of the Political Code of the State of California. Said deputies shall be appointed by said county clerk, shall be court room clerks of said department, and shall each receive a salary of two thousand four hundred dollars per annum, which shall be paid by said county in monthly installments at the same

Stats. 1925,
p. 225,
amended.
Counties of
10th class
salaries and
fees of
officers.
Clerk.

time, in the same manner and out of the same funds as the salary of the county clerk is paid. There shall be also and is hereby allowed the said county clerk a chief deputy and three office deputies and one copyist, which offices are hereby created. Said deputies shall be appointed by said county clerk, the chief deputy to receive a salary of two hundred and twenty-five dollars per month, one of the office deputies to receive a salary of one hundred sixty dollars per month, and two of the office deputies each to receive a salary of one hundred fifty dollars per month, and the copyist to receive a salary of one hundred twenty-five dollars per month, which salaries shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerk is paid. In each year in which a new and complete registration of voters is required by law, said county clerk shall appoint an additional deputy or deputies, who shall receive the sum of seven and one-half cents per name for taking the affidavits of registration outside of the office of said county clerk, and the claims for their services at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed. In each year in which a general election is held the county clerk may appoint assistant clerks, which offices are hereby created, and whose compensation shall not exceed the sum of three thousand dollars in the aggregate for all assistants so employed. All fees received by this office shall be turned over to the county and become the property of the county. All the provisions in this paragraph, are to apply to the present incumbents.

Sheriff.

2. The sheriff, three thousand four hundred dollars per annum and such mileage as is now allowed by law, and also all fees for service of papers in actions arising outside of this county; *provided*, that in counties of this class there shall be and hereby is allowed to the sheriff seventeen deputies, whose offices are hereby created, and who shall be appointed by the sheriff, and shall be paid salaries as follows: One chief deputy sheriff at a salary of two thousand four hundred dollars per annum; one deputy sheriff, to act as finger-print expert and photographer at a salary of two thousand four hundred dollars per annum; one deputy sheriff to act as assistant finger-print expert and photographer at a salary of one thousand five hundred dollars per annum; one deputy sheriff to act as chief criminal deputy, at a salary of two thousand four hundred dollars per annum; five deputy sheriffs, at a salary of one thousand eight hundred dollars each per annum; one deputy sheriff to act as jailer at a salary of two thousand dollars per annum; one deputy sheriff to act as assistant jailer at a salary of one thousand eight hundred dollars per annum; two deputy sheriffs to act as turnkeys in the jail at a salary of one thousand eight hundred dollars each per annum; one deputy sheriff to act as office deputy at a salary of one thousand eight hundred dollars per annum; three deputy sheriffs

to act as court bailiffs in the several departments of the superior court at a salary of one thousand five hundred dollars each per annum. The salaries of all of said deputies shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid. All fees and commissions, except as hereinbefore in this paragraph mentioned, shall be turned over to the county and become the property of the county. All paragraphs relating to salaries of deputies shall apply to the incumbents.

3. The recorder, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder seven deputies who shall be appointed by the recorder, and shall be paid the following salaries, to wit: One chief deputy at a salary of two thousand four hundred dollars per annum; one deputy (who shall have charge of the Torrens work) at a salary of two thousand one hundred dollars per annum; three deputies at a salary of one thousand nine hundred twenty dollars each per annum; one deputy at a salary of one thousand eight hundred dollars per annum, and one deputy at a salary of one thousand five hundred dollars per annum. The salaries of said deputies shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same funds as the salaries of the county officers are paid. The recorder may also appoint such number of copyists as may be required, who shall be paid by the county at the rate of five cents per folio. The compensation of such copyists shall be paid monthly upon claims duly presented to and allowed by the board of supervisors as other claims are presented and allowed; *provided, also*, that in counties of this class there shall be and is hereby allowed the recorder such additional assistants and deputies as the recorder may require to properly and efficiently care for the work of the office, and whose compensation in the aggregate shall not exceed three thousand dollars in any one year. All fees and commissions received by this office shall be turned over to the county and become the property of the county. Except as to the salary of the recorder, the changes effected by this subdivision shall apply to the incumbents. Recorder.

4. The auditor, three thousand six hundred dollars per annum. In counties of this class there shall be, and there is hereby allowed to the auditor the following deputies, whose offices are hereby created and who shall be appointed by the auditor and receive the following salaries; one chief deputy, two thousand seven hundred dollars per annum; two deputies, one thousand eight hundred dollars each per annum; one deputy, one thousand five hundred dollars per annum, and such other assistants as the auditor may require; *provided*, that the compensation of such other assistants shall not in the aggregate exceed the sum of five thousand four hundred Auditor.

dollars in any one year; *and provided, further*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid. The provisions of this paragraph relating to deputies and assistants shall apply to the incumbents.

Treasurer.

5. The treasurer, three thousand six hundred dollars per annum. In counties of this class there shall be, and there is hereby allowed to the treasurer two deputies, which offices are hereby created, who shall be appointed by the treasurer and receive the following salaries: One chief deputy, two thousand four hundred dollars per annum; one deputy, two thousand one hundred dollars per annum; and also such assistants as the treasurer may require; *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of one thousand five hundred dollars in any one year; *and provided, further*, that the treasurer shall file with the county auditor a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid. All fees received by this office shall be turned over to the county and become the property of the county, except that the treasurer, shall be, and is hereby allowed for his services the fees, commissions and compensation allowed to him by the inheritance tax act of California. Except as to the salary of the treasurer, the changes effected by this subdivision shall apply to the incumbents.

Tax collector.

6. The tax collector, three thousand six hundred dollars per annum. In counties of this class there shall be and there is hereby allowed to the tax collector the following deputies, whose offices are hereby created and who shall be appointed by the tax collector: One chief deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum, one deputy at a salary of one thousand five hundred dollars per annum, and such assistants as the tax collector may require; *provided*, that the compensation of such assistants shall not in the aggregate exceed the sum of sixteen thousand dollars in any one year; *and provided, further*, that the tax collector shall file with the county auditor a verified statement, showing in detail the amounts and the persons to whom said compensation is paid. The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the

same funds as the salary of the tax collector is paid. The provisions of this paragraph relating to deputies and assistants shall apply to the incumbents.

7. The assessor, four thousand two hundred dollars per annum. In counties of this class there shall be allowed to the assessor the following deputies, whose offices are hereby created, and who shall be appointed by the assessor: One deputy who shall be chief deputy at a salary of two thousand seven hundred dollars per annum; one office deputy at a salary of two thousand one hundred dollars per annum; and such office and field deputies as the assessor may require, and whose compensation in the aggregate shall not exceed twenty-eight thousand eight hundred dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid. The assessor shall also be allowed his necessary traveling expenses, not exceeding in any one year the sum of three hundred dollars. The salaries of such deputies shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as county officers are paid. The provisions of this paragraph relating to deputies shall apply to the incumbents. All fees and commissions, including commissions on poll taxes, collected by this office shall be turned over to the county and become the property of the county.

8. The district attorney, four thousand two hundred dollars per annum. In counties of this class there shall be and there is hereby allowed to the district attorney, one chief deputy to be known as assistant district attorney, and two deputies, all to be appointed by the district attorney and who shall be regularly admitted to practice before the courts of the State of California. The said assistant shall receive a salary of three thousand six hundred dollars per annum; one deputy to receive a salary of three thousand three hundred dollars per annum, and one deputy to receive a salary of three thousand dollars per annum, which said salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salary of the said district attorney is paid. There shall be and there is hereby allowed to the district attorney one secretary to be appointed by the district attorney at a salary of one thousand eight hundred dollars per annum, and one stenographer at a salary of one thousand five hundred dollars per annum, both to be appointed by the district attorney, and a detective to be appointed by the district attorney, who shall receive a salary of two thousand four hundred dollars per annum, which said salary shall be paid in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the district attorney. The provisions of this paragraph relating to assistant deputies, secretary, detective, and the stenographer shall apply to the incumbents.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Adminis-
trator.

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

Supt of
schools.

11. The superintendent of schools, three thousand four hundred dollars per annum and actual traveling expenses when visiting the schools of the county. In counties of this class there shall be and there is hereby allowed to the superintendent of schools the following deputies: One office deputy, at a salary of one thousand eight hundred dollars per annum; one office deputy at a salary of one thousand five hundred dollars per annum, which offices are hereby created, and who shall be appointed by the said superintendent of schools. The salaries of said deputies herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the superintendent of schools is paid. All fees pertaining to this office to be credited to the county. The provisions of this paragraph relating to the deputies shall apply to the incumbents.

Surveyor.

12. The surveyor, ten dollars per day when actually employed by the county.

Justices.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and out of the same funds as county officers are paid, which shall be in full for all services rendered by them as such officers: (1) In townships having a population of twenty thousand or over, one hundred seventy-five dollars per month; *provided*, that in townships having a population of twenty thousand or over in which the county seat is located, the justice of the peace shall be allowed a clerk, which position is hereby created. Such clerk shall be appointed by the justice of the peace of said township, and shall hold office during the pleasure of said justice of the peace. Said clerk shall give a bond in the sum of one thousand dollars to be approved by a judge of the superior court of the county in which said township is situated, conditioned for the faithful discharge of the duties of the office; and said clerk shall receive a salary of seventy-five dollars per month, payable monthly in the same manner as salaries of county officers are paid. The justice's clerk shall keep a record of the proceedings of the said court, shall have authority to receive and file all pleadings and other papers, and shall have authority to issue all process of the court, including writs of attachment and execution; enter default judgments; enter satisfaction of judgments and issue transcripts and abstracts thereof and shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceedings in said justice's court, and shall collect and receive all civil fees, all fines and forfeitures in criminal cases and pay the same, to the authorities legally entitled to receive the same, at the time and in the manner provided by law. Said clerk shall prepare bonds, and justify bail when the amount has been

fixed by the court; (2) in townships having a population of fifteen thousand or over to twenty thousand, one hundred fifty dollars per month; (3) in townships having a population of twelve thousand or over to fifteen thousand, one hundred twenty-five dollars per month; (4) in townships having a population of nine thousand or over to twelve thousand, one hundred dollars per month; (5) in townships having a population of six thousand or over to nine thousand, seventy-five dollars per month; (6) in townships having a population of three thousand or over to six thousand, fifty dollars per month; (7) in townships having a population less than three thousand, twenty-five dollars per month.

14. Constables shall receive the following monthly salaries, ^{Constables.} to be paid each month in the same manner and out of the same fund as county officers are paid; which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of twenty thousand or over, one hundred seventy-five dollars per month; (2) in townships having a population of fifteen thousand or over to twenty thousand, one hundred fifty dollars per month; (3) in townships having a population of twelve thousand or over to fifteen thousand, one hundred twenty-five dollars per month; (4) in townships having a population of nine thousand or over to twelve thousand, one hundred dollars per month; (5) in townships having a population of six thousand or over to nine thousand, seventy-five dollars per month; (6) in townships having a population of three thousand or over to six thousand, fifty dollars per month; (7) in townships having a population less than three thousand, twenty-five dollars per month; *provided, further*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the court or to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

15. Each supervisor, two thousand four hundred dollars ^{Supervisors} per annum, payable in monthly installments, and the necessary actual expenses incurred by him while engaged in county business outside of his district, not exceeding in the aggregate the sum of three hundred dollars per annum. In addition to the expenses last above allowed, he shall receive ten cents per mile for each mile necessarily traveled in county business within the county, not to exceed in the aggregate fifty dollars in any one month.

16. A live stock inspector, three hundred dollars per annum, ^{Live stock inspector.} which shall be in full payment for all services rendered by said inspector.

17. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be determined by the United States census taken in 1920; *provided*, that the board of supervisors of said county ^{Population of townships}

may each four years thereafter cause a census of any or all townships in the county to be taken for the purpose of determining the population of said township or townships upon which to base the salaries of justices of the peace and constables.

Jurors.

18. In counties of this class grand and trial jurors in superior courts shall receive for each day's attendance, per day, the sum of three dollars. In justices' courts in civil cases jurors shall receive for each day's attendance, per day, the sum of two dollars. In justices' and recorders' courts in criminal cases jurors shall receive for each day's attendance, per day, the sum of one dollar and fifty cents. And all jurors shall receive for each mile actually and necessarily traveled from their residences to the place of service, in going only, the sum of fifteen cents per mile, such mileage to be allowed but once during any session of the court where such jurors serve; *provided, however*, that the fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid, and jurors in criminal cases in recorders' courts shall be paid by the municipality in which such court is or may be established.

Constitutionality.

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

Effect of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 180.

An act to amend section four thousand three hundred thirteen of the Political Code, relating to absence of county officers from the state.

[Approved by the Governor April 18, 1927. In effect July 29, 1927.]

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

Stats 1907,
p. 556,
amended
Absence of
county
officers
from state.

SECTION 1. Section 4313 of the Political Code is hereby amended to read as follows:

4313. A county or township officer shall not absent himself from the state for a period exceeding five days without the consent of the board of supervisors of the county, except when

on business for the state, county or township, and shall in no case absent himself from the state for a period of more than two months without the consent of the board of supervisors of the county, with the written approval of the governor of the state, and in no case shall such absence continue for a period exceeding six months in any one year.

CHAPTER 181.

An act to amend section nineteen x ten of the "Juvenile court law" approved June 5, 1915, as amended, relating to the salaries of the probation officer and assistants and deputies in counties of the tenth class.

[Approved by the Governor April 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 19x10 of the "Juvenile court law," Stats. 1923, p. 165, amended. approved June 5, 1915, as amended, is hereby amended to read as follows:

Sec. 19x10. In counties of the tenth class, there shall be one probation officer whose salary shall be two hundred fifty dollars per month, and also three assistant probation officers. Counties of 10th class probation officer. Salaries of said assistant probation officers shall be as follows: One assistant probation officer, two hundred dollars per month; one assistant probation officer, one hundred fifty dollars per month, and one assistant probation officer, one hundred dollars per month.

CHAPTER 182.

An act to amend section two thousand three hundred twenty-two x ten of the Political Code, relating to salaries, fees and expenses of horticultural commissioners, deputies, inspectors and clerks in counties of the tenth class.

[Approved by the Governor April 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2322x10 of the Political Code is hereby amended to read as follows: Stats 1925, p. 200, amended.

2322x10. In counties of the tenth class, the commissioner shall receive a salary of four thousand eight hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by Counties of 10th class horticultural commissioner

said commissioner which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Three deputy horticultural commissioners at a salary of three thousand dollars each per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed twelve inspectors at a monthly salary of one hundred seventy-five dollars each during the time actually employed, three inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed, two inspectors at a monthly salary of one hundred thirty dollars each during the time actually employed, and five inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed thirty-five thousand two hundred eighty dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred fifty dollars during the time actually employed, one clerk at a monthly salary of one hundred twenty-five dollars during the time actually employed, one clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed four thousand five hundred dollars.

CHAPTER 183.

An act to amend section two thousand three hundred twenty-two x fifty-two of the Political Code, relating to fees and salaries of the horticultural commissioner and his assistants in counties of the fifty-second class.

[Approved by the Governor April 18, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p. 216,
amended

Counties of
52d class;
horticultural
commis-
sioner.

SECTION 1. Section 2322x52 of the Political Code is hereby amended to read as follows:

2322x52. In counties of the fifty-second class, the commissioner shall receive a compensation of not to exceed six dollars per diem during the time actually employed, but the aggregate amount which can be expended as such in any year for such commissioner, shall not exceed the sum of one thousand five hundred dollars; *provided*, that in counties of this class, the commissioner is authorized, with the consent of the board of supervisors, to appoint the following inspectors, and the compensation is hereby fixed as follows:

Four inspectors at a salary not to exceed three dollars and a half per diem each, during the time actually employed, but the aggregate amount which may be expended in any year as such compensation shall not exceed the sum of five hundred dollars.

CHAPTER 184.

An act to amend section nineteen x forty-one of the "Juvenile court law" approved June 5, 1915, as amended, relating to salary of probation officer in counties of the forty-first class.

[Approved by the Governor April 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 19x41 of the "Juvenile court law" approved June 5, 1915, as amended, is hereby amended to read as follows: Stats. 1925, p. 449, amended.

19x41. In counties of the forty-first class there shall be one probation officer whose salary shall be seventy dollars per month, and one assistant probation officer whose salary shall be fifty dollars per month. Counties of 41st class. probation officer.

CHAPTER 185.

An act to amend section one thousand seven hundred seventy-one of the Political Code, relating to the suspension or revocation of teachers' certificates.

[Approved by the Governor April 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1771 of the Political Code is hereby amended to read as follows:

1771. County boards of education have power:

1. To adopt rules and regulations, not inconsistent with the laws of this state, for their own government. Stats 1921, p 947, amended

2. To prescribe and enforce rules for the examination of teachers, to examine applicants for elementary school certificates and to establish a standard of proficiency which will entitle the person examined to a certificate. Powers of county boards of education.

3. To grant, in accordance with sections 1772 and 1775 of this code, the following certificates, renewable at the option of the board:

(a) High school certificates, authorizing the holders to teach in any secondary or elementary school in the county.

(b) Junior high school certificates, authorizing the holders thereof to teach in the junior high schools in the county.

(c) Elementary school certificates, authorizing the holders to teach in any elementary school of the county and in the first two years of any junior high school course in the county

Powers of
county
boards of
education
(cont'd).

established as provided in this code, or to serve as a principal of a junior high school.

(d) Kindergarten-primary certificates, authorizing the holders to teach in any kindergarten class in the county and in such other grades as may be authorized by law; *provided*, that the holder of any kindergarten-primary certificate who shall present a credential from the state board of education vouching for his fitness may be granted an extension of his certificate authorizing him to teach in the first, second and third grades of the elementary schools.

(e) Special certificates, authorizing the holders to serve as a librarian or to teach in the schools of the county such branch or branches of learning and in such grades as are named in such certificates.

(f) Special certificates authorizing the holders to supervise health and development work in the public schools or to perform the duties of attendance officer may be issued.

4. To renew certificates granted in accordance with law; *provided*, that no certificate granted upon a credential issued by the state board of education for a limited period shall be renewed or extended unless the credential upon which such certificate was issued has been renewed or extended, and then only for the period of such renewal or extension of the state board credential.

5. To grant, in accordance with the provisions of this code, permanent certificates of the grade and kind designated therein. Every certificate except a permanent certificate shall be valid for six years; *provided*, that when any certificate shall be granted on a recommendation or credential given for a limited period only, such certificate shall not be valid for a longer period than that specified in such recommendation or credential; *and provided, further*, that any certificate granted to a candidate who has not had at least one year of experience in teaching shall not be valid for a longer period than two years. All certificates must be issued upon blank forms prepared by the superintendent of public instruction, and must have the impress of the seal of the county board of education and be signed by a majority of the members of the county board of education issuing such certificate.

6. To adopt a list of books and apparatus for district school libraries and books for supplementary use in elementary schools in their respective counties and cities and counties, as required by section 1712 of the Political Code; *provided*, that no pupil shall be required to purchase said supplementary books, and pupils must be expressly notified by teachers that it is not required or desirable that such books for supplementary use be purchased by pupils or parents. When supplementary books are purchased, they must be paid for by the school district, except in cities having a city board of education, to prescribe and enforce in the public schools a course of study and the use of a uniform series of textbooks.

7. To revoke or suspend, for immoral or unprofessional conduct, evident unfitness for teaching, or persistent defiance of, and refusal to obey the laws regulating the duties of teachers, the certificates granted by them. But no certificate shall be revoked or suspended, except upon the written request of its holder, until after a hearing before the county board of education, and then only upon the affirmative vote of at least four members of the board. All charges of immoral or unprofessional conduct, of evident unfitness for teaching, or persistent defiance of, and refusal to obey the laws regulating the duties of teachers, shall be presented to the board in writing and shall be verified under oath. Notice of the time of hearing and a full and complete copy of the charges shall be furnished to the accused at least ten days before the hearing. The accused shall be given a fair and impartial hearing and shall have the right to be represented by counsel. The hearing shall be governed by, and conducted under, the rules of the board.

8. To keep a record of their proceedings.

9. To provide for the conferring of diplomas of graduation, by examination and to issue such diplomas of graduation from the elementary schools of the county except city schools governed by city boards of education; *provided*, that nothing herein shall be construed as prohibiting the county board of education from issuing diplomas of graduation without examination to the pupils in any school which has been accredited by the said county board of education. Such diplomas shall be conferred only upon such pupils as have completed the course of study prescribed by the board. All diplomas granted by the county board of education shall be on blanks furnished by the superintendent of public instruction and shall be signed by the president and secretary of the board.

10. To adopt and use in authentication of their acts, an official seal and to have such printing done as may be necessary.

11. To prescribe and it shall be their duty to prescribe, on or before the first day of July of each year, the course of study in and for each grade of the elementary schools of the county for the ensuing school year; *provided*, that such course of study shall not apply to elementary schools in cities governed by city boards of education.

Whenever necessary the board may amend and change the course of study, subject to the provisions of section 1665 of this code.

CHAPTER 186.

An act to amend section four thousand two hundred forty-three of the Political Code, relating to salaries, expenses and fees of county officers in counties of the fourteenth class.

[Approved by the Governor April 18, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p. 926,
amended.
Counties of
14th class:
salaries and
fees of
officers.
Clerk.

SECTION 1. Section 4243 of the Political Code is hereby amended to read as follows:

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

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

Sheriff.

2. The sheriff, two thousand five hundred dollars per annum; *provided*, he shall appoint one undersheriff at a salary of two thousand four hundred dollars per annum and six deputy sheriffs at a salary of one thousand eight hundred dollars per annum each; three deputies to be paid only for six months of each year at a salary of one hundred twenty-five dollars each per month; a person to act as matron of the county jail at a salary of one hundred dollars per month and one stenographer at one hundred dollars per month. Said undersheriff and each of said deputies and assistants shall be

paid at the same time and in the same manner as county officers are paid. The sheriff shall also receive such fees as are allowed sheriffs by section 4300b of the Political Code of the State of California, except that for traveling in the service of any paper required by law to be served, in either civil or criminal process or proceeding for each mile actually and necessarily traveled, one way only, twenty cents. No constructive mileage to be allowed.

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

4. The auditor, two thousand seven hundred dollars per annum; *provided*, that the expenses incurred, if any, in making extensions of assessments and tax rolls shall be paid out of said sum of two thousand seven hundred dollars, compensation above mentioned; *and provided, further*, that said auditor shall appoint one chief deputy at a salary of one thousand eight hundred dollars per annum and three deputies at a salary of one thousand three hundred twenty dollars each per annum. Auditor

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

6. The tax collector, three thousand dollars per annum; *provided*, that said tax collector shall appoint one revenue and taxation deputy at a salary of one thousand eight hundred dollars per annum; *and provided, further*, that he shall be allowed additional help to be employed by him when needed, at an expense of not to exceed the sum of two thousand dollars in any one year, to be paid at the same time and in the same manner as county officers are paid. Tax collector.

7. The assessor, three thousand dollars per annum; *provided*, that the assessor shall appoint one assistant assessor at a salary of two thousand dollars per annum, one chief deputy at a salary of one thousand eight hundred dollars per annum and one title transfer deputy at a salary of one thousand three hundred twenty dollars per annum, one draftsman at a salary of one thousand three hundred twenty dollars per annum, one property ownership deputy at a salary of one thousand three hundred twenty dollars per annum, and one office deputy at a salary of one thousand three hundred twenty dollars per annum. The salaries of which deputies shall be paid in the same manner and at the same time and from the same funds as county officers are paid. The assessor may also appoint as many deputies as may be necessary to carry on his work at an expense to the county not to exceed four thousand Assessor

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

Attorney.

8. The district attorney, three thousand dollars per annum; *provided*, that he shall appoint one assistant district attorney at a salary of two thousand four hundred dollars per annum, and one deputy district attorney at a salary of one thousand eight hundred dollars per annum, and one stenographer at a salary of one thousand two hundred dollars per annum, and one county detective, which office is hereby created, said detective shall have all the powers of a peace officer as set forth in sections 834 and 836 of the Penal Code, and shall perform such duties as may be required of him by the district attorney or by the ordinances of the board of supervisors of the county, and whose salary is hereby fixed at the sum of six dollars per day when employed but not to exceed one hundred eighty dollars per month.

The salaries of said assistant, deputy, stenographer, and detective shall be paid at the same time and in the same manner as county officers are paid.

Coroner.

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

Adminis-
trator.

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

Supt of
schools.

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

Surveyor.

12. The surveyor, two thousand seven hundred dollars per annum for all work performed for the county; *provided*, that out of the compensation hereinabove provided he shall pay the cost of platting, tracing or otherwise preparing maps,

plats or block books for the use of the county assessor; *provided, further*, that all property ownership books, data, and transcript records required for making such maps, plats, or block books shall be procured at the expense of the county in such manner and by such persons as the board of supervisors may direct. The surveyor shall devote his entire time to the duties of his office. And it shall be his duty to prepare and furnish all necessary plans and specifications for all bridges and bridge work, in addition to his other duties, without extra compensation. He shall appoint a deputy at a salary of one thousand eight hundred dollars per annum, payable at the same time and in the same manner as county officers are paid; *provided, further*, that the county surveyor may employ field engineers at the compensation of seven dollars per day, and chainmen at the rate of five dollars per day, when so employed. Such salaries of field engineers and chainmen shall be paid by the board of supervisors upon claims duly presented therefor.

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

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

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

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

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

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

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

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

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

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

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

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

Supervisors.

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

Payment of salaries.

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

Jurors.

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

CHAPTER 187.

An act granting to the city of Eureka tide and submerged lands of the State of California including the right to wharf out therefrom to the city of Eureka and regulating the management, use and control thereof.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. There is hereby granted to the city of Eureka, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all tide and submerged lands whether filled or unfilled, situate in the county of Humboldt of the State of California and described as follows, to wit:

Lands
granted to
Eureka.

Beginning at a point 1783 feet west and 474 feet north of the section corner, common to sections 13, 14, 23 and 24, township 5 north, range 1 west, Humboldt meridian, and running thence N. 60° 55' E., 195.36 feet; thence N. 60° 55' E., 195.36 feet; thence S. 80° 30' E., 532.62 feet; thence S. 46° 33' E., 325.38 feet; thence S. 61° 40' E., 474.54 feet; thence S. 52° 41' E., 752.4 feet; thence S. 66° 03' E., 367.62 feet; thence S. 51° 43' E., 281.16 feet; thence S. 77° 00' E., 509.52 feet; thence S. 66° 00' E., 306.90 feet; thence S. 38° 47' E., 446.62 feet; thence S. 62° 52' E., 323.24 feet; thence N. 85° 07' E., 347.16 feet; thence S. 77° 10' E., 182.82 feet; thence N. 61° 40' E., 540.54 feet; thence N. 70° 21' E., 543.84 feet; thence S. 49° 38' E., 514.24 feet; thence N. 84° 36' E., 338.58 feet; thence N. 73° 15' E., 287.76 feet; thence N. 36° 22' E., 345.18 feet; thence N. 18° 43' E., 133.98 feet; thence N. 23° 12' W., 295.68 feet; thence N. 11° 28' E., 331.98 feet; thence N. 79° 40' E., 960 feet; thence N. 33½° E., 680 feet; thence N. 45½° E., 660 feet; thence N. 22° E., 396 feet; thence N. 62° E., 475 feet; thence N. 86° E., 500 feet; thence S. 77° E., 540 feet; thence S. 85° E., 370 feet; thence N. 62° E., 230 feet; thence N. 36° E., 380 feet; thence N. 70½° E., 980 feet to the most southerly corner of tideland survey No. 121; thence N. 29½° W., 1505 feet; thence N. 38° W., 2350 feet; thence N. 48° W., 2838 feet; thence S. 61° 30' W., 8030 feet; thence S. 27° 50' E., 2090.27 feet; thence S. 67° 16' W., 2580.85 feet; thence S. 81° E., 1100 feet to the point of beginning, containing approximately 1299 acres.

Said lands shall be forever held by said city and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit:

That said lands shall be used by said city and its successors solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other

Use of
lands.

Franchises
and leases.

utilities, structures and appliances necessary or convenient for the promotion and accomodation of commerce and navigation, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor, for a term not exceeding twenty-five years, and on such other terms and conditions as said city may determine, including a right to renew such lease or leases for a further term not exceeding twenty-five years or to terminate the same on such terms, reservations and conditions as may be stipulated in such lease or leases, and said lease or leases may be for any and all purposes which shall not interfere with navigation or commerce, with reversion to the said city on the termination of such lease or leases of any and all improvements thereon, and on such other terms and conditions as the said city may determine, but for no purpose which will interfere with navigation or commerce; subject also to a reservation in all such leases or such wharfing out privileges of a street or of such other reservation as the said city may determine for sewer outlets, and for gas and oil mains, and for hydrants, and for electric cables and wires, and for such other conduits for municipal purposes and for such public and municipal purposes and uses as may be deemed necessary by the said city; *provided, however*, that each person, firm or corporation or their heirs, successors or assigns now in possession of land or lands abutting on said lands within the boundary of the city of Eureka shall have a right to obtain a lease for a term of twenty-five years from said city of said lands and wharfing out privileges therefrom with a right of renewal for a further term of twenty-five years pursuant to the provisions of this act and on such terms and conditions as said city may determine and specify, subject to the right of said city to terminate said lease at the end of the first twenty-five years or refuse to renew the same or to terminate the lease so renewed during the term of such renewed lease on such just and reasonable terms for compensation for improvements at the then value of said improvements as said city may determine and specify.

Rights of
present
occupants.

Upon obtaining such lease and wharfing out privileges such person, firm or corporation, their heirs or assigns, shall quit claim to said city any right they or any of them may claim or have to the said lands hereby granted.

This grant shall carry the right to such city of the rents, issues and profits in any manner hereafter arising from the lands or wharfing out privileges hereby granted.

The State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands or any part thereof, for any vessel or other watercraft, or railroad, owned or operated by the State of California. Use by state.

No discrimination in rates, tolls or charges or in facilities for any use or service in connection therewith shall ever be made, authorized or permitted by said city or its successors in the management, conduct or operation of any of the utilities, structures or appliances mentioned in this section. No discrimination.

There is hereby reserved in the people of the State of California the right to fish in the waters on which said lands may front with the right of convenient access to said waters over said lands for said purpose. Right to fish.

CHAPTER 188.

An act to amend section seven of an act entitled "An act authorizing municipalities to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within municipalities, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same," approved May 26, 1915, as amended, relating to the collection of liens.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 7 of an act entitled "An act authorizing municipalities to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within municipalities, to be a public nuisance, creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same," approved May 26, 1915, as amended, is hereby amended to read as follows: Stats. 1915,
p. 842,
amended.

Sec. 7. At the time fixed for receiving and considering said report, the legislative body shall hear the same, together with any objections which may be raised by any of the property owners liable to be assessed for the work of abating said nuisance and thereupon make such modifications in the report as they may deem necessary, after which, by motion or resolution, said report shall be confirmed. Special
assessment
taxes.

The amounts of the cost for abating such nuisance in front of or upon the various parcels of the land mentioned in said report shall constitute special assessments against the respective parcels of land, and after thus made and confirmed shall constitute a lien on said property for the amount of such assessments, respectively.

After confirmation of said report a copy shall be turned over to the assessor and the tax collector of such municipality, whereupon it shall be the duty of said officers to add the amounts of the respective assessments to the next regular bills for taxes levied against the said respective lots and parcels of land for municipal purposes, and where the amount of taxes are assessed by the county assessor, the amount of said lien shall be added by the assessor to such assessment; and where the taxes are collected by the county tax collector, the amount of said assessment, together with the amount of said lien, shall be collected by the county tax collector, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; *provided*, that, as an alternative method of procedure, when the municipal taxes are collected by the county tax collector, the said county tax collector may, in his discretion, proceed to collect such assessments without reference to the general taxes, by issuing separate bills therefor and issuing separate receipts for collections on account of such assessments. All laws applicable to the levy, collection, and enforcement of county taxes are hereby made applicable to such special assessment taxes.

CHAPTER 189.

An act to amend the Political Code, by adding thereto a new section, to be numbered one thousand eight hundred ninety-four, relating to the sale of school supplies by one district to another.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

New section.

SECTION 1. A new section, to be numbered 1894, is hereby added to the Political Code, to read as follows:

Sale of
supplies to
other
districts.

1894. Boards of school trustees, high school boards, city boards of education, and junior college boards, constituting the governing body of an elementary district, a high school district, and a junior college district, or any two of such districts, are authorized to sell furniture, books, apparatus, pens, pencils, paper, and other school supplies of whatever kind, belonging to one of their respective districts to another district governed by them, for an amount equal to the cost thereof plus the estimated cost of purchasing, storing and handling such supplies, without advertisement for or receipt of bids or compliance with the provisions of section 1612 of this code; *provided*, that whenever used personal property of any kind is

sold under the provisions of this section, the selling price thereof shall be an amount to be fixed by the governing body or bodies of the school districts effecting such sale and approved by the county superintendent of schools.

CHAPTER 190.

An act relating to the passage of ordinances by cities or counties, and authorizing cities or counties to adopt ordinances relating to building construction, plumbing or electric wiring and other similar work by reference to printed codes on such subjects; provided not less than three printed copies of such code or codes, in book form, have been filed with the clerk.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Ordinances passed by cities or counties must be posted or published in a newspaper as required by their respective charters or the general laws; provided that ordinances establishing rules and regulations for the construction of buildings, the installation of plumbing, the installation of electric wiring or other similar work, where such rules and regulations have been printed as a code in book form, may adopt such code or portions thereof by reference thereto without further publication or posting thereof; *provided, however*, that not less than three (?) copies of such code shall have been filed, for use and examination by the public, in the office of the clerk of such city or county, as the case may be, prior to the adoption thereof.

Building codes.

CHAPTER 191.

An act to amend section four thousand two hundred sixty-eight of the Political Code relating to the salaries, fees and expenses of officers, and the fees and mileage of jurors in counties of the thirty-ninth class.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4268 of the Political Code is hereby amended to read as follows:

Stats 1921, p. 1126, amended

4268. In counties of the thirty-ninth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Counties of 39th class. salaries and fees of officers.

1. The county clerk, three thousand dollars per annum, and when a great register of voters is required by law to be made, he shall receive the sum of fifteen cents for each elector registered, which amount shall be allowed by the board of super-

Clerk.

visors at the close of registration preceding a general election and paid from the general fund of the county; *provided*, that in any year when a primary election is held, he shall receive the sum of five hundred dollars additional, which shall be in full for all services rendered at said primary election.

Sheriff.

2. The sheriff, six thousand dollars per annum. The sheriff shall also receive for his own use, for serving all papers issued from justices' courts, the same fees as are now or may be hereafter allowed by law to constables for like services.

Recorder.

3. The recorder, three thousand two hundred dollars per annum.

Auditor.

4. The auditor, eight hundred dollars per annum.

Treasurer.

5. The treasurer, two thousand five hundred dollars per annum.

Tax

collector.

6. The tax collector, six hundred fifty dollars per annum.

Assessor.

7. The assessor, five thousand five hundred dollars per annum; he may also appoint one deputy assessor for four months of each year at a salary of one hundred twenty-five dollars per month, and one deputy assessor for five months of each year at a salary of one hundred twenty-five dollars per month. All fees or commissions which may heretofore have been collected, or which may hereafter be collected, under the provisions of law and which have heretofore been allowed the county assessor for his own benefit shall hereafter be paid to the county treasurer to be deposited in the general fund of the county. The provisions of this subsection relating to the appointment of the two deputy assessors by the county assessor do not increase the compensation of a county officer and shall take effect ninety-one days after the final adjournment of the 1927 session of the Legislature.

Attorney

8. The district attorney, two thousand five hundred dollars per annum; and the district attorney may appoint one deputy, at a salary of six hundred dollars per annum. The deputy district attorney shall hold office at the pleasure of the district attorney. The salary of such deputy shall be paid monthly and in the same manner as salaries of county officers are now paid.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Adminis-
trator.

10. The public administrator, four hundred dollars per annum.

Supt of
schools.

11. The superintendent of schools, two thousand seven hundred dollars per annum; and he shall receive and retain for his own use the sum of five dollars per diem for each and every day he attends the meetings of the county board of education, and shall also be allowed his actual and necessary traveling expenses in visiting the schools of the county.

Surveyor.

12. The surveyor, fifteen dollars per day when engaged in county work. He shall also receive his actual and necessary expenses when at work in the field.

13. Each member of the board of supervisors shall receive ^{Supervisors.} for his services the sum of nine hundred dollars per annum, and the actual expenses incurred in attendance and for traveling to and from his residence to the county seat at any regular or special session of the board, and that one-twelfth of the annual salary shall be paid at the close of each monthly session of the board; *and provided, further,* they shall be reimbursed for necessary expenses actually incurred by attending any special session of the board. The road commissioner shall be reimbursed for all traveling, personal and other necessary expenses incurred while actually engaged in the performance of his duty upon the roads; such allowance not to exceed the sum of five dollars for each day so actually engaged, and the total amount of such allowance not to exceed the sum of three hundred dollars per annum.

14. For the purpose of regulating the compensation of ^{Classification of townships.} justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of 1920, as follows: Townships having a population of four thousand and more shall belong to and be known as townships of the first class; townships having a population of two thousand five hundred and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than two thousand five hundred shall belong to and be known as townships of the third class; townships having a population of less than one thousand shall belong to and be known as townships of the fourth class. Jus- ^{Justices.} tices of the peace shall receive the following salaries: In townships of the first class, the sum of one thousand two hundred dollars per annum; in townships of the second class, the sum of one thousand two hundred dollars per annum; in townships of the third class, the sum of six hundred dollars per annum; in townships of the fourth class, the sum of sixty dollars per annum; payable monthly and in the same manner as salaries of county officers are paid, and shall be in full for all services; *provided, further,* that justices of the peace shall, before receiving their monthly salary file with the auditor a statement of all fees and fines received, together with the treasurer's receipt for the same. All fees and fines collected by justices of the peace shall be turned over to the county treasurer of said county; *provided,* that all fines collected for city offenses shall be turned over to the city treasurer of the city where the offense shall have been committed.

15. The constables: (a) For all services rendered by them ^{Constables} in civil cases, they may receive and retain for their own use such fees as now or hereafter may be allowed by law, and (b) For all services rendered by them in criminal cases they shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of

supervisors and paid out of the county treasury, and in addition constables in townships of the first class shall be allowed a salary of four hundred eighty dollars per annum; in townships of the second class, four hundred eighty dollars per annum; in townships of the third class, one thousand eighty dollars per annum; in townships of the fourth class, such fees as are now or may be hereafter allowed by law.

Reporter

16. In counties of this class, the official shorthand reporter of the superior court shall receive the sum of one thousand dollars per annum as compensation for his services rendered in the reporting of criminal cases in both the superior court and the justice's courts in the county of Nevada. Said salary to be paid in monthly installments at the same time and in the same manner as other county officers' salaries are paid. For the transcription of his notes he shall receive the fees now or hereafter authorized by law. In civil cases he shall receive the fees now or hereafter authorized by law.

When it shall be necessary for such reporter to travel away from the county seat in the performance of his duty he shall receive his actual and necessary traveling and personal expenses, to be allowed and paid by the board of supervisors as are other county charges.

CHAPTER 192.

An act to amend section one of an act entitled "An act to provide for the issuance of duplicates of bonds, warrants and other municipal securities which have become defaced or mutilated," approved February 23, 1907.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

Stats. 1907,
p 53,
amended.

SECTION 1. Section 1 of an act entitled "An act to provide for the issuance of duplicates of bonds, warrants and other municipal securities which have become defaced or mutilated," approved February 23, 1907, is hereby amended to read as follows:

Mutilated
municipal
bonds, dup-
licates may
be issued.

Section 1. Mutilated municipal bonds, duplicates may be issued. Whenever it shall be made to appear to the legislative body of any county, city and county, city, town, irrigation district, reclamation district, school district or other municipal corporation, by clear and unequivocal proof, that any bond, warrant, or other evidence of indebtedness of said county, city and county, city, town, irrigation district, reclamation district, school district, or other municipal corporation has, without bad faith upon the part of the owner, been so mutilated or defaced as to impair its value to the owner, and such instrument is capable of being identified by number

and description, such legislative body shall, under such regulations and with such restrictions as to time and retention for security or otherwise, as it may prescribe, and upon the conditions hereinafter provided, issue or cause to be issued a duplicate thereof, having the same time to run, bearing like interest, and having the same number as the evidence of indebtedness so proved to have been mutilated or defaced.

CHAPTER 193.

An act to amend section four hundred fifty-two of the Political Code, relating to the duties of the state treasurer.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 452 of the Political Code is hereby amended to read as follows:

452. It is the duty of the treasurer:

1. To receive and keep in the vaults of the state treasury or in banks all moneys belonging to the state, not required to be received and kept by some other person;

2. To file and keep the certificates of the controller delivered to him when moneys are paid into the treasury;

3. To deliver to each person paying money into the treasury a receipt showing the amount, the sources from which the money accrued, and the funds into which it is paid, which receipts must be numbered in order, beginning with number one at the commencement of each fiscal year;

4. To pay warrants drawn by the controller out of the funds upon and in the order in which they are drawn;

5. To attach to or indorse upon warrants drawn by the controller an order directing the payment of warrants by some bank or banks in which moneys of the state are on deposit whenever, in his judgment, it is desirable to so withdraw moneys of the state from deposit. Upon presentation for payment, the person to whom it is paid shall receipt therefor in the manner customary in the payment of bank checks. The state treasurer shall deliver daily to the state controller all cancelled warrants, taking the controller's receipt therefor. The controller shall preserve all such warrants so delivered to him by the treasurer;

6. To keep an account of all moneys received and disbursed;

7. To keep separate accounts of the different funds;

8. To report to the controller on or before the tenth day of each month, the amounts disbursed during the preceding month, the fund out of which said disbursements were paid and all cash on hand to the credit of each fund;

Stats. 1911,
p. 355,
amended
Duties of
state
treasurer.

9. At the request of either house of the Legislature, or of any committee thereof, to give information in writing as to the condition of the treasury, or upon any subject relating to the duties of his office;

10. To report to the governor at the time prescribed in section three hundred thirty-two of this code, the exact balance in the treasury to the credit of the state, with a summary of the receipts and payments of the treasury during the two preceding fiscal years;

11. To authenticate with his official seal all writings and papers issued from his office.

CHAPTER 194.

An act to amend section eleven of an act entitled "An act creating a state bureau of criminal identification and investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a state bureau of criminal identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, as amended relating to salaries of the superintendent and employees of bureau of criminal identification.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

Stats 1921,
p. 1663,
amended.

SECTION 1. Section 11 of an act entitled "An act creating a state bureau of criminal identification and investigation, providing for its organization and defining its powers and duties and making an appropriation to carry out the provisions hereof, and repealing an act entitled 'An act to create a state bureau of criminal identification, and providing for the appointment of a director of said bureau, defining his duties and qualifications and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing compensation of said director and clerk, providing for the manner of paying the same and providing for the expense of conducting the office,' approved March 20, 1905," approved May 31, 1917, is hereby amended to read as follows:

Salaries.

Sec. 11. The board of managers of this bureau, shall serve without compensation; *provided, however, that they shall*

receive their necessary traveling expenses while attending meetings of said board. The salary of the superintendent and all other employees shall be fixed by the board of managers subject to the approval of the board of control. The superintendent and other employees shall be paid in the same manner and out of the same fund as the state officers are paid.

CHAPTER 195.

An act to amend section one thousand three hundred sixty-two of the Political Code, relating to the counting and disposition of absentee ballots.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1362 of the Political Code is here amended to read as follows:

1362. (a) The board of supervisors, board of election commissioners or election board appointed as hereinbefore provided shall proceed to count said ballots in the following manner: They shall take up such return envelopes containing such ballots separately in the presence of a majority of the members of the board of supervisors, board of election commissioners or election board, and of the public who may be present, and compare the signature of the voter on each of such envelopes with that on the registration affidavit of such voter, and the board being satisfied that the signature on the voter's identification envelope is the signature of such voter, shall announce in an audible voice the name of such voter, and shall then open such identification envelope without defacing the affidavit printed thereon or mutilating the enclosed ballot, and without unfolding said ballot deposit same in the ballot box provided for such purpose, after removing the number therefrom. After all of the ballots are deposited in said box they shall then be taken out, after said box is thoroughly shaken, and the votes counted in the usual manner by the board of supervisors, board of election commissioners, or election board appointed for that purpose and the result of such count for each candidate voted for, and for and against each proposition voted upon, in such ballots, shall be tabulated by the board having charge of said election under the heading "absentee vote," regardless of the precincts within which such absentee voters are registered. The total of the votes cast in each precinct for each of the candidates and for and against each proposition voted upon shall be added to the total for each candidate and for and against each proposition tabulated under the heading "absentee vote." The total so found shall be the total vote

Stats 1923,
p. 591,
amended.

Counting and
disposition
of absentee
ballots

cast at said election and for each of the candidates and propositions voted upon. When any candidate or question is voted upon solely in one precinct the absentee votes for such candidate or question shall not be tabulated under the heading "absentee vote," but shall be added directly to the vote for such candidate or question in such precinct, but such ballot shall not be included in the total vote cast in such precinct. The identification envelopes shall be preserved and returned to the county clerk or registrar of voters to be retained in his office as a record for the period not exceeding two years, and the ballots so counted shall be preserved in the same manner as other ballots cast at such election. If in any case a majority of the board find that the signature on any identification envelope is not the same as that appearing on the original registration affidavit of said voter, said board shall refuse to open such envelope or count such ballot; and shall endorse the cause of such rejection on the face of said envelope and must be signed by a majority of said board; but no ballot shall be rejected for such cause after the envelope containing same shall have been opened.

CHAPTER 196.

An act to amend section one thousand four hundred sixty-one of the Penal Code, relating to disposition of fines.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

Original
section
amended
"Police
courts"
defined.

SECTION 1. Section 1461 of the Penal Code is hereby amended to read as follows:

1461. The term "police courts" as used in this and the succeeding chapter, includes police judges' courts, police courts and all courts held by mayors or recorders in incorporated cities or towns; *provided*, that while hearing and disposing of cases of which such police courts have concurrent jurisdiction with justices' courts, said police courts shall function as police courts and not as justices' courts, and all fines collected in such cases shall be paid to the city treasurer of the city in which such court is located, as expressly provided in sections 1457 and 1570 of this code.

Fines.

CHAPTER 197.

An act to amend section one thousand four hundred fifty-seven of the Penal Code, relating to the disposition of fines.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1457 of the Penal Code of the State of California is hereby amended to read as follows:

1457. Upon payment of the fine, the officer must discharge the defendant, if he is not detained for any other legal cause, and pay over the fine within ten days to the county treasurer if the offense is prosecuted for the violation of a state law in a justice's court; *provided*, that all fines and forfeitures collected in any police court, city justice's court or recorder's court of cities or towns of the fifth or sixth class, that is maintained and the salaries of the officers thereof paid by the city, whether prosecuted for violation of a state law or a city ordinance shall be paid to the city treasurer of the city in which such court is located, excepting, however, all forfeitures collected by the judge of any of such courts when sitting as a committing magistrate; *and further provided*, that all fines and forfeitures collected for the violation of a city or town ordinance, in a justice's court shall be paid over to the city or town treasurer of the city or town in which such ordinance is in force, subject, however, to the provisions of chapter 1 of title XV of part I of this code.

Stats 1905,
p 177,
amended.

Discharge of
defendant

Disposition
of fine.

CHAPTER 198.

An act to amend section one thousand five hundred seventy of the Penal Code, relating to the disposition of fines.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1570 of the Penal Code of the State of California is hereby amended to read as follows:

1570. All fines and forfeitures collected in any court, except police courts, city justices' courts and recorders' courts of cities or towns of the fifth or sixth class, must be paid to the county treasurer of the county in which the court is held; *provided*, that all forfeitures and fines collected in any court, for the violation of any city or town ordinance shall be paid to the city or town treasurer of the city or town in which such ordinance is in force; *and further provided*, that all fines and forfeitures collected in any police court, city justice's court

Stats 1905,
p 178,
amended.

Fines and
forfeitures,
disposition
of.

or recorder's court of cities or towns of the fifth or sixth class, that is maintained and the salaries of the officers thereof paid by the city, whether prosecuted for violation of a state law or a city ordinance, shall be paid to the city treasurer of the city in which such court is located, excepting, however, all forfeitures collected by the judge of any of said courts when sitting as a committing magistrate; subject, however, to the provisions of chapter 1 of title XV of part I of this code.

CHAPTER 199.

An act to amend section six hundred ninety of the Code of Civil Procedure, relating to property exempt from execution, so as to give wage claimants the right to levy execution on one-half of the wages due a judgment debtor.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

Stats 1907,
p 882,
amended
What exempt
from
execution

SECTION 1. Section 690 of the Code of Civil Procedure is hereby amended to read as follows:

690. The following property is exempt from execution or attachment, except as herein otherwise specially provided:

1. Chairs, tables, desks and books, to the value of two hundred dollars belonging to the judgment debtor;

2. Necessary household, table, and kitchen furniture belonging to the judgment debtor, including one sewing-machine, stove, stove-pipes and furniture, wearing apparel, beds, bedding and bedsteads, hanging pictures, oil paintings and drawings drawn or painted by any member of the family, and family portraits and their necessary frames, provisions and fuel actually provided for individual or family use, sufficient for three months, and three cows and their suckling calves, four hogs and their suckling pigs, and food for such cows and hogs for one month; also one piano, one shotgun and one rifle;

3. The farming utensils or implements of husbandry of the judgment debtor, not exceeding in value the sum of one thousand dollars; also two oxen or two horses or two mules, and their harness, one cart or buggy and two wagons, and food for such oxen, horses or mules, for one month; also all seed grain or vegetables actually provided, reserved or on hand for the purpose of planting or sowing at any time within the ensuing six months, not exceeding in value the sum of two hundred dollars; and seventy-five beehives; one horse and vehicle belonging to any person who is maimed or crippled, and the same is necessary in his business;

4. The tools or implements of a mechanic or artisan, necessary to carry on his trade; the notarial seal, records and office

furniture of a notary public; the instruments and chest of a surgeon, physician, surveyor or dentist, necessary to the exercise of their profession, with their professional libraries and necessary office furniture; the professional libraries of attorneys, judges, ministers of the gospel, editors, school teachers and music teachers, and their necessary office furniture; including one safe and one typewriter; also the musical instruments of music teachers actually used by them in giving instructions, and all the indexes, abstracts, books, papers, maps and office furniture of a searcher of records necessary to be used in his profession; also the typewriters or other mechanical contrivances employed for writing in type, actually used by the owner thereof for making his living; also one bicycle when the same is used by the owner for the purpose of carrying on his regular business, or when the same is used for the purpose of transporting the owner to and from his place of business;

5. The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars; also his sluices, pipes, hose, windlass, derrick, cars, pumps, tools, implements, and appliances necessary for carrying on any mining operation, not exceeding in value the aggregate sum of five hundred dollars; and two horses, mules or oxen with their harness, and food for such horses, mules or oxen for one month, when necessary to be used on any whim, windlass, derrick, car pump or hoisting gear; and also his mining claim, actually worked by him, not exceeding in value the sum of one thousand dollars;

6. Two horses, two oxen or two mules, and their harness, and one cart or wagon, one dray or truck, one coupe, one hack, or carriage, for one or two horses, by the use of which a cartman, drayman, truckman, huckster, peddler, hackman, teamster or other laborer habitually earns his living; and one horse with vehicle and harness or other equipments, used by a physician, surgeon, constable, or minister of the gospel, in the legitimate practice of his profession or business; with food for such oxen, horses or mules for one month;

7. One fishing boat and net, not exceeding the total value of five hundred dollars, the property of any fisherman, by the lawful use of which he earns his livelihood;

8. Poultry not exceeding in value seventy-five dollars;

9. The wages and earnings of all seamen, seagoing fishermen and sealers, not exceeding three hundred dollars, regardless of where or when earned, and in addition to all other exemptions otherwise provided by any law;

10. The earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or attachment, when it appears by the debtor's affidavit or otherwise, that such earnings are necessary for the use of his family, residing in this state, supported in whole or in part by his labor; but where debts are incurred by any such person, or his wife or family for the common necessities of life, or have been incurred at a

What
exempt
from
execution.
(cont'd).

time when the debtor had no family residing in this state, supported in whole or in part by his labor, or incurred for personal services rendered by any employee, or former employee, the one-half of such earnings above mentioned is nevertheless subject to execution, garnishment or attachment to satisfy debts so incurred;

11. The shares held by a member of a homestead association duly incorporated, not exceeding in value one thousand dollars if the person holding the shares is not the owner of a homestead under the laws of this state;

12. All the nautical instruments and wearing apparel of any master, officer, or seaman of any steamer or other vessel;

13. All fire engines, hooks and ladders, with the carts, trucks and carriages, hose buckets, implements, and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this state;

14. All arms, uniforms, and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor;

15. All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers, and appurtenances belonging to the jail and public offices belonging and appertaining to any county of this state; and all cemeteries, public squares, parks, and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this state;

16. All material not exceeding one thousand dollars in value, purchased in good faith for use in the construction, alteration or repair of any building, mining claim or other improvement as long as in good faith the same is about to be applied to the construction, alteration or repair of such building, mining claim or other improvement;

17. All machinery, tools and implements, necessary in and for boring, sinking, putting down and constructing surface or artesian wells; also the engines necessary for operating such machinery, implements, tools, etc., also all trucks necessary for the transportation of such machinery, tools, implements, engines, etc.; *provided*, that the value of all the articles exempted under this subdivision shall not exceed one thousand dollars;

18. All moneys, benefits, privileges, or immunities accruing or in any manner growing out of any life insurance, if the annual premiums paid do not exceed five hundred dollars, and if they exceed that sum a like exemption shall exist which shall bear the same proportion to the moneys, benefits, privileges,

and immunities so accruing or growing out of such insurance that said five hundred dollars bears to the whole annual premiums paid;

19. Shares of stock in any building and loan association to the value of one thousand dollars;

20. All money received by any person, a resident of the state as a pension from the United States government, whether the same shall be in the actual possession of such pensioner, or deposited, loaned or invested by him.

No article, however, or species of property, mentioned in this section is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

CHAPTER 200.

An act to amend section four thousand two hundred ninety-five of the Political Code, relating to official fees and services.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4295 of the Political Code is hereby amended to read as follows:

4295. State, county and township officers shall not, in any case, except in proceedings upon habeas corpus, perform any official services unless upon the prepayment of such fees as are prescribed by law, for the performance of such services; *provided*, that except where otherwise specifically provided the state or any county, city, city and county, district, or other political subdivision, or any public officer, or board or body, acting in his or its official capacity on behalf of the state, or any county, city, city and county, district, or other political subdivision, shall not be required to pay or deposit any fee for the filing of any document or paper, or for the performance of any official service; *provided, further*, that the state, or any county, city, or city and county, or other public officer, or board or body acting in his or its official capacity on behalf of the state, or county, or city, or city and county, including notaries public, shall not collect, demand or receive any fee or compensation for recording or indexing any discharge of a soldier, sailor, or marine, of the United States army, navy or marine corps, or of a nurse who served in the American Red Cross or in the army or navy nurse corps, or for issuing certified copies thereof, or for any service whatever rendered in the matter of a pension claim, application, affidavit, voucher, or in the matter of any claim to be presented to the bureau of war risk insurance, under and by virtue of an act of congress of the United States entitled "An act to amend

Stats 1923,
p. 507,
amended.
Official
service
without
fee.

an act entitled 'An act to authorize the establishment of a bureau of war risk insurance in the treasury department,' approved October 6, 1917, and acts amendatory thereof, or furnishing a verified copy of the public record of a marriage, death, birth or divorce, deed of trust, mortgage, or property assessment, or making the search for the same, when the same is to be used in a claim for pension, or a claim for allotment, allowance, compensation, insurance, automatic insurance, or otherwise, under the said act establishing the said bureau of war risk insurance.

Said services shall be rendered on the request of a United States official, a claimant, his or her guardian, or attorney, and for every failure or refusal so to do, such officer shall be liable on his official bond.

Upon payment by any person of the fees required by law, the officer must perform the services required, and for every failure or refusal so to do, such officer shall be liable upon his official bond.

CHAPTER 201.

An act to add a new section to the Political Code, to be numbered one thousand six hundred seven e, relating to the powers and duties of boards of school trustees and city boards of education and authorizing such boards to establish cafeterias in the schools under their jurisdiction.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

New section. SECTION 1. A new section numbered 1607e is hereby added to the Political Code, to read as follows:

Cafeterias. 1607e. Boards of school trustees and city boards of education shall have power and it shall be their duty to establish cafeterias in the schools under their jurisdiction whenever in their judgment it is advisable to do so. The cost of housing and equipping such cafeterias shall be a charge against the funds of the school district. The food served shall be sold to the patrons of the cafeteria at such a price as will pay the cost of operating and maintaining the cafeteria.

CHAPTER 202.

An act to amend section six of an act entitled "An act to establish police courts in cities of the second class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 23, 1901, as amended.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 6 of an act entitled, "An act to establish police courts in cities of the second class to fix their jurisdiction and provide officers of said courts, and fix the compensation of certain officers thereof," approved March 23, 1901, as amended, is hereby amended to read as follows:

Sec. 6. Said police court shall have a clerk for each of the judges of said court who shall be appointed by the judge of said court presiding in the department thereof in which said clerk is to act, which said clerk shall hold office for the term of two years from the date of appointment. Each of said clerks shall give a surety bond in the sum of five thousand dollars to be approved by the mayor of said city, conditioned for the faithful discharge of the duties of his said office. Each of said clerks shall receive an annual salary of thirty-three hundred dollars a year, payable in equal monthly installments out of the treasury of said city and shall be the full compensation for all services rendered by him as clerk of the police court and as clerk of the justice court of the said city.

Each of the said clerks shall keep a record of the proceedings of, and issue all processes ordered by, the said justices, or either of them, or by said police court, and receive all fines imposed, forfeitures and moneys paid into court and pay the same into the city treasury unless otherwise provided by law. Each of the said clerks shall also render each month to the city council an exact and detailed account, under oath, of all fines imposed and collected, and of all fines imposed and uncollected since their last reports. They shall prepare bonds, justify bail when the amount has been fixed by either of said justices, or by said police court in cases not exceeding one hundred dollars and may administer and certify oaths. Said clerks shall remain at the courtrooms of said court during the business hours and during such reasonable time thereafter as may be necessary for a proper performance of their duties. Before receiving any monthly payment of salary each of said clerks shall make and file with the city auditor an affidavit that he has deposited with the city treasurer all moneys that have come into his hands belonging to the city. Any violation of this provision shall be a misdemeanor.

CHAPTER 203.

An act providing for the formation, government and operation of harbor districts for the improvement or development of harbors, the calling and conducting of elections in such districts, the issuance and disposal of the bonds thereof, and the assessment and levy of taxes for the payment of such bonds, principal and interest, and for the ordinary expenses of such districts.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

Formation
provided for.

SECTION 1. Any portion of a county in this state, the exterior boundaries of which include a bay, harbor, or inlet of the Pacific ocean, may be formed into a harbor district for the improvement or development of such harbor, upon proceedings being had and taken as provided for in this act.

Definitions.

SEC. 2. The use in this act of the following words are intended to mean, do mean, and shall at all times and places be held and construed to have the meaning herein defined:

The word "harbor" means any bay, harbor, inlet, or other arm of the sea in which the tides of the Pacific ocean ebb and flow.

The words "harbor commission" shall mean any commission, board or officer in which the improvement, development, protection, maintenance, management or control of any harbor or part of any harbor in this state is by law, ordinance, or other legal authority vested or exercised.

Petition.

SEC. 3. Whenever fifty or more persons in any county of this state, the exterior boundaries of which county include a harbor, desire the formation of a harbor district within the county for the improvement or development of such harbor, they may present to the board of supervisors of such county a petition in writing signed by them, which petition shall state the name of the proposed harbor district, the official name or name by which such harbor is commonly known, and whether the improvement, development, protection, maintenance, management or control of such harbor or any part thereof is vested in or exercised by a harbor commission, and set forth the exterior boundaries of the proposed harbor district, which may include incorporated territory only, or both incorporated and unincorporated territory, but shall include the whole or some part of the harbor proposed to be improved or developed, and shall generally describe the improvement and development work proposed to be done in such harbor which may include the dredging of channels, shipways, ship berths, anchorage places and turning basins, the construction of jetties, breakwaters, bulkheads, sea walls, wharfs, ferry slips, and warehouses, and state the estimated cost of making such

improvement or development, and of the expenses incidental thereto, and shall ask that the territory included within such boundaries be formed into a harbor district for the purpose of the improvement or development of said harbor.

SEC. 4. Each signer of the petition must be a registered voter, resident, and freeholder within the proposed harbor district. Signers.

SEC. 5. The petition must be published for at least two weeks preceding the hearing thereof in some newspaper of general circulation printed in the county, together with a notice signed by not exceeding three of the petitioners setting forth the day, hour and place when and where the petition will be presented to the board of supervisors of the county for hearing, and that all persons interested therein may at said time and place appear and be heard. Publication
Notice.

SEC. 6. At the time and place specified in the notice the board of supervisors shall consider the petition and may continue the hearing thereof from time to time not exceeding, however, a period of ninety days. At the hearing by the board of supervisors a certificate issued by the assessor of the county and filed in the proceedings, stating that the name of any signer or signers of the petition appear upon the last equalized assessment roll of the county for land assessed to any such signer or signers, and located within the boundaries of the proposed harbor district, shall be prima facie evidence that such signer is a freeholder within the harbor district, and a certificate signed by the county clerk that the name of any signer or signers of the petition is registered and uncanceled as an elector of the county, residing within the boundaries of the proposed harbor district, shall be prima facie evidence that such signer or signers are registered voters within the harbor district. Hearing.
Freeholders.
Registered voters.

SEC. 7. The board of supervisors at the hearing shall have the right, power, and authority to change the exterior boundaries of the proposed harbor district, as set forth in the petition, by excluding therefrom such lands as in the judgment of the board of supervisors would not be benefited by the improvement or development of the harbor. Exclusion and addition of lands.

If the owner or owners of over ten per cent of the land to be included within the boundaries of the proposed district shall, at or before the time of such hearing, present to said board their written objections to having their said lands included therein, no further proceedings shall be had hereunder until the board of supervisors shall have amended the boundaries of the proposed district so that the lands described in said written objections shall be excluded from such district.

The board of supervisors shall also have the right, power, and authority to change the exterior boundaries of the proposed harbor district, as set forth in the petition, by adding to the proposed harbor district and including therein such other contiguous lands as in the judgment of the board of

supervisors will be benefited by the improvement or development of the harbor; *provided*, that no land shall be added to or included in the proposed harbor district until notice is served upon the owner or owners of the lands proposed to be added to or included in the harbor district.

The notice may be personally served upon the owner or owners of such lands or be published for the same period of time and in the same paper as the original petition and notice of hearing.

The notice shall state the day, hour, and place at which said owner or owners will be heard and shall generally describe the lands proposed to be added to and included in the harbor district.

Investigation
by
supervisors.

SEC. 8. The board of supervisors shall also investigate and determine whether or not the improvement or development work generally described in the petition is feasible and when completed will result in the improvement or development of the harbor, and whether the estimated cost thereof and the incidental expenses in connection therewith is the reasonable and necessary cost of such improvement or development work and incidental expenses, and for the purpose of such investigation and determination may submit the improvement or development work described in the petition to engineers for examination and report.

Continua-
tions.

If it shall appear and the board of supervisors find that it is necessary in order to make sufficient and adequate examination upon which to determine such questions to continue the hearing beyond ninety days, the board of supervisors shall have power for the purposes of such investigation to continue the hearing for such a period of time as the board of supervisors may see fit, not longer, however, than six months from the date of the presentation of the petition; *provided*, that when the improvement, development, protection, maintenance, management or control of any harbor or any part thereof, proposed to be improved or developed under this act is vested in or exercised by a harbor commission then the petition shall be submitted to and approved by such harbor commission, before the same is presented to the board of supervisors, and all investigations of the improvement or development work and of the estimated cost thereof ordered or directed to be made by the board of supervisors shall be made by or under and subject to the approval of such harbor commission.

Investigation
by harbor
commis-
sioners.

Work to
be done.

Neither the board of supervisors or the harbor commission, if one exists, shall be bound by the improvement or development work described in the petition, or by the estimated cost thereof set forth, but may find that other, different, or a less amount of improvement or development work should be done, and the estimated cost thereof and of the incidental expenses in connection therewith.

Findings by
supervisors.

SEC. 9. Upon final hearing, if it shall appear to the board of supervisors that the petition and notice of hearing has been

duly published, and that the petition is signed by a sufficient number of persons who possess the qualifications in this act required, and that a harbor exists within the county, some portion of which is contained within the exterior boundaries set forth in the petition, and can be improved and developed as generally described in the petition, and at a cost not disproportionate to the benefit to be derived from such improvement, and development, and that such improvement or development has the approval of the harbor commission, if one exists, then the board of supervisors shall cause to be entered upon the minutes of such meeting a finding of all such facts, setting forth the name of the proposed harbor district, as set forth in the petition, the official name or name by which such harbor is commonly known, and describing the exterior boundaries of the territory to be included within the proposed district, as originally set forth in the petition, or as the boundaries thereof may have been changed by the inclusion or exclusion of lands; the improvement or development work to be done and the estimated cost, and of the incidental expenses in connection therewith. Said findings shall be conclusive evidence of the existence of every fact so found by the board of supervisors and of the due signing and publication of the petition and of the publication or personal service of all prior notices, and shall vest the board of supervisors with authority to proceed under this act.

SEC. 10. The board of supervisors shall thereupon make ^{Order} and cause to be entered in said minutes an order finally determining and establishing the exterior boundaries of the district, the improvement or development work to be done in such harbor, and the estimated cost thereof, and of the incidental expenses in connection therewith, and shall pass a resolution calling an election therein for the purpose of submitting to the qualified voters thereof the proposition of the formation of the harbor district and incurring a bonded debt and the issuance and sale of the bonds thereof to pay the cost of the improvement or development work in a sum not greater than the estimated cost thereof, and of the incidental expenses in connection therewith, as found by the board of supervisors. The board of supervisors shall by said resolution fix the date of the election which shall be not less than thirty days nor more than sixty days after the date of the passage of the resolution, and shall subdivide the district into one or more voting precincts and generally describe the boundaries of each voting precinct, and shall designate a place within each voting precinct at which the polls will be opened for the purpose of the election on the date of the election, and shall also appoint a board of election for each voting precinct, consisting of one inspector, one judge, and one clerk. Every member of a board of election must be a registered elector of and reside within the voting precinct for which he or she is appointed. The resolution shall state the object and purposes ^{Call for election.}

for which the indebtedness is proposed to be incurred and the amount of the principal of the indebtedness, and shall recite a maximum rate of interest to be paid on such indebtedness, not exceeding seven per cent per annum, and which shall be paid semiannually, and which rate of interest shall not be exceeded in the bonds issued for such purpose. The resolution shall also prescribe the manner of voting for or against the incurring of the indebtedness and for or against the formation of the harbor district, and in all particulars not recited in the resolution or as otherwise provided for in this act, the election shall be held in accordance with the general election law of the state, so far as the same is applicable; *provided*, that it shall not be necessary to mail or send out sample ballots or precinct polling cards.

Conduct of
election.

Ballots.

SEC. 11. The resolution shall invite the qualified voters residing in the harbor district to vote upon the proposition by stamping a cross (X) on the ballot opposite the proposition of the formation of the harbor district and of the incurring of indebtedness thereby.

The ballot to be used at the election shall be substantially in the following form:

HARBOR DISTRICT
OFFICIAL BALLOT

Instructions to voters: To vote in favor of the formation of the harbor district and the incurring of the indebtedness thereby, stamp a cross (X) in the voting square at the right of the words "For the harbor district."

To vote against the formation of the harbor district and the incurring of the indebtedness thereby stamp a cross (X) in the voting square at the right of the words "Against the harbor district."

All erasures and distinguishing marks are forbidden and make the ballot void. If you wrongly stamp, tear, or deface this ballot, return it to the inspector of election and obtain another.

PROPOSITION

"For the harbor district" (here set forth a general statement of the objects and purposes for which the indebtedness is to be incurred, and the amount of the indebtedness).

"Against the harbor district" (here set forth a general statement of the objects and purposes for which the indebtedness is to be incurred and the amount of the indebtedness).

Notice of
election.

SEC. 12. The resolution calling the election shall be published seven times in a newspaper of general circulation printed, published, and circulated within the harbor district at least six days a week, or if there be no newspaper published therein at least six days a week, then the resolution shall be published twice in a weekly or semiweekly newspaper published within the harbor district. The passage of the resolution and the publication thereof, as provided for in this

section, shall be and constitute the notice of election and no other or additional notice thereof need be given.

SEC. 13. On the day of the election the polls at each of ^{Polls.} the polling places designated by the board of supervisors shall be opened at the hour of six o'clock a.m. and must be kept opened until the hour of seven o'clock p.m. of the same day, when the polls shall be closed; *provided*, that any elector within the polling place or standing in line thereat, and who has not had an opportunity to vote and desires to vote, shall be permitted to vote after the hour of seven o'clock p.m. of the day of election.

When the polls are closed, the board of election in each pre- ^{Returns} cinct shall canvass the votes thereat, make up and certify the returns thereof as near as practicable in accordance with the election laws of the State of California governing general elections and deposit the same with the county clerk of the county in which the election was held.

SEC. 14. The board of supervisors at their first regular ^{Canvass of results.} meeting after the date of the election shall canvass all of the returns of the election, and shall cause to be entered upon the minutes of said meeting a finding showing the number of votes cast in each voting precinct for the harbor district and the incurring of the indebtedness, and the number of votes cast against the harbor district and the incurring of the indebtedness, and the total number of votes cast in all the voting precincts for and against the harbor district and the incurring of the indebtedness.

If from said canvass it shall appear and the board of super- ^{Negative majority.} visors find that a majority of the votes were not cast for the harbor district and the incurring of indebtedness thereby, it shall enter that fact upon its minutes, and no further proceedings shall be taken under said petition; *provided*, that a new petition and notice may be signed, published, and filed and a new proceeding had thereunder pursuant to this act at the expiration of one year from the date of the election.

If from said canvass it shall appear and the board of super- ^{Favorable finding and order.} visors find that more than a majority of the votes cast at the election were cast for the harbor district and the incurring of the indebtedness thereby, it shall cause that fact to be entered upon the minutes, together with a description of the boundaries of the harbor district, the name of the harbor district, and the official name or names by which said harbor district is commonly known, and enter an order of the board of supervisors declaring such harbor district to be duly formed, and to exist in the county in which the proceedings were had, and that an indebtedness of said harbor district is authorized in the principal sum specified, to pay the cost of making the improvement or development of such harbor, as set forth in the resolution.

SEC. 15. The clerk of the board of supervisors shall there- ^{Notice to secretary of state.} upon immediately make up and certify a copy of said minutes

and order and transmit the same to the secretary of state of the State of California.

Certificate of organization.

It is hereby made the official duty of the secretary of state to file said certificate in his office, and within five days thereafter to execute under the great seal of the State of California, and transmit to the clerk of the county in which the proceedings were had, his certificate that a harbor district under the name set forth in the petition has been formed and exists in said county. The clerk of the county shall file such certificate in his office and from the filing of such certificate of the secretary of state in the office of the county clerk, the formation of the harbor district shall be complete, with an authorized indebtedness in the sum specified in the resolution calling the election, and no action or proceeding of any character shall be thereafter maintained or prosecuted in any court whatever to test or to invalidate the formation of the district or the authorized indebtedness thereof unless the same shall be commenced in a court of competent jurisdiction within sixty days after the date of the filing of the certificate of the secretary of state in the office of the county clerk.

Test of validity.

Bond resolution.

SEC. 16. The board of supervisors shall pass a resolution providing for the issuance and sale of bonds to represent the principal of the indebtedness authorized to pay the cost of the improvement or development work in such harbor, and shall prescribe the form of such bonds.

Term of bonds.

SEC. 17. All bonds issued under this act shall be payable substantially in the following manner: A part to be determined by the board of supervisors, which shall be not less than one-fortieth part of the whole amount of such indebtedness, shall be paid each and every year on a day and date, and at a place or places to be fixed by the board of supervisors, and designated in the bonds, together with interest on all sums unpaid at such date.

Denominations

The bonds shall be issued in such denomination as the board of supervisors of the county may determine, except that no bond shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the date and at the place or places fixed in such bond, and with interest at the rate specified in the bond, which shall not exceed the sum of seven per cent per annum and shall be payable semiannually.

Interest.

Signatures.

The bonds shall be signed by the chairman of the board of supervisors, and also signed by the treasurer of the county, and shall be countersigned by the auditor thereof. The coupons upon said bonds shall be numbered consecutively and signed by the county treasurer. In case any of such officers whose signature or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes,

the same as if they had remained in office until the delivery of the bonds.

SEC. 18. All such bonds may be issued and sold by the board of supervisors of the county as they may determine, but for not less than their par value and the interest accrued thereon at the date of their delivery, and the proceeds of such bonds shall be placed in the treasury of the county to the credit of the proper improvement fund, and shall be applied exclusively to the purposes and objects mentioned in the resolution and for which the same was voted. Sale and proceeds.

SEC. 19. Whenever the money for which the indebtedness was incurred shall be in the treasury of the county, the board of supervisors are authorized to employ and pay all necessary engineers and other experts to prepare plans, profiles, specifications, advertisement for bids, and contracts necessary in the doing of said work. All work under this act shall be done by contract let to the lowest regular responsible bidder or bidders; *provided*, that separate portions of said work may be let to different contractors. Notice inviting bids shall be published twice in a daily or weekly newspaper designated by the board of supervisors for that purpose, and the notice may set forth such requirements as the board of supervisors may deem advisable. Doing of work.

SEC. 20. When any improvement or development work done under the authority of the board of supervisors shall be complete, the maintenance, management and control of the work done shall pass to and be vested in the board of supervisors, and the board of supervisors shall have power to employ and pay all necessary agents, servants and employees to manage, maintain and control the same; *provided, however*, anything in this act to the contrary notwithstanding, if the improvement, development, protection, maintenance, management or control of the whole or a part of any harbor improved or developed under this act, is vested in or exercised by a harbor commission, then all money raised by the sale of bonds as provided for in this act, shall be by the board of supervisors deposited to the credit and control of such harbor commission, and it shall be the duty of the harbor commission to proceed to make the improvement or development under the same authority and regulations and in the same manner as other improvement or development work is carried on by said harbor commission, and the improvement or development when completed shall be under the control of said harbor commission. Maintenance, management and control.

All bonds issued under this act shall be the obligation of the harbor district and so long as any of said bonds shall be outstanding and unpaid the board of supervisors of the county shall at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually until said bonds are paid, or until there shall be a sum in the treasury of the county set apart for that purpose to Tax levies.

meet all sums coming due for principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy.

The taxes herein required to be levied shall be levied upon all of the taxable property within the harbor district and therein taxable for county purposes, and shall be in addition to all other taxes levied for county purposes, and shall be collected at the same time and in the same manner as other county taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

The board of supervisors shall at the same time and in the same manner have power to levy upon all of the property in the harbor district a tax sufficient to pay the ordinary annual expenses of the harbor district.

CHAPTER 204.

An act to provide for the regulation and supervision of, and to prevent fraud in, sales of fertilizer as the same is therein defined; to provide for license to engage in the business of selling or dealing in such fertilizer; to provide for the enforcement of said act and penalties for the violation thereof.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

License
required.

SECTION 1. It shall be unlawful for any person, copartnership or corporation to engage in the business of selling, or deal in, fertilizer within this state, without first being licensed so to do as hereinafter provided.

"Fertilizer"
defined.

SEC. 2. The word "fertilizer" within the meaning of this act is any mixed fertilizer, fertilizer materials, manures, lime, gypsum, compost, soil correctives, or any material or class of materials used for enriching the soil or to act as a soil corrective, or any material offered for sale or sold for any such purpose.

Enforcement

SEC. 3. Authority for the enforcement of this act is hereby vested in the director of agriculture of the state department of agriculture, hereinafter sometimes referred to as the "director," who shall have full power to regulate and control the issuance and revocation of licenses to be issued under the provisions of this act, and to perform all other acts and duties provided in this act and necessary for its enforcement. He shall select and designate from among those already employed in said state department of agriculture such deputies, clerks and assistants as he may need to discharge in proper manner the additional duties imposed upon him by this act.

SEC. 4. No license shall give authority to do any act mentioned in section 1 of this act to any person, copartnership or corporation, other than those to whom said license is issued; *provided, however*, that when a license is issued to a corporation, the officers, agents and employees thereof, other than the president, shall be required to obtain a license as herein provided if engaged in the business of selling fertilizer as a whole or partial vocation; *and provided, further*, that when a license is granted to a copartnership, the members of said copartnership shall each be required to obtain a separate license to engage in the business of selling fertilizer, except as provided in section 6 hereof.

Personal
licenses
required.

SEC. 5. Any person, copartnership or corporation desiring to engage in the business of selling or dealing in fertilizer within this state, shall make an application in writing for a license to the director of agriculture, which application shall be accompanied by the recommendation in writing of two freeholders residing within the county in which such applicant resides or has his place of business, certifying that the applicant is honest, truthful and of good reputation, and recommending that a license be granted to the applicant. Where the applicant for a license maintains more than one place of business within the state, he shall be required to apply for and procure a duplicate license for each branch office so maintained by him. Such duplicate license shall be issued without additional charge. In every such application the applicant shall set forth his name and address, the names and addresses of all members of the applicant if a copartnership, and the names and addresses of the officers and managers of the applicant and the location of its main and branch offices if a corporation, together with a general statement of what the applicant desires to do under said license and of the facts as to the capacity in which the applicant intends to act under the license when issued; and if such capacity is that of an employee or agent of another, the facts in relation thereto shall also be shown.

Application
for license.

Upon the filing of such application, it shall be the duty of the director of agriculture to examine it and the certificates of recommendation filed therewith, and he may require such other proof as he deems advisable of the honesty, truthfulness and good reputation of the applicant, or of the officers of any corporation, or of the members of any copartnership making such application, before authorizing the issuance of a license.

Additional
proof.

If the director be satisfied that the applicant is honest, truthful and of good reputation, he shall issue to the applicant a license authorizing such applicant to engage in the business of selling, or deal in, fertilizer as in this act defined. Otherwise, he shall deny the application and refuse such permit and notify the applicant in writing of his decision.

Action of
director.

Fees.

SEC. 6. The fees for licenses shall be as follows:

(1) For each license issued there shall be paid an annual fee of two dollars. Under any license issued to a corporation, the president thereof shall have the right to engage in the business of selling or dealing in fertilizer within this state. For each officer, agent or employee other than the president of a licensed corporation, the annual fee for a license hereunder shall be one dollar. If the license be a copartnership, the license issued shall entitle one member of said copartnership to engage in the business of selling or dealing in fertilizer within this state. For each other member of such copartnership who desires to engage in the business of selling or dealing in fertilizer within this state, the additional fee shall be one dollar.

(2) Licenses, the annual fee for which is two dollars, shall be issued for a fee of one dollar if the same are issued after July first in any year. The minimum fees for any license is one dollar.

(3) All applications for licenses shall be accompanied by the license fee as herein provided, and all licenses shall expire on December thirty-first in the year in which same are issued.

Display of license.

SEC. 7. Licenses shall be prominently displayed in the office of such licensee having an office, and shall be exhibited upon demand to all persons to whom such licensee sells or offers to sell any fertilizer as defined in this act.

Suspension or revocation of license.

SEC. 8. The director of agriculture may upon his own motion, and shall upon the verified complaint in writing of any person, investigate the actions of any person, copartnership or corporation engaged in the business of selling or dealing in fertilizer within this state, and shall have the power to temporarily suspend or permanently revoke any license issued under the provisions of this act, at any time if the director shall find that the holder thereof, in performing or attempting or pretending to perform any of the acts which he is authorized by such license to do, or as mentioned in section 1 hereof, is guilty of any of the following acts or conduct:

(1) Making any material or substantial misrepresentation, or

(2) Making any false promises of a character likely to influence, induce or deceive, or

(3) A course of misrepresentation or making of false promises through agents or salesmen, or

(4) Engaging in illegitimate business or fraudulent transactions.

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

(6) Violating any provision of this act.

Before suspending or revoking any license, the said director shall notify, in writing, the holder of such license of the

charges against him and afford an opportunity to be heard in person or by counsel in reference thereto.

Every decision or order of the director of agriculture under this act shall be subject to review, in accordance with the provision of chapter I of title I of part III of the Code of Civil Procedure; and any party aggrieved by any such decision or order of the director under this act may, within ten days from the date of said decision or order, appeal therefrom to the superior court of the State of California, in and for the county in which the person affected by such decision resides or has his place of business under the terms of this act, by serving upon the director a notice of such appeal and a demand in writing for a certified transcript of all the papers on file in his office affecting or relating to such decision, and all the evidence taken in any hearing had before the director, upon which the decision or order of the director was based, and paying ten cents for each folio of the transcript and one dollar for the certification thereof. Thereupon, the director shall, within thirty days, make and certify such transcript to the applicant, who shall, within five days after receiving it, file the same and the notice of appeal with the clerk of said court. Upon the hearing of such appeal, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the director of agriculture from which an appeal is taken, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the director in making such decision or order.

The decision or order of the director, suspending or revoking any license under this act, shall take immediate effect, and shall remain in effect pending an appeal therefrom to the superior court, as hereinabove provided, unless the appellant shall file with the judge to which such appeal is taken, a bond in a sum to be fixed by said court, which bond shall be in favor of the State of California and be conditioned upon the honesty and truthfulness of the appellant in all transactions had or performed by him during such appeal under any license theretofore issued to him. Said bond shall be for the benefit of any person dealing with such appellant, and any such person so dealing with him shall have the right to commence a suit on said bond in his own name against said appellant and his sureties.

SEC. 9. It shall be unlawful for any licensed firm, corporation, broker, salesman or person to pay a commission for performing any of the acts herein specified to any person who is not a licensed broker, salesman or person.

SEC. 10. No violation of any of the provisions of this act on the part of any licensed agent, employee or salesman of any licensed person, copartnership or corporation in this state, shall cause the revocation or suspension of the license of the

Appeal.

Order effective.

Payment of commissions.

Violations by unlicensed agents, etc.

employer of said agent, employee or salesman, unless it shall appear upon a hearing to be had by the director, in accordance with section 8 hereof, that said employer had guilty knowledge of such violation.

Prosecution
of violations.

SEC. 11. The director of agriculture may prefer complaint for violation of section 1 of this act before any court of competent jurisdiction, and said director and his counsel, deputies, or assistants, may assist in presenting the law or facts at the trial. It shall be a duty of the district attorney of each county in this state to prosecute all violations of the aforesaid provision of this act in the respective counties in which such violations occur.

Penalties.

SEC. 12. Any person or corporation engaged in the business of selling or dealing in fertilizer within this state without a license as herein provided, shall upon conviction thereof, if a person, be punished by a fine of not less than fifty dollars, nor more than two thousand dollars, or by imprisonment in the county jail or state prison for a term not to exceed two years, or by both such fine and imprisonment, in the discretion of the court; or if a corporation, be punished by a fine of not less than three hundred dollars, nor more than five thousand dollars; and all sales made without such license are void; *provided*, that nothing in this act shall be construed as applying to the sale of manure by the owner or tenant of the premises where said manure originated.

Constitutionality.

SEC. 13. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 205.

An act to require the installation of certain sanitary facilities in the operating rooms of theaters and moving picture houses, and providing penalties for the violation thereof.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

Sanitary
facilities in
moving
picture
operating
rooms.

SECTION 1. In the operating room of every theater and moving picture house located in any municipality there shall be provided running water and toilet facilities for the use of the operator.

In every municipality or other place having a sewer system adjacent to that portion of the building in which is located the operating room, such toilet facilities in said operating

room shall consist of a flush-tank toilet and wash-basin with running water whenever the building, health and sanitary ordinances of such municipality permit the installation of the same. In any municipality or other place having no such sewer system a dry-closet or other contrivance acceptable to the local health officer shall be installed in said operating room in place and stead of a flush-tank toilet. Any violation of the provision of this act shall be deemed a misdemeanor and punishable by a fine of not less than twenty-five dollars for each offense, and it shall be a separate offense each day that an owner of a theater or moving picture house shall fail to comply with the provisions.

SEC. 2. As used in this act the terms "theaters, moving picture houses and moving picture show places" include only such buildings or places as are used primarily as theaters or for the display of motion pictures and are operated for such purposes more than three continuous hours in any one day. Buildings included.

SEC. 3. The provisions of this act as specified in sections 1 and 2 shall not become effective until July 1, 1928. Effective

NOTE.—See also Calif. Stats. 1921:1693, Ch. 397.

CHAPTER 206.

An act to amend "An act to provide that certain graduates of normal schools and teachers colleges shall be required to qualify to give elementary instruction in agricultural subjects," approved June 3, 1921.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. An act entitled "An act to provide that certain graduates of normal schools and teachers colleges shall be required to qualify to give elementary instruction in agricultural subjects," approved June 3, 1921, is hereby amended to read as follows: Stats 1921,
p. 1726,
amended

Section 1. Such teachers colleges as may be designated by the state department of education to do so, shall prepare students to become teachers of elementary agriculture; *provided*, that the amount of time devoted to such preparation shall be equal to that devoted by such teachers college to preparation for the teaching of any other subject taught in the public elementary schools. Teacher
college
instruction
in
agriculture

CHAPTER 207.

An act to cede to the United States exclusive jurisdiction over Lassen volcanic national park, in the State of California.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

*The people of the State of California do enact as follows:*Jurisdiction
over
Lassen
Volcanic
National
Park.

SECTION 1. Exclusive jurisdiction shall be and the same is hereby ceded to the United States over and within all of the territory which is now or may hereafter be included in that tract of land in the State of California set aside and dedicated for park purposes by the United States as "Lassen volcanic national park," saving, however, to the State of California the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred or crimes committed in said state outside of said park; and saving further, to the said state the right to tax persons and corporations and their property on the lands included in said park and the right to fix and collect license fees for fishing in said park, and saving also to the persons residing in said park now or hereafter the right to vote at all elections held within the county or counties in which said park is situated; *provided, however,* that jurisdiction shall not vest until the United States through the proper office notifies the State of California that they assume police jurisdiction over said park, and that the laws of the State of California and the jurisdiction of its courts shall remain in full effect in said park, in so far as they are not inconsistent with the laws of the United States, until congress shall specifically supersede them.

CHAPTER 208.

An act amending the Political Code by adding a new section thereto, to be numbered one thousand five hundred thirty-six, to establish a state curriculum commission for the public schools of the state.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

New section.

SECTION 1. A new section, to be numbered 1536, is hereby added to the Political Code, to read as follows:

State
curriculum
commission
created.

1536. First—A state curriculum commission is hereby created to consist of the superintendent of public instruction, and ten additional members appointed by the superintendent of public instruction with the approval of the state board of education. Among the appointive members there shall be at

least one county superintendent of schools, one city superintendent of schools, one high school principal, one elementary school principal, one college teacher of education and one classroom teacher.

Second—Within thirty days after this act becomes effective, the superintendent of public instruction shall appoint two members of the curriculum commission for a one-year term, two for a two-year term, two for a three-year term and two for a four-year term. Thereafter all members shall be appointed for a term of four years. In case of a vacancy, the superintendent of public instruction shall appoint a member to serve for the remainder of the unexpired term. The superintendent of public instruction shall be chairman of the commission. He shall call meetings of the commission when in his discretion such meetings are necessary. There shall be an annual meeting on the third Saturday in June of each year but the commission may in its discretion fix another date for such annual meeting.

Third—(1) The curriculum commission shall study problems of courses of study in the schools of the state and shall have power to recommend to the state board of education the adoptions of minimum standards for courses of study in the kindergarten, elementary and secondary schools. Courses of study in the public schools must conform to such minimum standards when adopted as herein provided.

(2) The commission shall recommend to the state board of education, specifications for textbooks for uniform use in the schools of the state so that the textbooks adopted shall conform to the minimum standard for courses of study adopted as herein provided.

(3) The commission shall also have power to study the textbooks submitted to the state board of education for adoption and make recommendations thereon to the state board of education. The state board of education must give the state curriculum commission a public hearing before making any adoption of textbooks for use in the elementary schools of the state.

Fourth—The expenses of the state curriculum commission shall be paid out of appropriations made to the superintendent of public instruction or state department of education. All members of the commission shall serve without compensation, but they shall be allowed their actual and necessary traveling expenses in attending meetings of the commission.

CHAPTER 209.

An act authorizing the state department of education to grant a right of way over certain state property located at Mount Shasta.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

Right of
way at
Mount
Shasta.

SECTION 1. The state department of education is hereby authorized to grant to the California-Oregon Power Company, a corporation, or to its successors or assigns, a right of way for light and power lines over that property of the state known as the Mount Shasta summer school for such time as may be determined by the state board of control. Such grant shall be made only after approval of the state board of control and the attorney general have been obtained.

CHAPTER 210.

An act to add a new section to the Code of Civil Procedure, to be numbered one thousand two hundred seventy-four b, relating to unclaimed moneys of missing persons.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

New section.

Unclaimed
moneys of
missing
persons.

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered 1274b and to read as follows: 1274b. Whenever any money in litigation in any superior or inferior court has been or shall be paid into the county treasury and three years thereafter it is made to appear to the satisfaction of the court or judge, by affidavit or by testimony taken in open court, that said money has not been and cannot be paid out because the owner thereof cannot be found, the court or judge must direct that such money be deposited in the state treasury for the benefit of the owner thereof or his legal representative, to be paid to him whenever, within five years after such deposit, proof to the satisfaction of the state controller and the state treasurer is produced that he is entitled thereto. When so claimed, an affidavit of the claimant setting forth the facts establishing his ownership, and the joint order of the controller and the treasurer must be filed by the treasurer as his voucher, and the amount of the claim paid to the owner or his legal representative on the filing of the proper receipt. If no one claims the amount as herein provided, the money devolves and escheats to the people of the State of California and shall be placed by the state treasurer in the school fund.

CHAPTER 211.

An act to amend section four thousand forty-eight of the Political Code, relating to bids and prices on county supplies, printing and advertising.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4048 of the Political Code is hereby amended to read as follows:

4048. Except in counties employing a purchasing agent, the board of supervisors shall annually advertise, for at least ten days in a newspaper of general circulation in the county (if there be a newspaper published in the county, otherwise by posting notices in three public places), for sealed bids for furnishing the county with stationery, clothing, bedding, groceries, provisions, drugs, medicines and all other supplies. All bids shall be on a schedule, showing all articles needed in the several offices and departments, prepared by the clerk of the board, and shall state separately the price of each article to be furnished, and any person may bid upon any article separately. In considering such bids, the board may accept or reject all or any of them, or may accept or reject a part of any such bid, preference being given, however, to the lowest responsible bidder. All supplies furnished the county, or any officer thereof, shall be furnished at a price no greater than is specified in the bid that may be accepted by the board.

Except in counties employing a purchasing agent, the board shall annually fix the price at which the county shall be supplied with job printing and blank books, from a schedule prepared by the clerk of the board, showing all blanks and blank books used in the several offices and departments, and also the price of all county advertising; and each county officer shall procure such blank books, job printing, and advertising required for the proper discharge of his official duties, such printing and advertising to be done by such person or newspaper as such county officer may designate, at a price no greater than is so fixed, and certify the bill therefor to the board of supervisors.

Stats. 1907,
p. 373,
amended.

Bids and
prices on
supplies,
printing and
advertising.

CHAPTER 212.

An act to amend an act appropriating money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, as amended.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

Stats. 1907,
p. 856,
amended

SECTION 1. Section 9 of an act to amend an act to provide money for the support of orphans, half-orphans and abandoned children, approved March 25, 1880, as amended, is hereby amended to read as follows:

School books
for
orphanages.

Sec. 9. There shall be furnished to each institution in this state, conducted for the support and maintenance of minor orphans, half orphans and abandoned children the series of school text-books published by the State of California, as hereinafter provided.

The principal or manager of said institution shall file duplicate requisitions, or blank forms prescribed by the state superintendent of public instruction giving the number, kind and cost, delivered at the institution of the series of school text-books needed for the various grades of children in the institution.

On receipt of the requisitions properly filled out and sworn to by the principal or manager of said institution, the state superintendent of public instruction may approve or disapprove the same, if approved he shall cause to be delivered to the institution named in the requisition, after said requisition shall be allowed by the state board of control, and receipt by the state superintendent of public instruction of the state controller's warrant for the same.

The superintendent of public instruction shall keep one of the requisitions on file in his office, and immediately deliver the other requisition to the state board of control which shall be considered a claim against the state.

CHAPTER 213.

An act to provide for the formation, powers, government, operation and dissolution of garbage disposal districts to facilitate the disposal of garbage and other refuse matter, and annexation thereto, and to provide for the assessment, levy, collection and disbursement of taxes therein.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

Garbage
disposal
districts.

SECTION 1. Any portion of a county or city and county, whether said portion includes incorporated or unincorporated territory, in the State of California, may be formed into a garbage disposal district in the manner and under the pro-

ceedings hereinafter set forth; *provided, however*, that less than the whole of any incorporated city shall not be included in such district except by unanimous consent of the governing body of such city.

SEC. 2. The board of supervisors of any county or city and county may determine by resolution that a portion of said county or city and county, whether the same includes incorporated or unincorporated territory, is in need of facilities for the disposal of garbage and should be formed into a garbage disposal district. Thereupon said board of supervisors shall fix a time and a place for a hearing on the matter of the formation of such garbage disposal district, which time shall be not less than three weeks after the adoption of such resolution, and shall direct the clerk of said board to publish a notice once a week for three successive weeks in a newspaper circulated in the territory which it is proposed to organize into a garbage disposal district, and which said board deems most likely to give notice to the inhabitants thereof of the proposed formation of such district. Said notice shall state the fact that the board of supervisors of said county or city and county has fixed the time and place, which shall be stated in said notice, for a hearing on the matter of the formation of a garbage disposal district. Said notice shall describe the territory or shall specify the exterior boundaries of the territories of the territory proposed to be organized into a garbage disposal district, which said boundaries so far as practicable shall be the center lines of highways.

Proposal
to form.

Notice of
hearing.

SEC. 3. At any time prior to the time fixed for a hearing of said matter, any person interested may file with the clerk of the board written objections to the formation of said district. At the time and place fixed for the hearing or at any time to which said hearing may be continued, the board of supervisors shall consider all objections to the creation of the district, or to the extent thereof, and shall pass upon the same. At such hearing, the board of supervisors may exclude any territory which in the opinion of the board would not be benefited by incorporation within said district.

Objections.

Exclusion of
territory.

SEC. 4. At the conclusion of said hearing, the board of supervisors shall either adopt an order abandoning the creation of the proposed district or shall by resolution order the matter of the creation of said district within the boundary lines determined upon at said hearing to be submitted to the electors of the district at an election to be called for that purpose. At such election only qualified, registered electors shall be permitted to vote. Election precincts shall be established by the board and election boards composed of one inspector, one judge and one clerk, shall be named. At least one week prior to the election, notice of the election shall be given by publication in a newspaper of general circulation in the proposed district. In other matters the election shall be conducted in the manner ordered by the board of supervisors.

Election on
proposal.

Order
forming
district

If at such election a majority of those voting upon the question of creation of said district, and a majority of those voting thereon in each municipality, or part thereof, were favorable thereto, the board of supervisors shall make an order forming the district and thereupon the same shall be formed. Such order must contain the name of the district, and a description of the boundaries, or otherwise indicate the territorial extent thereof. Such order shall be conclusive evidence of the regularity of all proceedings prior thereto, except the adoption and publication in full of the resolution of intention and of the fact of the hearing held thereunder.

Government
of district

SEC. 5. The board of supervisors of any county or city and county wherein any garbage disposal district is established, shall be the governing body thereof and shall have the power to make and enforce all rules and regulations necessary for the administration and government of such district, and for the collection and disposal of garbage and other refuse matter therein; to appoint agents and employees for such districts sufficient to maintain and operate the property acquired for the purposes of the district; to acquire by gift, purchase, condemnation or otherwise, in the name of the county, and to own, control, manage and dispose of any real or personal property, or interest therein, necessary or convenient for the collection and disposal of the garbage or other refuse matter of said district, and to perform all of the acts necessary or proper to accomplish the purposes of this act.

Title to
property.

SEC. 6. The title of all property which may have been acquired for a garbage disposal district created under the provisions of this act shall be vested in the county or city and county wherein such garbage disposal district is located. Whenever all of the territory in such garbage disposal district shall be annexed or otherwise included within any municipal corporation, then such garbage disposal districts shall be deemed dissolved and such property shall thereupon become the property of such municipal corporation. All money in the county treasury to the credit of such garbage disposal district shall upon the annexation or inclusion of such district as above noted, be forthwith transferred to the treasury of such municipal corporation and be used for the purpose for which the same was available prior to such transfer and none other.

Annexation
by municipi-
pality.

Tax levy.

SEC. 7. The board of supervisors shall levy a tax each year upon the taxable property in each garbage disposal district sufficient to defray the cost of the disposal of garbage and other refuse in said district, and of the maintenance of said district, and to meet such other expenditures as are authorized by this act in connection therewith. Such tax shall be levied and collected at the same time and in the same manner as general county taxes levied for county purposes and when collected shall be paid into the county treasury and shall be used in furtherance of the purposes of this act.

SEC. 8. Any such garbage disposal district may be dissolved by the board of supervisors as in this section provided. Upon receiving a petition signed by fifty or more freeholders and residents of such district, or by a majority of such freeholders and residents if there are less than three hundred freeholders and residents in such district, requesting the dissolution of such district, the board of supervisors shall fix a time for the hearing of such petition, which shall not be less than ten days nor more than thirty days after the receipt thereof, and shall, at least a week prior to the time so fixed, publish a notice of such hearing by one insertion in a newspaper circulated in such district. At the time appointed for said hearing or at any time to which the same may be continued, the board of supervisors shall hear and pass upon such petition and may grant or deny the same, and its decision thereon shall be final and conclusive. If such petition shall be granted, the board of supervisors shall by resolution order the dissolution of such district and such district shall thereupon be dissolved, and the property of such district shall remain the property of the county in which such district is located, and any money remaining in the fund of such district shall be expended in the maintenance and repair of the highways of such district whether such highways at the time of dissolution are in incorporated territory or in unincorporated territory.

Dissolution
of district.

SEC. 9. Any portion of a garbage disposal district which will not be benefited by remaining within such district may be withdrawn therefrom as in this section provided. Upon receiving a petition signed by fifty or more freeholders within the portion desired to be withdrawn from any garbage disposal district, or by a majority of such freeholders, if there are less than one hundred freeholders within the portion sought to be withdrawn, requesting the withdrawal of such portion from the district on the ground that such portion will not be benefited by remaining in said district, the board of supervisors shall fix a time for the hearing of such petition and for hearing protests to the continuance of the remaining territory as a garbage disposal district, which shall not be less than ten days, nor more than thirty days after the receipt thereof. The said board shall, at least a week prior to the time so fixed, publish a notice of such hearing by one insertion in a newspaper circulated in said district, which the board deems most likely to give notice to the inhabitants thereof of the proposed withdrawal.

Withdrawal
of territory.

Any person interested may appear at said hearing and object to the withdrawal of said portion from said district, or may object to the continuance of the remaining territory as a garbage disposal district, and the board of supervisors shall consider all objections and shall pass upon the same, and if it finds that said portion of the district sought to be withdrawn will not be benefited by remaining within said district, and that the territory not sought to be withdrawn will be benefited by continuing as a garbage disposal district, then it shall

grant said petition. Upon the withdrawal of any territory from a garbage disposal district, as in this section provided, all property acquired for the district shall remain vested in the county and be used for the purpose of the district; *provided, however*, that if the said territory sought to be withdrawn from said district includes any incorporated territory, then such proportion of the money in the county treasury to the credit of the fund of such district, shall be paid over to said municipal corporation as the territory of said municipal corporation sought to be withdrawn from said district bears to the territory of the entire district.

Annexation
of contiguous
territory.

SEC. 10. The boundaries of any such garbage disposal district may be altered, and outlying contiguous districts, whether the same be incorporated or unincorporated, be annexed thereto in the following manner: A petition signed by fifty or more freeholders within the territory proposed to be annexed, or by a majority of such freeholders if there are less than one hundred within the portion proposed to be annexed, designating the boundaries of such contiguous territory proposed to be annexed and asking that such territory be annexed to said garbage disposal district, shall be presented to the board of supervisors of the county in which said garbage disposal district is situated.

At their first regular meeting after the presentation of said petition, said board of supervisors shall cause notice of said petition to be published in a newspaper published and circulated in the territory sought to be annexed, if there be such a newspaper, otherwise, by posting copies of said notice in three of the most conspicuous places in said territory proposed to be annexed, for three weeks prior to the date to be fixed by said board for the hearing of said petition. Upon the date fixed for such hearing, or to which it may be continued, said board of supervisors shall take up and consider said petition, and any objections which may be filed to the inclusion of any property in said district.

Said board of supervisors shall have the power by order entered on its minutes to grant said petition either in whole or in part, and by order entered on its minutes to alter the boundaries of said garbage disposal district and to annex thereto, all, or such portion of said contiguous territory described in said petition as will be benefited by inclusion in said garbage disposal district, and from and after the making of said order, such territory shall become and be a part of such garbage disposal district, and shall be taxed, together with the remainder of said district, for all taxes to be thereafter levied by said board of supervisors for the operation and maintenance of said garbage disposal district. No territory which will not be so benefited, or which is not contiguous to said garbage disposal district, or which is not described in said petition, shall be included in said district; *provided*,

however, that less than the whole of any incorporated city shall not be annexed to such district except by unanimous consent of the governing body of such city.

CHAPTER 214.

An act to amend section thirty-five of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examination and surveys, and creating a reclamation board, and defining its powers," approved December 24, 1911, as amended.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 35 of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examinations and surveys and creating a reclamation board and defining its powers," approved December 24, 1911, as amended, is hereby amended to read as follows:

Sec. 35. Whenever any warrant drawn by the state controller upon the state treasurer as provided in section 15 of this act has been presented to the state treasurer and not paid for want of funds and has been registered by the state treasurer and bears interest as provided in said section 15, the state controller shall at any time, on presentation of such warrant to him for that purpose, certify on the warrant, over his signature, the amount of interest accrued thereon to that date, specifying the date, and when the state treasurer pays such warrant he shall, in addition to the amount for which the warrant was drawn, pay the interest accrued thereon as so certified to by the controller.

Stats 1919,
p. 1132,
amended.

Payment of
interest on
warrants.

Substitu-
tion of new
warrants.

Whenever any unpaid, outstanding and interest bearing warrant drawn by the state controller upon the state treasurer as provided in section 15 of this act shall be presented to the state reclamation board by the owner or holder thereof for the purpose of having two or more warrants issued to him in lieu thereof, the said state reclamation board must thereupon present such warrant properly endorsed to the state controller for credit to the fund upon which it was originally drawn together with a claim on the state controller setting forth the number and denomination of the warrant to be so credited and the number of substituted warrants, and denomination of each, to be issued in lieu thereof, the sum of which said substituted warrants shall equal the principal amount of the original warrant so credited. The state controller must thereupon credit said original warrant to the fund upon which it was originally drawn and must prepare and issue warrants in accordance with the claim so presented showing thereon that the said substituted warrants are issued in lieu of warrant No. ----- (giving the warrant number of the original warrant) and also showing the date of issuance and date of registration of said original warrant, and upon presentation to the state treasurer for payment and when payment can not be made for want of funds the state treasurer shall register the said warrants as of the date of registration of the original warrant and said substituted warrants shall bear interest from said original date of registration at the rate of seven per cent per annum as provided in section 15 of this act.

CHAPTER 215.

An act to amend section one thousand five hundred fifty-nine of the Code of Civil Procedure, relating to the sale and conveyance of the property of decedents.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

Stats 1921,
p 210,
amended.
Sale by
real estate
agent.

SECTION 1. Section 1559 of the Code of Civil Procedure is hereby amended to read as follows:

1559. Any executor or administrator may enter into a written contract with any bona fide agent to secure a purchaser for any real or personal property belonging to an estate, which contract shall provide for payment to such agent out of the proceeds of sale to any purchaser secured by him of a commission the amount of which must be fixed and allowed by the court upon confirmation of the sale, and when said sale is confirmed to such purchaser, such contract shall be binding and valid as against the estate for the amount so allowed by the court.

By the execution of any such contract no personal liability shall attach to the executor or administrator, and no liability of any kind shall be incurred by the estate unless an actual sale is made and confirmed by the court.

In case of sale on an increased bid made at the time of confirmation to a purchaser not procured by the agent holding the contract, the court shall allow a commission on the full amount for which the sale is confirmed, one-half of said commission on the original bid to be paid to the agent whose bid was returned to the court for confirmation and the balance of the commission on the purchase price to the agent, if any, who procured the purchaser to whom the sale is confirmed.

CHAPTER 216.

An act to amend sections four and five of an act entitled, "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4 of an act entitled "An act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds," approved April 27, 1911, as amended, is hereby amended to read as follows:

Sec. 4. Such election shall be made by such owner or his agent thereunto duly authorized in writing filed with the superintendent of streets, or if said assessment is in the custody of the city tax collector then with such tax collector, by an affidavit made before a competent officer that he or his principal, as the case may be, is the owner of the lot or parcel of land in question, which affidavit must be accompanied by a certificate of a searcher of records, that he or his principal is such owner and also by filing with such officer a written agreement upon the form hereinafter provided, waiving all objections of whatsoever kind or nature against the assessment and all proceedings thereto and undertaking to pay the amount of such assessment in either ten, twenty or thirty installments, each of which shall be due on the first day of July of each year, and the first of which shall be due on the first day of July next following the date of such bond, with interest on all deferred payments at the rate of seven per cent per annum, payable at the same time as the installments of principal. Said agreement shall contain a provision to the effect that in case of default in the payment of any installment of the principal provided for therein, or interest accrued on

Stats. 1911,
p. 1193,
amended.

Installment
agreement.

Default

deferred payments, at the time called for by said agreement, then and in that event, the entire remaining unpaid installments shall become immediately due and payable, and that the same, and all liens and agreements which are security therefor, may be collected and enforced as in this act provided. Said agreement shall be in the following or substantially the following form (filling blanks):

Form of
agreement.

The undersigned, being the owner of the lot assessed in the assessment for----- said lot being assessed therein for the sum of----- (\$-----) dollars, does hereby expressly waive and release all objections of whatsoever kind and nature against the said assessment and all proceedings prior thereto, and in consideration of the benefit of said improvement and of the extension of time for paying therefor herein requested, do undertake and agree to pay the amount of said assessment, to wit: the sum of----- (\$-----) dollars in----- yearly installments, at the time, in the manner, and with the interest, specified and provided in----- (title of act), and do request and elect to have a bond issued against said lot in the manner and form and with the effect provided in said act, and do expressly agree that in the case of default in the payment of any installment of the principal provided for in said bond, or interest accrued on deferred payments, then, and in that event, that the entire remaining unpaid installments shall become immediately due and payable, and that the same, and all liens and agreements which are security therefor, may be collected and enforced as in this act provided.

Improvement
bond.

Upon an election being effected as herein provided the superintendent of streets, or other officer having in his custody said assessment, shall make a note thereof in his records opposite the assessment as to which such election is made. All agreements and affidavits made and filed hereunder shall be bound in a substantial book and kept among the records of the superintendent of streets, or other officer having the custody of such assessments. At the time of delinquency, such officer shall advise, in writing, the city treasurer respecting the assessments as to which the owners have elected to pay in installments. The city treasurer shall thereupon prepare a separate bond representing each assessment as to which such right of election has been exercised, running for either ten (10), twenty (20) or thirty (30) years, as specified in the agreement made as herein provided, which bond shall be in the following or substantially the following form (filling blanks):

Improvement Bond.

Series-----

\$-----

No.-----

Under and by virtue of and pursuant to the provisions of----- (title of act), I, out of the fund for the above

designated improvement bonds, series ----- will pay to bearer the sum of ----- (\$-----) dollars with interest at the rate of seven (7) per cent per annum, as is hereinafter specified, at the office of the city treasurer of the city of -----, State of California. This bond is issued to represent an assessment for ----- in the city of ----- as the same is more fully described in the assessment therefor. Its amount is the amount assessed in said assessment against the lot numbered ----- therein and in the diagram attached thereto, and which now remains unpaid; but until paid, with accrued interest, is a first lien upon the property affected thereby, as the same is described herein and in said recorded assessment with its diagram, to wit: the lot or parcel of land in the city of -----, county of -----, State of California, described as follows:

and it is issued in accordance with the written request therefor on file in the office of the ----- the ----- of said city.

This bond is payable exclusively from said fund, and neither the city of ----- nor any officer thereof is to be holden otherwise for its principal or interest. The term of this bond is ----- years from July first, 19----, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the first day of July of each year, after the date hereof, an even annual proportion of its principal is due and payable upon presentation of the coupon therefor, until the whole is paid, with accrued interest at the rate of seven (7) per cent per annum.

The interest is payable annually on the first day of July in each year hereafter upon presentation of the coupons therefor, the first of which is for the interest from date to the first day of July, 19----, and thereafter the interest coupons are for the annual interest.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said act, at any time before maturity, and before commencement of proceedings for sale, upon payment to the city treasurer, for the holder of this bond, of the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon, together with interest for six months at the rate of seven (7) per cent per annum.

Should default be made in the first, or any succeeding payment of the principal, or in any payment of interest, by the owner of said lot, or anyone in his behalf, the holder of this bond is entitled to declare the whole unpaid amount to be due and payable, and shall thereupon have a right to collect the same and to enforce all liens and agreements which are security therefor as in said act provided.

At said city of _____, this _____ day of _____, in the year one thousand nine hundred and _____.

City treasurer of the city of-----

Mistake in description.

Said bonds shall be payable to the bearer and no mistake or error in the description in the bond of the lot assessed shall affect the validity or lien of the bond, unless the mistake or error is such that the lot can not be identified, and in such event the holder of such bond may have the same corrected upon application to the city treasurer and the officers or board who or which made the assessment to represent which such bond is issued.

Stats. 1911, p. 1195, amended. Record of bonds.

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

Payments.

Sec. 5. The city treasurer shall enter in a book kept for that purpose in his office, a record of each bond issued hereunder, specifying the date of its issue, the amount for which issued, to whom delivered, its duration and a description of the lot against which issued. Payments of principal and interest on account of any bond issued hereunder shall be made to the city treasurer, who shall keep a separate account of all such payments (entering the same in the record herein required to be kept), and place the same in appropriate funds for the payment of principal and interest of the bonds on account of which paid, and who shall, upon the surrender of the coupons attached to said bond, pay to the holder thereof, or his order, the amount called for by said coupons out of the funds in his possession applicable thereto.

Payment of outstanding balance.

The owner of or any person interested in any lot or parcel of land upon which a bond has been issued under the terms of this act may at any time before commencement of proceedings for sale pay off such bond and discharge the land described in the bond from the lien of the assessment, by paying to the city treasurer, for the holder of such bond, the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon at rate of seven per cent per annum, together with interest for six months at the rate of seven per cent per annum. Upon such payment being made to the city treasurer he shall forthwith mark paid in his record of such bond the assessment to represent which such bond was issued, and thereupon the lien of said assessment shall cease and the city treasurer shall forthwith notify the holder of the bond and call in the same. The city treasurer shall enter in his record of such bond the amount paid and the date of payment, and upon the lien of the assessment being extinguished as aforesaid, shall cancel said bond and file it in his office.

CHAPTER 217.

An act to amend section four of an act entitled "An act to regulate the payment of wages or compensation for labor or service in private employments, establishing regular pay days, providing penalties for the violation of its provisions, authorizing the commissioner of the bureau of labor statistics to enforce this act, defining the duties of district attorneys relative to its enforcement, providing for the collection of certain penalties by civil action at the direction of said commissioner and for the disposition of penalties so collected; repealing an act entitled 'An act providing for the time of payment of wages,' approved May 1, 1911, as amended April 28, 1915, and repealing an act entitled 'An act to regulate the payment of wages or compensation of employees in private employments; to provide for regular pay days in such employments; providing a penalty for the violation thereof; and authorizing the commissioner of the bureau of labor statistics to enforce the provisions of this act,' approved June 8, 1915," approved May 6, 1919, as amended, providing for the posting of notices with reference to the time of payment of wages, the place where wages shall be paid, manner of payment, payment in case of strikes and penalties for violations thereof, so as to make the civil penalty for failing to pay the wages of workers monthly or semimonthly entirely independent of the criminal penalty, to provide for the bringing of the civil actions for the said penalties by the said commissioner in the name of "The people of the State of California," delegating to the said commissioner and his attorneys the authority to so proceed and to provide for the consolidation of several causes of action for the said penalties without separately stating them, also for the payment of such penalties without suit.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4 of an act entitled "An act to regulate the payment of wages or compensation for labor or service in private employments, establishing regular pay days, providing penalties for the violation of its provisions, authorizing the commissioner of the bureau of labor statistics to enforce this act, defining the duties of district attorneys relative to its enforcement, providing for the collection of certain penalties by civil action at the direction of said commissioner, and for the disposition of penalties so collected; repealing an act entitled 'An act providing for the time of payment of wages,' approved May 1, 1911, as amended April 28, 1915, and repealing an act entitled 'An act to regulate the

Stats. 1925,
p. 175,
amended.

payment of wages or compensation of employees in private employments; to provide for regular pay days in such employments; providing a penalty for the violation thereof; and authorizing the commissioner of the bureau of labor statistics to enforce the provisions of this act,' approved June 8, 1915," approved May 6, 1919, as amended, is hereby amended to read as follows:

Notice of
time and
place of
payment.

Sec. 4. Every employer shall post and keep posted conspicuously at the place of work, if practicable, or otherwise where it can be seen as employees come or go to their places of work, or at the office or nearest agency for payment kept by the employer, a notice specifying the regular pay days and the time and place of payment, in accordance with the provisions of section 2 of this act, also any changes in those regards occurring from time to time. Every employee who is discharged shall be paid at the place of discharge, and every employee who quits or resigns shall be paid at the office or agency of the employer in the county or city and county where such employee has been performing the labor or service for the employer. All payments of money or compensation shall be made in the manner provided by law. In the happening of any strike, the unpaid wages or compensation earned by such striking employees shall become due and payable on the employer's next regular pay day, and the payment or settlement shall include all amounts due such striking employees without abatement or reduction, and the employer shall return to each such striking employee any deposit or money or other guaranty required by him from such employee for the faithful performance of the duties of the employment. Any person, firm, association, or corporation, or agent, manager, superintendent, or officer thereof, who shall violate any of the provisions of this section or of section 2 of this act shall be guilty of a misdemeanor, and any failure to post and keep posted any notice as in this section prescribed shall be deemed prima facie evidence of a violation of this section and of section 2 of this act.

In case
of strike.

Penalty.

Forfeiture
to state.

In addition to, and entirely independent and apart from, any other penalty provided, every person, firm, association or corporation who shall fail to pay the wages of each of his or its employees as in section 2 of this act provided, shall forfeit to the people of the state the sum of ten dollars for each such failure to pay each employee, to be recovered by the commissioner of the bureau of labor statistics in a civil action. Such action shall be brought in the name of "The people of the State of California" and the said commissioner is hereby delegated the authority to so proceed in the name of the people and his attorneys are hereby delegated the authority to act for and on behalf of the people in bringing such actions. All money recovered therein shall be forwarded to the state treasurer to become a part of the general fund of the state. When action to recover such penalties is brought, no court costs of any nature

shall be payable by the state or the said commissioner in connection with same and any sheriff or constable requested by the said commissioner to serve the summons in the said action upon any defendant within his jurisdiction, shall do so without cost to the said commissioner; *provided, however*, that he must specify, when he returns the summons, what costs he would ordinarily have been entitled to for such service, and such costs and the other regular court costs that would have accrued were the said action not an official action shall be made a part of any judgment recovered by the plaintiff and shall be paid out of the first money recovered on said judgment, before any money collected is sent to the state treasurer. Several causes of action for the said penalties may be united in the same action without being separately stated and a demand shall be necessary as a prerequisite to the bringing of any action for such penalties, the commissioner being hereby given full power on behalf of the state to accept and receipt for any penalties so paid, with or without suit.

CHAPTER 218.

An act to amend section one thousand six hundred seven of the Penal Code, relating to the removal of prisoners from the county jail by reason of sickness or accident or on account of fire.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1607 of the Penal Code is hereby amended to read as follows:

1607. When a county jail or building contiguous to it is on fire, and there is reason to apprehend that the prisoners may be injured or endangered, the sheriff or jailer must remove them to a safe and convenient place, and there confine them as long as it may be necessary to avoid the danger.

When it is made to appear to a judge of the superior court by affidavit of the sheriff or district attorney and oral testimony that a prisoner confined in the county jail requires medical treatment, which treatment cannot be furnished or supplied at said county jail, the court in its discretion may order the removal of such person or persons from said county jail to the county hospital in said county, provided if there is no county hospital in said county, then to any hospital designated by said court; and it shall be the duty of the sheriff to maintain the necessary guards for the safe keeping of such prisoner, the expense of which shall be a charge against the county.

Original
section
amended
Removal
in case
of fire.

Medical
treatment.

CHAPTER 219.

An act to add three new sections to the Political Code, to be numbered one thousand seven hundred eighty, one thousand six hundred twenty a, and one thousand five hundred forty-three c, providing for the cooperative purchase of standard school supplies and equipment by school districts.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

New section. SECTION 1. A new section is hereby added to the Political Code, to be numbered 1780, and to read as follows:

Purchase of supplies and equipment. 1780. The county board of education may, on or after the first day of February, 1927, and said board must, on or before the first day of February of each ensuing year establish rules and regulations whereby elementary school districts governed by school trustees shall purchase standard school supplies and equipment through the county superintendent of schools, or when so directed by him, through a county purchasing agent. The county board of education shall list as standard school supplies and equipment such supplies and equipment as can be advantageously purchased in quantity.

New section. SEC. 2. A new section is hereby added to the Political Code, to be numbered 1620a, and to read as follows:

Purchase of supplies and equipment. 1620a. First—Trustees of elementary school districts shall purchase standard school supplies and equipment in accordance with the general regulations of the county board of education established under the provisions of section one thousand seven hundred eighty of the Political Code.

Second—City boards of education and high school boards may if they so desire purchase standard school supplies and equipment as hereinbefore provided for the purchase of such supplies and equipment for elementary school districts governed by school trustees.

Third—School boards shall purchase all necessary additional school supplies and equipment in the manner provided by law.

New section. SEC. 3. A new section is hereby added to the Political Code, to be numbered 1543c, and to read as follows:

Purchase of supplies and equipment. 1543c. First—In accordance with the general rules and regulations prescribed by the county board of education under the provisions of section 1780 of the Political Code, the county superintendent of schools shall have power and it shall be his duty to provide for the purchase of all standard school supplies and equipment needed in the elementary districts of his county governed by boards of school trustees. It shall also be his duty, when so requested, to act as agent for the purchase of supplies for the city and high school districts of his county.

Second—The county superintendent is hereby authorized to arrange with a county purchasing agent for the purchase of standard school supplies and equipment in accordance with the regulations of the county board of education and said purchasing agent is hereby directed by law to act in such capacity when so authorized.

CHAPTER 220.

An act to amend sections one and three of an act entitled "An act providing for the free use of all public schoolhouses and property and to establish a civic center at each and every public schoolhouse in the State of California, and to provide for the maintenance, conduct and management of the same," approved June 6, 1913, relating to the establishment of a civic center at the public schoolhouses within the state and to the management, direction and control of said civic center.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1 of an act entitled "An act providing for the free use of all public schoolhouses and property and to establish a civic center at each and every public schoolhouse in the State of California and to provide for the maintenance, conduct and management of the same," approved June 6, 1913, is hereby amended to read as follows:

Stats 1913,
p 853,
amended.

Section 1. There is hereby established a civic center at each and every public schoolhouse within the State of California, where the citizens, parent teachers' association, camp fire girls, boy scout troops, clubs and associations formed for recreational, educational, political, economic, artistic and/or moral activities, of the respective public school districts within the said State of California may engage in supervised recreational activities and where they may meet and discuss, from time to time, as they may desire, any and all subjects and questions which in their judgment, may appertain to the educational, political, economic, artistic and moral interests of the citizens of the respective communities in which they may reside; *provided*, that such use of said public schoolhouse and grounds for said meetings shall in no wise interfere with such use and occupancy of said public schoolhouse and grounds, as is now, or hereafter may be required, for the purposes of said public schools of the State of California.

Public
schoolhouse
created
civic center.

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Stats. 1913,
p 854,
amended.

Sec. 3. The management, direction and control of said civic center shall be vested in the board of trustees or board of education of the school district. Said board of trustees or board of

Control of
civic center.

education shall make all needful rules and regulations for conducting said civic meetings and for such recreational activities as are provided for in section one of this act, and which shall aid, assist and lend encouragement to said activities; and said board of trustees or board of education may appoint a supervising officer who shall have charge of the grounds, preserve order, protect the school property and do all things necessary in the capacity of a peace officer to carry out the provisions and the intents and purposes of this act.

CHAPTER 221.

An act to repeal sections one, two, three, four, five, six, nine, fifteen, sixteen, eighteen and nineteen of an act entitled, "An act prescribing terms and conditions upon which corporations may transact business in this state and providing penalties and forfeitures for noncompliance," approved May 10, 1915, as amended.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

Stats 1917,
pp. 373,
374, 376,
379, 380
and Stats.
1923, pp.
1034, 1037,
repealed

SECTION 1. Sections 1, 2, 3, 4, 5, 6, 9, 15, 16, 18 and 19 of the act entitled, "An act prescribing terms and conditions upon which corporations may transact business in this state and providing penalties for noncompliance," approved May 10, 1915, as amended, are hereby repealed.

CHAPTER 222.

An act to add new sections to the Civil Code to be numbered four hundred five, four hundred six, four hundred eight, and four hundred nine, relating to foreign corporations.

[Approved by the Governor April 20, 1927. In effect July 29, 1927.]

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

New section.

SECTION 1. A new section is hereby added to the Civil Code to be numbered 406 and to read as follows:

Service of
process.

406. Every corporation other than those created by or under the laws of this state must, at the time of filing the certified copy of its articles of incorporation, file in the office of the secretary of state a designation of some person residing within the state and the place of business or residence of such person upon whom process issued by authority of or under any law of this state may be served. A copy of such designation, duly certified by the secretary of state, is sufficient evidence of such appointment. Such process may be served on

the person so designated, or, in the event that such person can not be found at the place designated or in the event that no such person is designated, then on the secretary of state, and the service is a valid service on such corporation.

SEC. 2. A new section is hereby added to the said code to be numbered 408 and to read as follows: New section.

408. Every corporation which complies with the provisions of sections 405 and 406 of this code is thereafter entitled to the benefit of the laws of this state limiting the time for the commencement of civil actions, but any corporation created by or under the laws of any foreign state or country that has not complied with said sections is not entitled to the benefit thereof, nor can any such foreign corporation maintain or defend any action or proceeding concerning its property in this state or any intrastate business or transaction, in any court of this state. In any action or proceeding instituted against any body styled as a corporation, but not created by nor under the laws of this state, evidence that such body has acted as a corporation, or employed methods usually employed by corporations, must be received by the court for the purpose of proving the existence of such corporation, the sufficiency of such evidence to be determined by the court with like effect as in other cases. Every corporation which has complied with the laws then in force, requiring it to make and file a designation of the person upon whom process against it may be served, need not make or file any further designation. Any designation heretofore or hereafter made may be revoked by the filing by the corporation with the secretary of state of a writing stating such revocation. Within forty days after the death or removal from the state of any person designated by the corporation, or after the revocation of the designation, the corporation must make a new designation, or be subject to the provisions and penalties of this section. Actions and defenses.

SEC. 3. A new section is hereby added to said code to be numbered 405 and to read as follows: New section

405. Every corporation organized under the laws of another state, territory, or of a foreign country, which is now doing intrastate business in this state, or is maintaining an office herein, for such purpose, and which has not filed with the secretary of state prior to the day on which this act takes effect the document or documents required by this section, or which shall hereafter do such business in this state or maintain an office herein, for such purpose, or which shall enter this state for the purpose of doing such business herein, must file in the office of the secretary of state of the State of California a certified copy of its articles of incorporation, or of its charter, or of the statute or statutes, or legislative, or executive, or governmental act or acts creating it, in cases where it has been created by charter, or statute, or legislative, or executive, or governmental act, duly certified by the secretary of state, or other officer authorized by the law of the jurisdiction under Documents to be filed with secretary of state.

which such corporation is formed to certify such copy, and a certified copy thereof, duly certified by the secretary of state of this state, in the office of the county clerk of the county where its principal place of business is located, and also where such corporation owns any real property.

Such corporation shall also file any amendment of or change in any of the provisions of its original articles of incorporation, or charter, or of the statute or legislative, executive or governmental act or acts creating it. Every such corporation shall pay to the secretary of state for filing in his office such certified copy of its articles of incorporation, or of its charter, or of the statute or statutes, or legislative, or executive, or governmental act or acts creating it, a fee of one hundred dollars; *provided*, that foreign corporations organized for educational, religious, scientific or charitable purposes and having no capital stock, and foreign nonprofit corporations shall pay a fee of five dollars for filing the document or documents hereinabove required.

Fee.

SEC. 4. A new section is hereby added to said code to be numbered 409 and to read as follows:

New section
Failure
to file
required
documents

409. Every corporation organized under the laws of another state or territory, or of a foreign country, which shall neglect or fail to comply with the conditions of section 405 of this code, shall be subject to a fine of not less than five hundred dollars, to be recovered in any court of competent jurisdiction; and it is hereby made the duty of the secretary of state, as he may be advised that corporations are doing business in contravention of section 405 of this code, to report the fact to the attorney general of the state who shall, as soon as practicable, institute proceedings to recover the fine provided for in this section, and the amount so recovered must be paid into the state treasury to the credit of the general fund of the state. In addition to the penalty herein provided every contract made by or on behalf of any such foreign corporation affecting the personal liability thereof or relating to property within the state shall be held void on its behalf and on behalf of its assigns, but shall be enforceable against it or them. Any such corporation which, prior to the eighth day of March, 1901, shall have complied with the provisions of the act entitled "An act to amend 'An act in relation to foreign corporations,' approved April 1, 1872," approved March 17, 1899, is exempted from the provisions of this section and section 405 of this code.

CHAPTER 223.

An act to amend sections three thousand six hundred twenty-seven, three thousand six hundred twenty-seven a, three thousand six hundred twenty-eight, three thousand six hundred fifty of the Political Code, and to add thereto a new

section to be numbered three thousand six hundred twenty-seven b, all relating to revenue and taxation.

[Approved by the Governor April 20, 1927. In effect immediately.]

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

SECTION 1. Section 3627 of the Political Code is hereby amended to read as follows: Stats. 1925, p. 12, amended. Value for taxation

3627. All taxable property must be assessed at its full cash value. In determining the full cash value of shares of capital stock there shall be deducted the value of the property in California of the corporation by which such shares of capital stock are issued. Land and improvements thereon shall be separately assessed. Cultivated and uncultivated land, of the same quality, and similarly situated, shall be assessed at the same value.

SEC. 2. Section 3627a of the Political Code is hereby amended to read as follows: Stats 1925, p 13, amended Assessment of securities.

3627a. Each county or city and county shall tax notes, debentures, shares of capital stock, bonds, solvent credits and mortgages or deeds of trust, which are taxable to the owner thereof under the provisions of the laws of the state, at a rate of one and forty-five hundredths per centum of the full cash value thereof; *provided*, that the taxpayer shall have included such property in the annual statement under oath made and delivered to the assessor as required by law; *provided*, that in the event of failure or refusal to file such annual statement such property shall be assessed at double its full cash value. The taxes so collected shall be deposited in the general fund of the county or city and county in which such property is taxed.

SEC. 3. Section 3628 of the Political Code is hereby amended to read as follows: Stats 1925, p. 13, amended. Where and how assessed

3628. Except as otherwise provided in the constitution of this state, all taxable property shall be assessed in the county, city, county and township, or district in which it is situated. Land shall be assessed in parcels, or subdivisions, not exceeding six hundred forty acres each; and tracts of land containing more than six hundred forty acres, which have been sectionized by the United States government, shall be assessed by sections or fractions of sections. Land sold by the state for which no patent has been issued, shall be assessed the same as other land, but the owner shall be entitled to a deduction from such assessed valuation in the amount due the state as principal upon the purchase price. The assessor must, between the first Mondays in March and July of each year, ascertain the names of all taxable inhabitants, and all the property in his county subject to taxation, except such as is required to be assessed by the state board of equalization and must assess such property to the persons by whom it was owned or claimed, or in whose possession or control it was,

at twelve o'clock meridian of the first Monday in March next preceding; but no mistake in the name of the owner or supposed owner of real property shall render the assessment thereof invalid. In assessing solvent credits, not secured by mortgage, deed of trust, contract or other obligation, where land situated within this state is pledged as security therefor, a deduction from the assessed value shall be made of such debts, unsecured by mortgage, deed of trust, contract or other obligation, where land situated within this state is pledged as security therefor, as may be owing by such person, firm, corporation or association to bona fide residents of this state.

SEC. 4. Section 3650 of the Political Code is hereby amended to read as follows:

Stats 1925,
p. 15,
amended.
Assessment
book: what
to show.

3650. The assessor must prepare an assessment book, with appropriate headings as directed by the state board of equalization, in which must be listed all property within the county, and which shall show under the appropriate head:

1. The name and post office address, if known, of the person to whom the property is assessed.

2. Land, by township, range, section, or fractional section; and when such land is not a congressional division or subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres, not exceeding in any tract six hundred forty acres, locality, and the improvements thereon. When any tract of land is situated in two or more school, road, or other revenue districts of the county, the part in each such district must be separately assessed. The improvements to be assessed against the particular section, tract, or lot of land upon which they are located; city and town lots, naming the city or town, and the number of the lot and block, according to the system of numbering in such city or town, and the improvements thereon.

3. All property within the limits of an incorporated city or town shall be assessed in an assessment book separate and distinct from the assessment book containing the assessment of property situate outside the limits of such incorporated city or town; or, if but one assessment book is used, then in a separate and distinct part of such book; *provided*, that all property assessed shall be arranged on the assessment book by elementary school districts, as such districts are legally formed and exist on the first Monday in March of each year; *provided, further*, that where any school district embraces property situate both within and without the limits of an incorporated city or town, such property shall be assessed and kept separate and distinct on the assessment book.

4. All personal property, showing the number, kind, amount, and quality; but a failure to enumerate in detail such personal property does not invalidate the assessment.

5. The cash value of real estate.

6. The cash value of improvements on such real estate.

7. The cash value of improvements on real estate assessed to persons other than the owners of the real estate.

8. The cash value of all personal property, exclusive of money.

9. The amount of money.

10. Taxable improvements owned by any person, firm, association, or corporation, located upon land exempt from taxation, shall, as to the manner of assessment, be assessed as other real estate upon the assessment book. No value shall, however, be assessed against the exempt land, nor under any circumstances shall the land be charged with or become responsible for the assessment made against any taxable improvements located thereon.

11. The school, road, and other revenue districts in which each piece of property assessed is situated.

12. The total value of all property.

13. In entering assessments containing solvent credits subject to deductions, as provided in section 3628 of this code, he must enter in the proper column the value of the debts entitled to exemption and deduct the same. In making the deductions from the total value of property assessed, as above directed, he must enter the remainder in the column provided for the total value of all property for taxation.

14. Such other things as the state board of equalization may require.

SEC. 5. A new section is hereby added to the Political Code, to be numbered 3627*b*, and to read as follows: New section.

3627*b*. The term "solvent credit" as used in section 3627*a* of this code shall not include contracts for the sale of personal property subject to taxation under the laws of this state while the title to said personal property is vested in the vendor. "Solvent credit" defined.

SEC. 6. In the event that it shall be hereafter finally determined by the courts that it is not legal to tax solvent credits in the manner provided in section 3627*a* of the Political Code while excluding from such tax the contracts described in section 3627*b* of said code, then and in that event such contracts shall be taxed as solvent credits in the manner provided in said section 3627*a*. Alternative method

SEC. 7. This act inasmuch as it provides for the assessment and levy of taxes shall, under the provisions of section 1 of article IV of the constitution, take effect immediately. Urgency measure.

CHAPTER 224.

An act to amend section three thousand six hundred sixty-four d of the Political Code, relating to assessment and taxation of franchises.

[Approved by the Governor April 20, 1927. In effect immediately.]

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

SECTION 1. Section 3664*d* of the Political Code is hereby amended to read as follows:

Franchise
tax.

3664*d*. All franchises, other than those of the companies mentioned in sections 3664*a*, 3664*b*, and 3664*c* of this code, shall be assessed at their actual cash value, after making due deduction for good will, in the manner hereinafter provided, and shall be taxed at the rate of one and eight-tenths per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the state. These franchises shall include the actual exercise of the right to be a corporation and to do business as a corporation under the laws of this state and the actual exercise of the right to do business as a corporation in this state when such right is exercised by a corporation incorporated under the laws of any other state or country, also the right, authority, privilege, or permission to maintain wharves, ferries, toll roads, and toll bridges, and to construct, maintain or operate, in, under, above, upon, through or along any streets, highways, public places, or waters, any mains, pipes, canals, ditches, tanks, conduits or other means for conducting water, oil, or other substances.

In the event that it shall be hereafter finally determined by the courts that said franchises can not be taxed at the rate of one and eight-tenths per centum in the levying of the tax thereon which becomes a lien as of the first Monday in March, 1927, then the rate for the purpose of levying upon said franchises the tax, which becomes a lien as of the first Monday in March, 1927, shall be and is hereby fixed at one and six-tenths per centum.

Procedure in
determining
tax levy.

SEC. 2. This tax levy, and the rate of taxation herein and hereby determined, made, fixed and established to be paid by the persons, firms, companies and corporations specified, described or included in subdivision *d* of section 14 of article XIII of the constitution, are and have been determined, made, fixed and established after a full, complete, open and public investigation and hearing by and before this Legislature upon and respecting the value of each and all of the franchises included within or enumerated in subdivision *d* of section 14 of article XIII of the constitution, and of all other and different property subject to taxation of any kind within the State of California, of which investigation and hearing every and all persons, firms, companies and corporations concerned therein or affected thereby had due notice; and at

which investigation and hearing the Legislature took oral and written evidence and at which hearing every and all persons, firms, companies and corporations concerned therein or affected thereby and who desired so to do, were given an opportunity to and did appear and were heard and introduced evidence before this Legislature respecting and showing the value of said franchises and also respecting and showing the value of all other and different property subject to taxation of any kind within the State of California, and after the due consideration of all of said evidence by this Legislature and its ascertainment and determination therefrom and thereon of the value of said and all of said hereinbefore mentioned franchises; and the rate of taxation herein and hereby determined, fixed and established has been and is determined, fixed and established and has been and is based, upon the value of each, all and every of the franchises included within or enumerated in said subdivision *d* of section 14 of article XIII of the constitution as ascertained and determined as aforesaid by this Legislature and constitutes and is the rate of taxation ascertained and determined by this Legislature which when applied in the manner provided and required by law, does and will levy a tax upon said franchises in proportion to the value of the same and in proportion to the value of every and all other and different property subject to taxation of any kind within the State of California as ascertained and determined as aforesaid by this Legislature.

SEC. 3. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the act. The Legislature hereby declares that it would have passed this act, and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality.

SEC. 4. This act, inasmuch as it provides for a tax levy, shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

Urgency measure.

CHAPTER 225.

An act to amend sections one thousand two hundred eighty-one, one thousand two hundred eighty-two, one thousand two hundred eighty-three, one thousand two hundred eighty-four, one thousand two hundred eighty-five, one thousand two hundred eighty-six, one thousand two hundred eighty-seven, one thousand two hundred eighty-eight, one thousand two hundred eighty-nine, and one thousand two hundred ninety of the Code of Civil Procedure, and to add four new sections to said code to be numbered one thousand two hundred eighty, one thousand two hundred ninety-one, one

thousand two hundred ninety-two, and one thousand two hundred ninety-three, relating to arbitration and awards.

[Approved by the Governor April 22, 1927. In effect July 29, 1927.]

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

New section. SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 1280, and to read as follows:

Validity of arbitration agreements

1280. A provision in a written contract to settle by arbitration a controversy thereafter arising out of the contract or the refusal to perform the whole or any part thereof, or an agreement in writing to submit an existing controversy to arbitration pursuant to section 2 hereof, shall be valid, enforceable and irrevocable, save upon such grounds as exists at law or in equity for the revocation of any contract; *provided, however,* the provisions of this act shall not apply to contracts pertaining to labor.

Original section amended

SEC. 2. Section 1281 of the Code of Civil Procedure is hereby amended to read as follows:

What may be arbitrated

1281. Two or more persons may submit in writing to arbitration any controversy existing between them at the time of the agreement to submit, which arises out of a contract or the refusal to perform the whole or any part thereof or the violation of any other obligation. They may also so agree that a judgment of a court of record, specified in writing, shall be rendered upon the award, made pursuant to the submission. If the court is thus specified they may also specify the county in which the judgment shall be entered. If the writing does not specify, the judgment may be entered in the superior court of the county or city and county in which said arbitration was had.

Judgment thereon.

Original section amended.

SEC. 3. Section 1282 of the Code of Civil Procedure is hereby amended to read as follows:

Preliminary procedure.

1282. A party aggrieved by the failure, neglect or refusal of another to perform under an agreement in writing providing for arbitration may petition any superior court of the county or city and county where either party resides, for an order directing that such arbitration proceed in the manner provided for in such agreement. Five days' notice in writing of the hearing of such application shall be served personally upon the party in default. The court shall hear the parties, and upon being satisfied that the making of the agreement or such failure to comply therewith is not in issue, shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement. If the making of the agreement or the default be in issue an order shall be made directing a summary trial thereof. Where such an issue is raised, the party alleged to be in default, may, on or before the return day of the notice of application, demand a jury trial of such issue, and if such demand be made, said court

shall make an order referring the issue or issues to a jury called and impaneled in the manner provided for the trial of actions at law. If no jury trial be demanded said court shall hear and determine such issue. If the finding be that no agreement in writing providing for arbitration was made, or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the finding be that a written provision for arbitration was made and there is a default in proceeding thereunder, an order shall be made summarily directing the parties to proceed with the arbitration in accordance with the terms thereof.

SEC. 4. Section 1283 of the Code of Civil Procedure is hereby amended to read as follows:

Stats. 1880,
p. 74,
amended
Appointment
of
arbitrators

1283. If, in the agreement, provision be made for a method of naming or appointing an arbitrator or arbitrators or an umpire, such method shall be followed, but if no method be provided therein, or if a method be provided and any party thereto shall fail to avail himself of such method, or for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or umpire, or in filling a vacancy, or in the failure or refusal of any arbitrator or arbitrators or umpire to attend or fulfill his or their duties, then, upon application by either party to the controversy, the court mentioned in section 1282 of this code shall designate and appoint an arbitrator or arbitrators, or umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and unless otherwise provided, the arbitration shall be by a single arbitrator.

SEC. 5. Section 1284 of the Code of Civil Procedure is hereby amended to read as follows:

Original
section
amended.
Stay of
civil action.

1284. If any suit or proceeding be brought upon any issue arising out of an agreement providing for the arbitration thereof, the court in which such suit or proceeding is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration, shall stay the action until an arbitration has been had in accordance with the terms of the agreement; *provided*, that the applicant for the stay is not in default in proceeding with such arbitration.

SEC. 6. Section 1285 of the Code of Civil Procedure is hereby amended to read as follows:

Original
section
amended.
Summary
hearing by
court.

1285. Any application made under the authority of this act shall be heard in a summary way in the manner provided by law for the making and hearing of motions, except as otherwise herein expressly provided.

SEC. 7. Section 1286 of the Code of Civil Procedure is hereby amended to read as follows:

Original
section
amended
Hearing by
arbitrators

1286. When more than one arbitrator is agreed to, all the arbitrators shall sit at the hearing of the case, unless, by consent in writing, all parties shall agree to proceed with the hearing with a less number. Except in contracts that fall within the scope of the United States arbitration act of 1925,

any arbitration had under authority of an arbitration clause in any contract, shall be held within the State of California, unless all parties to such contract, after the controversy arises, agree in writing that the arbitration be held elsewhere. The arbitrator or arbitrators so sitting may require any person to attend before him or them as a witness and in a proper case to bring with him any book or written instrument. The fees for such attendance shall be the same as the fees of witnesses in other actions at law. Subpenas shall issue in the name of the arbitrator or arbitrators, or a majority of them, and shall be signed by the arbitrator or arbitrators, or a majority of them, and shall be directed to the said person and shall be served in the same manner as subpenas to testify before a court of record of this state; if any person or persons so summoned to testify shall refuse or neglect to obey said subpoena upon petition the superior court of the county or city and county in which said arbitrators are sitting as aforesaid may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner now provided for the attendance of witnesses or the punishment of them in the courts of this state. The arbitrators shall have power to approve the taking of depositions, to appoint a time and place for hearing, to adjourn from time to time, to administer oaths to witnesses, to hear the allegations and evidence of the parties, and to make an award thereon. Upon petition approved by the arbitrators or by a majority of them, the superior court of the county or city and county in which said arbitrators are sitting, may direct the taking of depositions to be used as evidence before the arbitrators, in the same manner and for the same reasons as provided by law for the taking of depositions in suits or proceedings pending in said superior court.

Original
section
amended.
Confirmation
of award.

SEC. 8. Section 1287 of the Code of Civil Procedure is hereby amended to read as follows:

1287. At any time within three months after the award is made, unless the parties shall extend said time in writing, which award must be in writing and acknowledged or proved in like manner as a deed for the conveyance of real estate, and delivered to one of the parties or his attorney, any party to the arbitration may apply to the superior court of the county or city and county in which said arbitration was had for an order confirming the award; and thereupon said court must grant such an order unless the award is vacated, modified or corrected, as prescribed in the next two sections. Notice in writing of the motion must be served upon the adverse party or his attorney five days before the hearing thereof.

Original
section
amended.
Vacation of
award.

SEC. 9. Section 1288 of the Code of Civil Procedure is hereby amended to read as follows:

1288. In either of the following cases the superior court of the county or city and county in which said arbitration was

had must make an order vacating the award, upon the application of any party to the arbitration:

(a) Where the award was procured by corruption, fraud or undue means.

(b) Where there was corruption in the arbitrators, or either of them.

(c) Where the arbitrators were guilty of misconduct, in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence, pertinent and material to the controversy; or of any other misbehaviors, by which the rights of any party have been prejudiced.

(d) Where the arbitrators exceeded their powers, or so imperfectly executed them, that a mutual, final and definite award, upon the subject matter submitted, was not made.

Where an award is vacated and the time, within which the agreement required the award to be made, has not expired, the court may, in its discretion, direct a rehearing by the arbitrators.

SEC. 10. Section 1289 of the Code of Civil Prodecure is hereby amended to read as follows:

Original
section
amended

1289. In either of the following cases the superior court of the county or city and county in which said arbitration was had must make an order modifying or correcting the award, upon the application of any party to the arbitration:

Modification
or correction
of award.

(a) Where there was an evident miscalculation of figures, or an evident mistake in the description of any person, thing or property, referred to in the award.

(b) Where the arbitrators have awarded upon a matter not submitted to them, unless it is a matter not affecting the merits of the decision upon the matters submitted.

(c) Where the award is imperfect in a matter of form, not affecting the merits of the controversy.

The order must modify and correct the award, so as to effect the intent thereof, and promote justice between the parties.

SEC. 11. Section 1290 of the Code of Civil Procedure is hereby amended to read as follows:

Original
section
amended.

1290. Notice of a motion to vacate, modify or correct an award must be served upon the adverse party, or his attorney, within three months after award is filed or delivered as prescribed by law for service of notice of a motion in an action. For the purposes of the motion any judge who might make an order to stay the proceedings, in an action brought in the same court, may make an order to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award.

Motion to
vacate,
modify or
correct.

SEC. 12. A new section to be numbered 1291 is hereby added to the Code of Civil Procedure, and to read as follows:

New section

1291. Upon the granting of an order confirming, modifying or correcting an award, judgment may be entered in conformity therewith in the court wherein said application was filed.

Judgment.

The party applying for an order confirming, modifying, or correcting an award shall attach to such application copies of the following papers, to wit: the agreement; the selection or appointment of the arbitrator or arbitrators and the umpire, if any; the selection or appointment, if any, of any additional arbitrator or umpire; each written extension of the time, if any, within which to make the award; and the award.

The judgment when rendered by the court shall be docketed as if it were rendered in an action.

New section.

SEC. 13. A new section is hereby added to the Code of Civil Procedure, to be numbered 1292 and to read as follows:

Force and effect of judgment.

1292. The judgment so entered has the same force and effect, in all respects, as, and is subject to all the provisions of law relating to, a judgment in an action; and it may be enforced, as if it had been rendered in an action in the court in which it is entered.

New section.

SEC. 14. A new section is hereby added to the Code of Civil Procedure, to be numbered 1293 and to read as follows:

Appeals.

1293. An appeal may be taken from an order confirming, modifying, correcting or vacating an award, or from a judgment entered upon an award, as from an order or judgment in an action.

CHAPTER 226.

An act to amend section one of an act entitled "An act to prevent the importation into the State of California of horses, mules, dairy cattle, breeding bulls, goats, breeding bucks and sheep, which are affected with communicable diseases, providing for the inspection or certification of such animals before being brought into the State of California, exempting certain animals from such inspection or certification, providing penalties for violating any of the provisions of this act, and repealing an act approved June 4, 1913, entitled "An act to prevent the importation into the State of California of horses, mules, asses, or cattle which are affected with any infectious or contagious disease; to provide for the inspection of such animals before they are brought into the state; to repeal an act entitled 'An act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California,' approved March 7, 1911; to repeal an act entitled 'An act to prevent the importation of horses, mules and asses, affected with glanders into the State of California,' approved March 7, 1911;" and repealing an act entitled "An act to prevent the importation into the State of California of horses, mules, dairy cattle and breeding bulls which are affected with communicable diseases, providing for the inspection or certification of such animals before being brought into the State of California, exempting certain animals from such inspection

or certification, providing penalties for violating any of the provisions of this act, and repealing an act approved June 4, 1913, entitled 'An act to prevent the importation into the State of California of horses, mules, asses, or cattle which are affected with any infectious or contagious disease; to provide for the inspection of such animals before they are brought into the state; to repeal an act entitled "An act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California," approved March 7, 1911; to repeal an act entitled "An act to prevent the importation of horses, mules and asses affected with glanders into the State of California," approved March 7, 1911," approved April 12, 1915, as amended, relating to health certificate and fee therefor.

[Approved by the Governor April 22, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1 of the act entitled "An act to prevent the importation into the State of California of horses, mules, dairy cattle, breeding bulls, goats, breeding bucks and sheep, which are affected with communicable diseases, providing for the inspection or certification of such animals before being brought into the State of California, exempting certain animals from such inspection or certification, providing penalties for violating any of the provisions of this act, and repealing an act approved June 4, 1913, entitled "An act to prevent the importation into the State of California of horses, mules, asses, or cattle which are affected with any infectious or contagious disease; to provide for the inspection of such animals before they are brought into the state; to repeal an act entitled 'An act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California,' approved March 7, 1911; to repeal an act entitled 'An act to prevent the importation of horses, mules and asses, affected with glanders into the State of California,' approved March 7, 1911; and repealing an act entitled "An act to prevent the importation into the State of California of horses, mules, dairy cattle and breeding bulls which are affected with communicable diseases, providing for the inspection or certification of such animals before being brought into the State of California, exempting certain animals from such inspection or certification, providing penalties for violating any of the provisions of this act, and repealing an act approved June 4, 1913, entitled 'An act to prevent the importation into the State of California of horses, mules, asses, or cattle which are affected with any infectious or contagious disease; to provide for the inspection of such animals before they are brought into the state; to repeal an act entitled "An act to prevent the importation of neat cattle for dairy or breeding

Stats. 1921,
p. 1289,
amended.

purposes affected with tuberculosis into the State of California," approved March 7, 1911; to repeal an act entitled "An act to prevent the importation of horses, mules and asses affected with glanders into the State of California," approved March 7, 1911;" approved April 12, 1915, as amended, is hereby amended to read as follows:

Incorporation
of live stock.

Section 1. It shall be unlawful for any person, firm, company or corporation, their agents and servants, to bring into the State of California any horses, mules, dairy cattle, breeding bulls, goats, bucks or sheep except as hereinafter provided.

(a) Dairy cattle and breeding bulls must be accompanied by a certificate of health and tuberculin test record signed by a qualified veterinarian showing that each of said animals is free from tuberculosis and other communicable diseases, and copy of such certificate and tuberculin test record shall be mailed to the department of agriculture of the State of California on the day the shipment of said animal starts from its origin.

(b) In lieu of such certificate of health and tuberculin test record, as provided for in subdivision (a) of this section, said dairy cattle and breeding bulls may be brought into the State of California; *provided*, said animals are accompanied by a signed statement issued by the official in charge of live stock sanitary work in the state from which such animals are transported, stating that the animals in the shipment originated in herds which are free from tuberculosis and are not affected with any communicable disease; and a copy of said statement shall be mailed to the department of agriculture of the State of California on the day of shipment.

(c) Horses and mules must be accompanied by a certificate of health signed by a qualified veterinarian, stating that each animal in the shipment is free from communicable diseases, and a copy of said certificate shall be mailed to the department of agriculture of the State of California on the day of shipment.

(d) In lieu of the certificate provided for in subdivision (c) of this section, horses and mules may be brought into the State of California; *provided*, said animals are accompanied by a signed statement issued by the official in charge of live stock sanitary work in the state from which said animals are transported, stating that each animal in the shipment is free from communicable diseases, and has not recently been exposed to any communicable diseases, and a copy of said statement shall be mailed to the department of agriculture of the State of California on the day of shipment.

(e) Any person or persons desiring to ship buck sheep into the State of California shall notify the department of agriculture of the State of California by registered mail before said importation shall be made. Said notice shall give the names and addresses of consignor and consignee, the number of animals shipped, and the origin and destination of the

shipment. If said bucks are not shipped in crates or in railroad cars which have been cleaned and disinfected prior to loading, or if they have been unloaded in corrals while enroute to destination, they may be dipped one or more times by a duly authorized agent of the department of agriculture of the State of California.

(f) Any person or persons desiring to import sheep or goats into the State of California, except sheep or goats for immediate slaughter, shall notify the department of agriculture of the State of California by registered mail before said importation shall be made, which notice shall include the name and address of the consignor and consignee, the owner of said sheep or goats, the place of entrance into the state, and such description of the destination as will enable a duly authorized agent of the said department of agriculture to readily locate said sheep or goats upon their arrival.

CHAPTER 227.

An act to amend an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of this act," approved March 24, 1903, as amended, relating to the disability of children.

[Approved by the Governor April 22, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1 of an act entitled "An act to enforce the educational rights of children and providing penalties for the violation of this act," approved March 24, 1903, as amended, is hereby amended to read as follows:

Section 1. Each parent, guardian or other person having control or charge of any child between the ages of eight and sixteen years, not exempted under the provisions of this act, shall be required to send such child to a public full-time day school for the full time for which the public schools of the city, city and county or school district in which the child resides shall be in session; and any parent, guardian or other person having control or charge of any minor between the ages of eight and sixteen years who removes such minor from any city, city and county, or school district before the completion of the then current school term, shall enroll such minor in a public full-time day school of the city, city and county, or school district to which such minor is removed; *provided*, that the following classes of children shall be exempted by the proper school authorities from the requirements of attendance upon a public full-time day school:

(1) Children whose physical or mental condition is such as to prevent or render inadvisable attendance at school or application to study; *provided*, that the governing board of the

Stats. 1921,
p. 1674,
amended.

Compulsory
school
attendance.

Physical or
mental
disability.

school district may require satisfactory evidence of such condition to be furnished; *and provided, further*, that said governing board may, itself, exclude from attendance on regular school classes any child whose physical or mental disability is such as to cause such attendance to be inimical to the welfare of other pupils.

Distance
from school.

(2) Children residing more than two miles from the school house by the nearest traveled road; *provided*, that such children shall be exempted only upon the written approval of the superintendent of schools of the county; notice whereof shall be filed with the clerk of the board of trustees or board of education of the school district.

Instruction
in private
school.

(3) Children who are being instructed in a private full-time day school by persons capable of teaching; *provided*, that such school shall be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of this state; *and provided, further*, that the attendance of such pupils shall be kept by private school authorities in a register, such record of attendance to indicate clearly every absence of the pupil from school for a half day or more, during each day that school is maintained during the year.

Instruction
by private
tutor.

(4) Children who are being instructed, in study and recitation, for at least three hours a day for one hundred sixty days each calendar year by a private tutor or other person, in the several branches of study required to be taught in the public schools of this state, and in the English language; *provided*, that such tutor or other person shall be capable of teaching; *and provided, further*, that such instruction shall be offered between the hours of eight o'clock a.m. and four o'clock p.m.

Permits
to work.

(5) Children who hold permits to work granted under the provisions of this act; *provided*, that such children shall be subject to compulsory attendance upon part-time classes as provided for persons between sixteen and eighteen years of age under the provisions of an act entitled "An act to require certain high school districts to provide part-time educational opportunities in civic and vocational subjects for persons under eighteen years of age, who are not in attendance upon full-time day schools, and part-time educational opportunities in citizenship for persons under twenty-one years of age who can not adequately speak, read or write the English language; to enforce attendance upon such part-time classes where established, and providing penalties for violation of the provisions of this act," approved May 27, 1919.

CHAPTER 228.

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

[Approved by the Governor April 22, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 384 of the Penal Code is hereby amended to read as follows:

384. Any person who shall wilfully or negligently commit any of the acts hereinafter enumerated in this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars, or imprisonment in the county jail not more than six months, or by both such fine and imprisonment:

Stats. 1925,
p. 248,
amended.

Penalties for
setting fires
and creating
fire hazards.

1. Setting fire, or causing or procuring fire to be set to any forest, brush or other inflammable vegetation growing on lands not his own, without the permission of the owner of such land.

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

3. Burning brush, stumps, logs, fallen timber, fallows, slash, or grass, brush or forest covered land or any other inflammable material or blasting with dynamite, powder or other explosives, or setting off fireworks of any kind in forest, fallows, grass or brush covered land, either on his own land or the property of another, between May 15 and October 31 of any year, unless such burning is done under a written permit from the state forester or his duly authorized agent, and in strict accordance with the terms of the permit; *provided, however*, that no written permission shall be necessary to burn inflammable material in small heaps or piles, where the fire is set on a public road, in door yard premises, corrals, gardens, or plowed fields, at a distance not less than one hundred feet from any woodland, timber, or brush covered land or field containing dry grass or other inflammable material; *and provided, also*, that there shall be at least one adult person in actual attendance and in charge of such fire at all times during its burning.

4. Setting a backfire, or causing such backfire to be set, except under the direct supervision or permission of a state or federal forest officer, unless it can be established that the setting of such backfire was necessary for the purpose of saving life or valuable property.

5. Throwing or placing any lighted cigarette, cigar, ashes or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where such lighted

cigarette, cigar, match, ashes or other flaming or glowing substance, or other substance or thing, may directly or indirectly start a fire.

6. Throwing from a moving vehicle any lighted cigarette, cigar, ashes or other flaming or glowing substance, or any substance or thing which may cause a fire.

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

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

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

Use of steam
operated
engines in
woods.

10. Using or operating by any person, corporation or company between May fifteenth and October thirty-first of each year, any wood or coal burning steam operated donkey or stationary engine in any woods operation, located in any forest or brush covered land, without first clearing away all inflammable material, including snags, from an area of at least one hundred feet in radius about such engine, unless substitute fire prevention measures are adopted that meet with the approval of the state forester; *provided*, that loaders may be operated where inflammable material has been removed from an area of twenty-five feet radius from machine, and snags have been felled and tops of rotten wood covered with mineral earth within a radius of fifty feet from such loader.

Using or operating by any person, corporation or company between May fifteenth and October thirty-first of each year, any gas, steam or electrically driven donkey or stationary engine in any woods operation located in any forest or brush covered lands, without providing and maintaining at all times, for fire fighting purposes only, a suitable box containing sufficient tools to equip ten men for fire fighting, among which

tools there shall be not less than five shovels and two axes at each engine so operated. It is provided, however, that when two or more such engines are working within a distance of three hundred feet from each other, that only one such box equipped as above may be maintained.

Using or operating by any person, corporation or company between May fifteenth and October thirty-first of each year, any steam operated donkey, stationary engine, locomotive or loader without providing such engines with an adequate force pump or water under pressure equivalent to a pump, and not less than two hundred feet of hose, of not less than one inch in diameter; *provided, however*, that where two stationary or donkey engines customarily operate within one hundred feet of each other, that one engine only need be equipped with pump and hose.

It is provided that the requirements of this section shall not apply to logging operations in the redwoods (*sequoia sempervirens*) region.

11. Refusing or failing to render assistance in combating a forest fire at the summons of the state forester, deputy state forester, assistant state forester, or any state forest inspector, state ranger, or state fire warden, unless prevented from so doing by sickness or other physical disability.

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

13. The provisions of this act shall not apply to the cus- Exceptions.
tomary use of fire and powder in logging operations in the redwood region (*sequoia sempervirens*) nor to the setting of fire on lands within any municipal corporation of the state.

CHAPTER 229.

An act to amend the title and sections five and seventeen of an act entitled "An act authorizing the creation, government and maintenance of county sanitation districts, the issuance of bonds by such districts and the powers thereof," approved May 29, 1923, as amended, and to add thereto three new sections to be numbered four and one-half, five and one-half and twenty-three and one-half, relating to the annexation by county sanitation districts of contiguous territory, the compensation of directors of such districts, and the dissolution of such districts.

[Approved by the Governor April 22, 1927. In effect July 29, 1927.]

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

SECTION 1. The title of an act entitled "An act authorizing the creation, government and maintenance of county sanitation districts, the issuance of bonds by such districts and

Stats. 1923,
p. 498,
amended.

the powers thereof," approved May 29, 1923, is hereby amended to read as follows:

Title.

An act authorizing the creation, government, maintenance and dissolution of county sanitation districts, the annexation of contiguous territory to such districts, the issuance of bonds by such districts and the powers thereof.

Stats. 1925,
p. 4,
amended.
Board of
directors.

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

Sec. 5. Such sanitation district shall be governed by a board of directors of not less than three members. The presiding officer of the governing body of each incorporated city, the whole or part of which is included in such district, shall automatically become a member of such board of directors. If unincorporated territory and but one incorporated city or part thereof be included in such district, the presiding officer, and one other member, of the board of supervisors of the county in which said district is organized shall be members of the board of directors, unless the population of such city or part thereof exceed that of the unincorporated territory included within such district, in which event the presiding officer of such board of supervisors and the presiding officer of the governing body of such city and one other member of such governing body shall constitute such board of directors; but whenever unincorporated territory and two or more cities or parts thereof are included in such district the presiding officer of the board of supervisors of the county in which such district is located shall be a member of such board of directors. In the event such district contains no unincorporated territory, the board of directors thereof shall consist of the presiding officers of the governing bodies of the cities wholly or in part within said district; and in event there be but two cities or parts thereof in such district, one additional member shall be selected from the governing body of each such city. In the event the whole of such district shall be unincorporated territory, the board of supervisors of the county in which the district is organized shall be and constitute such board of directors.

Whenever additional territory becomes annexed to such sanitation district under the provisions of section 4½ of this act as well as whenever any change takes place in the character of the territory within any sanitation district by the incorporation of a municipality therein or otherwise resulting in a condition which makes it necessary for a change to be made in the membership of the board of directors as hereinbefore specified, then and thereupon such change in the membership of the board of directors shall take place and become effective immediately thereafter.

The county auditor of the county in which such district is located shall be and is hereby designated as, and empowered to act as, ex officio the auditor of the district. In governing

the district such board of directors shall have the following Powers.
powers:

(a) To employ such sanitation experts, surveyors, counsel and other persons as may be needed to carry into effect any of the powers hereinafter given.

(b) To acquire by gift, purchase, condemnation or otherwise, in the name of the district, and to own, control, manage and dispose of any real or personal property or interest therein necessary or convenient for the construction and maintenance of, and to construct and maintain within or without the district a sewerage system and sewage disposal or treatment plant; *provided, however*, that no such sewage disposal or treatment plant shall be constructed or maintained in any city not within the district, except by consent granted by the unanimous vote of the governing body of such city.

(c) To issue bonds of the district in the manner hereinafter set forth.

(d) To cause to be levied and collected in the manner hereinafter provided an assessment upon all the taxable real property within the district sufficient to meet the obligations evidenced by the bonds and to maintain the works of the district, and to defray all other expenses incidental to the exercise of the powers herein granted.

SEC. 3. Section 17 of said act is hereby amended to read as follows:

Sec. 17. It is not the intention of this act that other than main trunk lines of the sewerage system of the district shall be constructed from the proceeds of the sale of bonds of the entire sanitation district as herein authorized, but that the lateral and collecting lines shall be constructed and paid for by the county, cities, or other governmental agencies or districts which may by law be authorized to construct such lateral and connecting lines and provide for the payment thereof. The determination by the board of directors of what are main trunk lines within the meaning of this act shall be final and conclusive.

Connection of lateral or collecting lines to the main trunk line shall be made at points and in the manner to be directed by the engineer of the district under instructions from the board of directors, subject to such terms and conditions as the board of directors may prescribe.

SEC. 4. A new section, to be numbered 4½, is hereby added to said act to read as follows:

Sec. 4½. At any time after the formation of a county sanitation district in the manner hereinabove provided, territory contiguous to said district, whether incorporated or unincorporated, not included in any other county sanitation district or other district formed for similar purposes, may be annexed thereto; *provided*, that the board of supervisors shall first find and determine that said territory contiguous to such district will be benefitted by such annexation. For the purpose of annexing contiguous territory to any sanitation district

Stats. 1923,
p. 505,
amended.

Laterals and
collecting
lines.

Stats. 1923,
p. 500,
amended

Annexation
of contiguous
territory.

the board of supervisors shall proceed in the same manner and under the same provisions hereinabove provided for the formation of a sanitation district in the first instance; *provided*, that wherever it is required to set forth the boundaries of the proposed district there shall instead be set forth the boundaries of the territory annexed or proposed to be annexed and wherever protests are called for or authorized or an election is to be held, the provisions relating thereto shall refer only to the territory annexed or proposed to be annexed; *and provided, further*, that before proceedings are commenced by the board of supervisors of the county in which such district is situated for the purpose of annexing any such territory contiguous thereto, a petition signed by twenty or more property owners or by the owners of more than half of the land within such contiguous territory, shall be filed with the board of supervisors of said county, which petition shall clearly define the boundaries of the area thus proposed to be annexed; *and provided, further*, that the board of directors of said district shall first, by resolution duly adopted, find and declare that such sanitation district will be benefited by the annexation thereto of such contiguous territory and consent to the annexation of said contiguous territory. Whenever any such contiguous territory shall be so annexed to any county sanitation district it shall thereupon become a part of said district and shall be subject to all the liabilities and entitled to all the benefits of the sanitation district.

Stats 1923,
p 501,
amended.
Compensation
of directors.

SEC. 5. A new section to be numbered section 5½ is hereby added to said act, to read as follows:

Sec. 5½. Each director of such sanitation district shall receive as compensation for his services as such director ten dollars for each meeting of the board of directors attended by him, together with expenses necessarily incurred by him in traveling between his place of residence and the place of meeting; *provided, however*, that no director shall receive compensation for attending more than three meetings of the board during any calendar month.

Stats 1923,
p 506,
amended
Dissolution
of district

SEC. 6. A new section, to be numbered section 23½, is hereby added to said act, to read as follows:

Sec. 23½. Any county sanitation district organized under the provisions of this act, having no bonded indebtedness, may be dissolved upon the vote of a majority of the qualified electors thereof upon an election called by the board of directors upon the question of dissolution; *provided, however*, that all legal indebtedness of the district shall first have been paid and discharged. The election on the question of dissolution shall be called and conducted in the same manner as other elections of the district and the board of directors shall canvass the returns of said election within thirty days after said election is held. If a majority of the votes cast at said election are in favor of the dissolution of said district then the board of directors shall by resolution so find and declare the

district dissolved, and thereupon said district shall be dissolved. A certified copy of said resolution shall, within fifteen days after its adoption, be filed with the clerk of the board of supervisors of the county in which such district is situated.

Upon the dissolution of any county sanitation district the property of the district lying within the corporate limits of any city shall vest absolutely in such incorporated city, and the property of the district lying without the corporate limits of any incorporated city shall vest absolutely in the county in which said district is situated. Property.

If after the dissolution of such district it is found that through oversight or error there remains a legal indebtedness of the district which has not been paid, then it is hereby made obligatory upon the board of supervisors of the county to levy a tax upon the taxable real property within the boundaries of said district as it existed at the time of such dissolution, clearly sufficient to meet such indebtedness and interest thereon, if any there be, and to pay the same. Any funds belonging to the district at the time of such dissolution shall be transferred to the incorporated city or cities and the county, as the case may be, in proportion to the assessed valuation of the taxable real property within the city or county respectively, as the same appears on the equalized assessment roll of the county at the time of such dissolution. Debits and funds.

CHAPTER 230.

An act to amend section two thousand six hundred fifty-six of the Political Code, relating to the division of district funds, upon the incorporation of municipalities, or annexation to municipalities.

[Approved by the Governor April 22, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2656 of the Political Code is hereby amended to read as follows:

2656. Whenever any territory is hereafter included in any city or incorporated town, or city and county, either at the original incorporation of such city, incorporated town, or city and county, or by annexation thereto subsequently, and such territory shall have constituted a road district or part of a road district, it shall be the duty of the county surveyor to indicate on the map books of the assessor the property annexed. The assessor thereupon shall ascertain from his records the assessed value of such property on the first Monday of the preceding March at twelve o'clock noon and shall certify such value as so ascertained to the county auditor.

The auditor shall then calculate the proportion that the assessed value of the property annexed or incorporated bears

Stats. 1907,
p. 63,
amended
Road funds-
division of
in event of
annexation,
etc.

to the total assessed value of all the property in the district from which the annexation or incorporation was made as assessed on the date mentioned in this section and he shall prepare a claim in favor of the city, or incorporated town, or city and county, to be allowed by the board of supervisors and paid by warrant on the treasurer, for a part of the unencumbered funds of the district, which part shall bear the same proportion to the whole of such unencumbered funds as the assessed value of the property annexed bears to the total assessed value of all the property in the district from which the annexation was made. Such city, incorporated town, or city and county shall repay to the county its proportion of all road taxes on the annexed portion of said district subsequently refunded or canceled. Such moneys so paid to such city, or incorporated town, or city and county, shall be expended for road purposes only.

The unencumbered funds of the district are hereby defined to be that portion of the sum of all moneys, uncollected taxes, and other uncollected accounts belonging to or due to such district, which is in excess of an amount sufficient to pay all claims and accounts lawfully payable from the funds of such district on the date of such annexation or incorporation, or to become payable therefrom by reason of lawful contracts in force on the date of such annexation or incorporation.

CHAPTER 231.

An act to amend section four thousand one hundred ninety-seven of the Political Code, relating to annual report of law library.

[Approved by the Governor April 22, 1927. In effect July 29, 1927.]

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

Stats 1907,
p 409,
amended.
Annual
reports.

SECTION 1. Section 4197 of the Political Code is hereby amended to read as follows:

4197. The said board of trustees, on or before the fifteenth day in July of each year, shall make an annual report to the board of supervisors of their county for the preceding fiscal year ending on the thirtieth day of June, and shall file a copy thereof with the auditor, giving the condition of their trust, with full statements of all their property and money received, whence derived, how used and expended, the number of books, periodicals, and other publications on hand; the number added by purchase, gift, or otherwise during the year; the number lost or missing, and such other information as might be of interest. A financial report, showing all receipts and disbursements of money, shall also at the same time be made by the secretary of the board of trustees, duly verified by his oath.

CHAPTER 232.

An act to amend section one of an act entitled "An act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom," approved March 20, 1889, relative to record of exclusion.

[Approved by the Governor April 22, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1 of an act entitled "An act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom," approved March 20, 1889, is hereby amended to read as follows:

Stats 1905,
p. 715,
amended.

Section 1. The boundaries of any city or municipal corporation may be altered, and territory excluded therefrom after proceeding had, as required in this section. The council, board of trustees, or other legislative body of such corporation, shall upon receiving a petition therefor, signed by not less than a majority of the qualified electors thereof, as shown by the vote cast at the last municipal election held therein, submit to the electors of such corporation the question whether such territory as is proposed by such petition shall be excluded from such municipal corporation and cease to be a part thereof. Such question shall be submitted at a special election to be held for that purpose, and such legislative body shall give notice thereof by publication in a newspaper printed and published in such corporation for a period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, and shall designate specifically the boundaries of the territory so proposed to be excluded. And the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the words "For exclusion," or "Against exclusion," or words equivalent thereto; such legislative body shall also designate the place or places at which the polls will be opened in such territory so proposed to be excluded, which place or places shall be that or those usually used for that purpose within such territory, if any such there be, and for the purposes of this act, the qualified electors residing in the territory proposed to be excluded shall be entitled to vote at the polls in such territory, and not elsewhere. Such legislative body shall also appoint and designate in such notice the names of the officers of election. Such legislative body shall meet on the Monday next succeeding the day of such election, and proceed to canvass the votes cast thereat. The votes cast in such territory so proposed to be excluded shall be canvassed separately, and if it shall appear on such canvass that a majority of all the votes cast in such territory, and a majority of all the votes in such corporation, shall be for exclusion, such legislative body shall, by an order entered upon their minutes, cause their clerk, or other officer performing the duties of clerk, to

Exclusion of
territory and
changing
boundaries of
municipal
corporations

make and transmit to the secretary of state a certified abstract of such vote, which abstract shall show the whole number of electors voting in such territory, the whole number of electors voting in such corporation, exclusive of such territory, the number of votes cast in each for exclusion, and the whole number of votes cast in each against exclusion, and a certificate of the filing of such document in his office shall be by the secretary of state transmitted forthwith to the clerk, or other officer performing the duties of clerk of the legislative body of such municipal corporation, and to the board of supervisors of the county in which such municipal corporation is situated. From and after the date of filing such abstract, such exclusion of territory from such municipal corporation shall be deemed complete, and thereafter such territory shall cease to be a part of such municipal corporation; *provided*, that nothing contained in this act shall be held to relieve in any manner whatsoever any part of such territory from any liability for any debt contracted by such municipal corporation prior to such exclusion; *and provided, further*, that such municipal corporation is hereby authorized to levy and collect from any territory so excluded, from time to time, such sums of money as shall be found due from it on account of its just proportion of liability for any payment on the principal or interest of such debts. Such assessment and collection shall be made in the same manner and at the same time that such assessment and collection is levied and made upon the property of such municipal corporation for any payment on account of such debts; *and provided, further*, that any such territory so excluded from any municipal corporation may at any time tender to the legislative body of such municipal corporation the amount for which such territory is liable, on account of such debts and after such tender is made, such authority as is herein given such municipal corporation to levy and assess taxes on such excluded territory shall cease; *provided, however*, that after an election shall have been held for the exclusion of any portion of a municipal corporation, if the vote shall be against exclusion, no election for the exclusion of the same territory shall again be held within three years from the date of such former election.

CHAPTER 233.

An act to amend sections four and ten of an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof, and for the districting, government and municipal control of such annexed territory," approved June 11, 1913, relative to municipal annexation procedure

and the apportionment of road funds in connection therewith.

[Approved by the Governor April 22, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4 of an act entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, and for the incorporation of such annexed territory in and as part thereof, and for the districting, government and municipal control of such annexed territory," approved June 11, 1913, is hereby amended to read as follows:

Stats. 1917,
p. 27,
amended.

Sec. 4. Immediately upon the completion of the canvass of the returns of any election in any municipal corporation at which the question of annexation of new territory thereto was submitted, as in this act provided, the legislative body of such municipal corporation shall cause a record to be made, and entered upon its minutes, showing the total number of votes cast in such municipal corporation upon such question at such election, the number thereof cast in favor of annexation, and the number thereof cast against annexation. If it shall appear from the canvass of the returns of such election, that a majority of the qualified electors of such municipal corporation voting on the question of such annexation are in favor thereof, the clerk or other officer performing the duties of clerk of the legislative body of such municipal corporation shall make and certify, under the seal thereof, and transmit to the secretary of state, a copy of the record of the canvass of the returns of the election in such new territory and of the election in such municipal corporation at which the question of the annexation of the said new territory was submitted and entered upon its minutes as aforesaid, together with a statement showing the dates of such elections in said new territory and in said municipal corporation, and the time and the result of the canvass of the returns of such elections, and containing a description of such territory. If such annexation has been approved by ordinance of such legislative body, as herein authorized, a certified copy of such ordinance, giving the date of its passage, shall be substituted in said document in place of the copy of the record of the canvass of the returns of the election in such municipal corporation provided for in case such annexation was not approved by ordinance. Said document, in either case, shall be filed by the secretary of state immediately upon the receipt thereof, and a certificate of the filing of such document in his office shall be by the secretary of state transmitted forthwith to the clerk, or other officer performing the duties of clerk of the legislative body of such municipal corporation, and to the board of supervisors of the county in which such municipal corporation is situated. From and after the date of the filing of said document in the office of the secretary of state,

Record of
votes cast.

Should
majority
favor.

Annexation
complete

the annexation of such territory so proposed to be annexed and described therein, shall be deemed to be and shall be complete, and thenceforth such annexed territory shall be, to all intents and purposes, a part of such municipal corporation, except only that no property within such annexed territory shall ever be taxed to pay any portion of any indebtedness or liability of such municipal corporation contracted prior to or existing at the time of such annexation, excepting as hereinafter provided. No territory, which, at the time of the presentation of a petition to the legislative body of any municipal corporation for the annexation of such territory thereto forms any part of any municipal corporation, shall be annexed under the provisions of this act.

Stats 1913,
p. 594,
amended
Expenses.

SEC. 2. Section 10 of said act is hereby amended to read as follows:

Road funds.

Sec. 10. All proper expenses of proceedings for annexation of territory under this act, whether such annexation shall be made and completed or not, shall be paid by the municipal corporation so annexing or attempting to annex such territory. A portion of the funds belonging to the road district in which such territory so annexed was situated at the time of such annexation shall be ascertained and paid to such municipal corporation as provided in section 2656 of the Political Code.

CHAPTER 234.

An act to amend section two thousand three hundred twenty-two x forty-seven of the Political Code, relating to the salary of the horticultural commissioner in counties of the forty-seventh class.

[Approved by the Governor April 22, 1927. In effect July 29, 1927.]

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

Stats 1925,
p. 215,
amended.
Counties of
47th class
horticultural
commissioner.

SECTION 1. Section 2322x47 of the Political Code is hereby amended to read as follows:

2322x47. In counties of the forty-seventh class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One inspector at a compensation of five dollars per diem, during the time actually employed, and one inspector at four dollars per diem each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed six hundred dollars.

CHAPTER 235.

An act to amend sections one thousand one hundred sixty and one thousand one hundred sixty-four of the Political Code, relating to the opening and closing of the polls.

[Approved by the Governor April 23, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1160 of the Political Code is hereby amended to read as follows: Stats. 1913, p. 219, amended

1160. The polls must be opened at six o'clock a.m. of the day of election, and must be kept open until seven o'clock p.m. of the same day, when the polls shall be closed, except as provided in section 1164 of this code. The legislative body of any incorporated city, or city and county, however, by resolution adopted prior to the publication of notice of an election, may provide that the polls be opened at seven o'clock a.m. of the day of election and be kept open until eight o'clock p.m. of the same day, when the polls shall be closed, except as provided in section 1164 of this code. Opening and closing of polls

SEC. 2. Section 1164 of the Political Code is hereby amended to read as follows: Stats. 1913, p. 219, amended

1164. When the polls are closed, that fact must be proclaimed aloud at the place of election; and after such proclamation, no ballot must be received; *provided, however,* that if at the hour of closing there are any other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after the time provided for closing the polls in section 1160 of this code shall be entitled to vote, although the polls may be open when he arrives. Proclamation on closing

CHAPTER 236.

An act to add a new section to the Political Code, to be numbered one thousand two hundred sixty-six a, relating to the establishment of election return centers and the reporting of certain election returns.

[Approved by the Governor April 23, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section to be numbered 1266a is hereby added to the Political Code to read as follows: New section.

1266a. The board of supervisors of any county in this state may, within its county, establish one or more election return centers for the purpose of facilitating the compilation of Election return centers.

election returns and expediting their announcement to the public. In establishing such center or centers said board of supervisors may designate a group of precincts which each such election return center shall serve. The location of such center or centers and the grouping of precincts may be changed from time to time as such board shall deem necessary. The county courthouse or the office of the county clerk or registrar of voters may be made the election return center for the entire county.

Offices and propositions.

(a) The board of supervisors of any county may, not less than ten (10) days before any primary, presidential primary, or general election, find and determine that certain offices and propositions to be voted upon are of more than ordinary public interest and importance and that the public interest and welfare require an early tabulation, ascertainment and announcement of the returns of the election as to such offices and propositions, and may select and designate such offices and propositions in its said determination, which shall thereupon be transmitted to the county clerk or registrar of voters.

Blanks

(b) The county clerk or registrar of voters shall thereafter cause to be prepared and shall forward to each precinct one or more special blanks upon which shall be printed a list of the offices and propositions designated by the board of supervisors as being of more than ordinary public interest, together with the names of the several candidates for said offices, and the words "for" and "against" opposite each said proposition.

When to report.

(c) The county clerk or registrar of voters in such cases, after the polls have closed at any primary, presidential primary, or general election, shall require the inspector of each precinct, and it shall be the duty of such inspector, as soon as twenty-five (25) ballots in his precinct shall have been counted, to ascertain and note upon the special blanks furnished, the votes for each candidate and for and against each measure designated thereon, and also the total number of votes cast in the precinct, and immediately thereafter, in such manner as may be directed by the county clerk or registrar of voters, to communicate the figures so tabulated to the person in charge of the election return center serving said precinct, or to the county clerk or registrar of voters if no return centers have been established. Upon the completion of the count of twenty-five (25) ballots, and of fifty (50) ballots, and of every fifty (50) ballots thereafter, and upon the canvassing of all of the ballots, the inspector shall ascertain and report the total figures as above provided to the election return center designated, except that he need not report the total votes cast more than once. Each person in charge of such election return center shall, as directed by the county clerk or registrar of voters, report to the county clerk or registrar of voters the result of the reports received by him as above provided, which reports shall be open to the inspection of the public.

(d) The county clerk or registrar of voters shall, upon the receipt from the election return center or centers or precincts of the reports of votes cast on the specially designated offices and propositions of more than ordinary public interest, cause the results from said election return center or centers or precincts to be tabulated as received, and make the results of such tabulations available to the public, and shall, upon the receipt of the copies of the result of votes cast from the election boards, as provided under section 1261 hereof, cause the results so received as to the offices and propositions so designated to be tabulated and totaled and made available to the public.

Tabulation
of returns.

(e) The board of supervisors is hereby empowered to provide for all the necessary clerical assistance and expenses, including the expenses of communicating such reports by inspectors of election boards, to carry out the provisions of this section.

Expense.

CHAPTER 237.

An act to amend section eight hundred fifty-two of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1893, as amended, relating to the powers of trustees.

[Approved by the Governor April 23, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 852 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1893, as amended, is hereby amended to read as follows:

Stats 1919,
p. 19,
amended.

Sec. 852. The members of the board of trustees and the clerk and treasurer shall be elected by the qualified electors of said city or town at a general municipal election. Such a general municipal election shall be held therein on the second Monday in April in each even-numbered year. Members of the board of trustees and the clerk and the treasurer shall hold office for the period of four years from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. The respective terms of the members of the first board of trustees elected under the provisions of this section shall be determined as follows: The two members elected by the highest number of votes shall hold office for four years, and the three members elected by the lowest number of votes shall hold office for two years. In the event that two or more persons should be elected by the same number of votes, the respective terms of each shall be decided by lot. The board of trustees shall appoint the marshal and the recorder; they may also, in their discretion, appoint an

Election of
officers.

Terms

Appointees.

attorney, a superintendent of streets, a civil engineer, and such other subordinate officers as in their judgment may be deemed necessary, and fix their compensation. Said officers shall hold office during the pleasure of said board. The board of trustees may also designate the number of deputies, one or more, to be appointed by any of the officers of said municipality, other than the recorder, and fix the compensation to be paid such deputies from the municipal treasury. The deputies so designated shall be appointed by the respective officers for whom such deputies act, subject to the approval of the board of trustees, and such deputies shall hold office subject to the pleasure of such board and of their respective principals, and cease to hold office at the pleasure of either their principals or of the board of trustees.

CHAPTER 238.

An act to amend sections one, two and seven of an act entitled "An act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to describe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909, as amended, relating to the creation and powers of the county boards of forestry.

[Approved by the Governor April 23, 1927. In effect July 29, 1927.]

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

Stats 1909,
p 1129,
amended.

SECTION 1. Section 1 of an act entitled "An act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs, and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to describe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation

of county foresters, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909, as amended, is hereby amended to read as follows:

Section 1. The board of supervisors in each and every county or city and county of the State of California, may, in its discretion, appoint a county board of forestry, consisting of five persons, one from each supervisorial district, who shall serve without compensation and who shall have exclusive charge of the protection of the county, outside of municipalities or fire districts organized under the state law, from forest, grass, grain, brush or other fires, and who shall also have exclusive charge and control of all shade and ornamental trees, hedges, lawns, shrubs, and flowers growing or to be grown upon the public roads, highways, grounds and property within its respective county.

County
boards of
forestry.

SEC. 2. Section 2 of the said act, approved April 28, 1909, as amended, is hereby amended to read as follows:

Stats 1909,
p 1129,
amended.

Sec. 2. Whenever the board of supervisors of any county or city and county in this state shall, by resolution or ordinance, elect to avail itself of the provisions of this act, such board shall, within two months thereafter, appoint five suitable and competent persons, one from each supervisorial district of such county or city and county, as a county board of forestry in and for such county, who shall serve as such without compensation; and who may also fix the compensation of a county forester, to be appointed as hereinafter provided at a sum not to exceed two hundred fifty dollars per month, and who may employ or authorize the county forester to employ a deputy county forester at the sum not to exceed two hundred dollars per month.

Appointment
of members.

Compensation
of
foresters.

SEC. 3. Section 7 of the said act, approved April 28, 1909, as amended, is hereby amended to read as follows:

Stats 1909,
p 1130,
amended.

Sec. 7. Every county board of forestry appointed under the provisions of this act shall, within its respective county, have exclusive charge and jurisdiction, with the exception of such areas as are included within the limits of incorporated municipalities or fire protection districts duly organized under the state law, over the protection of the county from brush, grass, grain or other fires, and also have exclusive charge of and jurisdiction to decide upon the variety, kind and character of trees, hedges, shrubs, lawns and flowers that shall be planted upon said roads, highways, grounds and property; and to determine all questions respecting the pruning, cutting and removal of any trees or hedges now growing and to grow thereon and the necessity therefor and the extent of and the manner in which said work shall be done; and, under the authority of the board of supervisors of its respective county, to plant and properly care for such trees, hedges, shrubs,

Powers of
board.

lawns and flowers; and to enforce, carry out and effectuate the provisions of this act; *provided, however*, that said board, in the exercise of its powers and the performance of its duties hereunder, shall not interfere with the jurisdiction of the board of supervisors over the roads, highways, grounds and property in the improvement, care and general control thereof.

CHAPTER 239.

An act to amend section two of an act entitled "An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within state hospitals), becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons," approved March 23, 1901, as amended, defining residents and providing for deportation of non-resident indigents.

[Approved by the Governor April 25, 1927. In effect July 29, 1927.]

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

Stats. 1901,
p. 636,
amended.

SECTION 1. Section 2 of an act entitled "An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within state hospitals), becoming a public charge upon the counties or cities and counties within the State of California, and for the payment thereof into a fund for the maintenance and support of such persons," approved March 23, 1901, as amended, is hereby amended to read as follows:

Residence
defined.

Sec. 2. A person shall be deemed to be a lawful resident within the meaning of this act who shall have lived continuously in the state for a period of one year with intent to make it his or her home and who has not acquired a residence in another state by living continuously therein for at least one year subsequent to his residence in this state; *provided, however*, that the time spent in a public institution or on parole therefrom or in a private charitable institution shall not be counted in determining the matter of residence in this or another state.

Temporary
expense

Where a pauper or poor or indigent or incapacitated or incompetent person as herein designated is not a lawful resident, all expenses incurred in temporarily supporting and in transporting such person to another state may be paid by the county where such person applies for aid, unless it appear that other funds are available.

CHAPTER 240.

An act to amend section twenty-four of an act entitled "An act providing for the organization, operation, maintenance, and government of water conservation districts, and for the acquisition, appropriation, diversion, storage, conservation, and distribution of water for the irrigating of lands in such districts, for drainage and reclamation connected therewith; and for the generation, disposition, and sale of hydro-electric energy developed incidental to such storage and distribution; and for the acquisition of lands or rights therein and the acquisition, construction, operation, and maintenance of works to carry into effect the provisions of this act; for the inclusion therein of irrigation districts, water storage districts, reclamation districts, drainage districts, and other political subdivisions of the state, as constituent districts or units of said water conservation districts, and the manner of providing funds and the voting and issuance of bonds by such political subdivisions, to carry out the purposes of this act; and creating a state board to be known as the 'state irrigation board,' and defining its powers and duties, and the methods and procedure of exercising such powers and duties," approved June 18, 1923, as amended.

[Approved by the Governor April 25, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 24 of an act entitled "An act providing for the organization, operation, maintenance, and government of water conservation districts, and for the acquisition, appropriation, diversion, storage, conservation, and distribution of water for the irrigating of lands in such districts, for drainage and reclamation connected therewith; and for the generation, disposition, and sale of hydro-electric energy developed incidental to such storage and distribution; and for the acquisition of lands or rights therein and the acquisition, construction, operation, and maintenance of works to carry into effect the provisions of this act; and creating a state board to be known as the 'state irrigation board,' and defining its powers and duties, and the methods and procedure of exercising such powers and duties," approved June 18, 1923, as amended is hereby amended to read as follows:

Stats. 1923,
p 995,
amended.

Sec. 24. At its regular monthly meeting held in the month of June of each year, the water conservation district board shall estimate and determine the total amount of money that said water conservation district will need and require for the purposes provided by this act during the calendar year commencing with the first day of January next following such meeting; and determine in accordance with the provisions of this act the proportionate part and amount or sum of such

Annual
estimates
and requi-
sitions.

Payments.

total amount which each of its constituent districts or units shall pay. Within thirty days after the adjournment of its said meeting, the water conservation district board shall make or cause to be made in writing and served upon each of its constituent districts or units, a requisition for the payment by such constituent district or unit to said water conservation district of the proportionate share or amount of money to be paid by each such constituent district or unit. Each such constituent district or unit shall pay to the water conservation district one-half of the amount for which requisition has been made upon it as aforesaid on or before the first day of January next following the date of such requisition and the other one-half thereof on or before the first day of July next following first payment.

CHAPTER 241.

An act to add to the Political Code a new section, to be numbered section two thousand three hundred twenty-three, relating to noxious weeds.

[Approved by the Governor April 25, 1927. In effect July 29, 1927.]

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

New section.

SECTION 1. A new section is hereby added to the Political Code, to be numbered 2323, to read as follows:

Noxious
weed seeds

2323. Whenever any hay, straw, manure, grain, seed, screenings, chaff, agricultural machinery or any other product, equipment or article shall be found to be actually infested with the seed of any noxious weed, the director of the department of agriculture or any of his duly authorized agents, or the county horticultural commissioner or any of his deputies or inspectors may hold such infested article or product or equipment, giving notice in writing to the owner or owners thereof, or to his or their responsible agent or agents, and it shall be unlawful to move such infested article, product or equipment, excepting under written permission of said director or commissioner, from the premises on which it was grown or seized, until the said article, product, or equipment has been cleaned of said noxious weed seeds to the satisfaction of said director or commissioner.

Whenever any shipment of hay, straw, manure, grain, seed, screenings, chaff, agricultural machinery or any other product, equipment or article imported or brought into any county or locality of the State of California from another county or locality within said state or from any other state or foreign country is found to be infested with the seed of any noxious weed not of common occurrence in the county or locality into which such shipment is brought, the state director of agriculture or any of his duly authorized agents or the county horticultural commissioner or any of his deputies or inspectors

shall notify the owner or bailee of such shipment to return the same to point of shipment within forty-eight hours after such notification, and it shall be duty of said owner or bailee to so return such shipment; *provided*, that if it is determined by the state director of agriculture or the county horticultural commissioner that such seeds of noxious weeds can be destroyed by such treatment of the infested shipment as may by him be prescribed, said shipment may at the option and expense of the owner or bailee thereof be given such prescribed treatment under the supervision of the state director of agriculture or the county horticultural commissioner, and after such treatment the shipment may be delivered to the consignee.

CHAPTER 242.

An act to amend section two thousand nine of the Code of Civil Procedure, relating to the use of affidavits.

[Approved by the Governor April 25, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2009 of the Code of Civil Procedure is hereby amended to read as follows:

2009. An affidavit may be used to verify a pleading or a paper in a special proceeding, to prove the service of a summons, notice, or other paper in an action or special proceeding, to obtain a provisional remedy, the examination of a witness, or a stay of proceedings, as evidence in an uncontested probate proceeding (except to prove a will), or upon a motion, and in any other case expressly permitted by some other provision of this code.

Original
section
amended
Use of
affidavits.

CHAPTER 243.

An act to amend section two hundred seventy-three h of the Penal Code, compelling persons convicted under sections two hundred seventy, two hundred seventy a, two hundred seventy b, two hundred seventy-one or two hundred seventy-one a of this Code to work.

[Approved by the Governor April 25, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 273h of the Penal Code is hereby amended to read as follows:

273h. In all prosecutions under the provisions of either section 270, section 270a, section 270b, section 271 or section 271a, of this code, where a conviction is had and sentence of imprisonment in the county jail or in the city jail is imposed,

Stats. 1911,
p. 888,
amended.
Sentence to
road work.

Payment to dependents

the court may direct that the person so convicted shall be compelled to work upon the public roads or highways, or any other public work, in the county or in the city where such conviction is had, during the term of such sentence. And it shall be the duty of the board of supervisors of the county where such person is imprisoned in the county jail, and of the city council of the city where such person is imprisoned in the city jail, where such conviction and sentence are had and where such work is performed by a person under sentence to the county jail or to the city jail, to allow and order the payment out of any funds available, to the wife or to the guardian, or to the custodian of a child or children, or to an organization, or to an individual, appointed by the court as trustee, at the end of each calendar month, for the support of such wife or children, a sum not to exceed two dollars for each day's work of such person so imprisoned.

CHAPTER 244.

An act to add a new section to the Code of Civil Procedure, to be numbered one thousand nine hundred eighty-three, relating to the burden of proof in certain cases.

[Approved by the Governor April 25, 1927. In effect July 29, 1927.]

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

New section.

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 1983 and to read as follows:

Proof of citizenship.

1983. Whenever in any action or proceeding, civil or criminal, brought by, or in the name of, the state or the people thereof, or by or in the name of any political subdivision or agency of the state, or by any public board or officer on behalf of any thereof, to enforce any law which denies any right, privilege or license to any person not a citizen of the United States, or not eligible to become such citizen, or to a person not a citizen or resident of this state, and whenever in any action or proceeding in which the state or any political subdivision or agency thereof, or any public board or officer acting on behalf thereof, is or becomes a party, it is alleged in the pleading therein filed on behalf of the state, the people thereof, political subdivision or agency, or of such board or officer, that such right, privilege or license has been exercised by a person not a citizen of the United States, or not eligible to become such citizen, or by a person not a citizen or resident of this state, as the case may be, the burden shall be upon the party for or on whose behalf such pleading was filed to establish the fact that such right, privilege or license was exercised by the person alleged to have exercised the same, and upon such fact being so established the burden shall be upon such person, or upon any person, firm or corporation

claiming under or through the exercise of such right, privilege or license, to establish the fact that the person alleged to have exercised such right, privilege or license was, at the time of so exercising the same, a citizen of the United States, or eligible to become such citizen, or was a citizen or resident of this state, as the case may require, and was at said time legally entitled to exercise such right, privilege or license.

CHAPTER 245.

An act to amend section one thousand five hundred ten, one thousand five hundred eleven b and one thousand five hundred fourteen of the Penal Code, relating to the powers and duties of coroners.

[Approved by the Governor April 25, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1510 of the Penal Code is hereby amended to read as follows:

Stats. 1905,
p. 707,
amended.
Coroner to
summon jury
to inquire
into cause
of death

1510. When a coroner is informed that a person has been killed, or has committed suicide, or has suddenly died under such circumstances as to afford a reasonable ground to suspect that his death has been occasioned by the act of another by criminal means, he must go to the place where the body is, cause it to be exhumed if it has been interred, and summon not less than nine nor more than fifteen persons, qualified by law to serve as jurors, to appear before him forthwith, either at the place where the body of deceased is, or at some other convenient place within the county to be designated by the coroner, at his discretion, or at the request of the district attorney to inquire into the cause of the death. No such person is exempt from jury duty except at the discretion of the coroner. No person shall be summoned as juror who is related to the decedent or is charged with or suspected of the killing, nor shall any one be summoned who is known to be prejudiced for or against him, but no person selected or summoned to appear as a juror is subject to be challenged by any party.

SEC. 2. Section 1511b of the Penal Code is hereby amended to read as follows:

Stats 1905,
p 708,
amended.
Duties of
jury.

1511b. After the jury has been sworn and charged by the coroner it may, if deemed necessary by the coroner and so ordered by him, go, together with the coroner, to view and examine the body of the deceased person. On order of the coroner the jury shall retire to any convenient place specified by him to hear the testimony of witnesses and deliberate upon its verdict.

SEC 4. Section 1514 of the Political Code is hereby amended to read as follows:

Original
section
amended.
Verdict.

1514. After hearing the testimony, the jury must render its verdict and certify the same by an inquisition in writing,

signed by the members of said jury, and setting forth the name of the person killed, and when, where, and by what means he came to his death; and if he was killed, or his death occasioned by the act of another, by criminal means, who is guilty thereof.

CHAPTER 246.

An act to amend section one thousand seven hundred sixty-four c of the Political Code, relating to special classes in day and evening schools.

[Approved by the Governor April 25, 1927. In effect July 29, 1927.]

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

Stats 1923,
p 577,
amended.
Classes for
adults with
deficient
knowledge
of English

SECTION 1. Section 1764c of the Political Code is hereby amended to read as follows:

1764c. 1. Upon application of twenty or more persons above the age of twenty-one, residing in a high school district, who can not speak, read or write the English language to a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools of the state, the high school board or city board of education, or board of education in control of such high school district must establish special classes in English; *provided*, that application for classes be made in time to permit the board of education to arrange to meet the expenses of such classes. Said boards may establish such classes without such demand and with a less number of such students.

Frequency
of classes.

2. The classes provided for in subdivision 1 of this section shall be held at least twice a week for a two-hour period. If the enrollment in any class falls to ten or less for a one-month period the governing board may discontinue said class for that year.

Use of
certain
funds.

3. All money accruing to the district from state and county on account of average daily attendance in evening high schools, and in special day and evening classes of a day high school, and in classes established in accordance with subdivision 1 of this section and in accordance with "An act to require certain high school districts to provide part-time educational opportunities in civic and vocational subjects for persons under eighteen years of age, who are not in attendance upon full-time day schools, and part-time educational opportunities in citizenship for persons under twenty-one years of age who can not adequately speak, read or write the English language; to enforce attendance upon such part-time classes where established, and providing penalties for violation of the provisions of this act. Approved May 27, 1919"; and in accordance with "An act to provide for the establishment of classes for training in citizenship for applicants who

have filed their declarations of intentions to become citizens of the United States and for other persons desiring such instruction, approved May 27, 1921," must be spent on the maintenance of such classes in the ensuing year, and additional special district funds may be provided by said district to fulfill needed requirements; *provided*, that the high school board or city board of education or board of education in control of such high school district may discontinue such classes with the permission of the county superintendent of schools, when the need for such classes has ceased to exist. In such cases, all money accruing to the district from the state and county on account of average daily attendance in such discontinued classes may be returned to the regular high school funds of the district.

4. The principal of any high school in which there are special day and evening classes, or the principal of an evening high school at his discretion may employ when so directed by the governing board of the school district, special lecturers well qualified in their subjects to speak before such classes, without such lecturer being required to hold a teacher's certificate; *provided*, that permission for the employment of such lecturer shall be previously obtained from the commission of credentials of the state department of education; *and provided*, *further*, that such lecturer can not be employed in any school for more than four lectures each term. Lectures.

CHAPTER 247.

An act to amend section two thousand three hundred twenty-two e of the Political Code, relating to county horticultural commissioners.

[Approved by the Governor April 25, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2322e of the Political Code is hereby amended to read as follows:

2322e. Certain terms when used in this act shall be construed as follows:

(a) The term "county" shall include in its meaning a consolidated city and county.

(b) The term "shipment" shall mean any article or thing or articles or things which may be, are being, or have been transported from one place to another place.

(c) The term "noxious weed" shall mean any species of plant injurious to agriculture.

(d) The term "insect or other animal pests" shall mean any form of animal life which is or may be detrimental to agriculture in any of its phases, and shall include the eggs, larvæ, pupæ, or other immature stages thereof.

Stats 1923,
p 1205,
amended
Words and
phrases
defined.

(e) The term "plant diseases" shall mean any unhealthy condition of plants or parts thereof caused by the parasitic organisms known as fungi, bacteria and slime molds.

(f) The term "seeds" shall be construed to include any reproductive or propagative part of a plant.

(g) The term "nursery stock" shall mean any tree, shrubs, plants, vines, bulbs, cuttings, grafts, scions or buds.

CHAPTER 248.

An act to amend sections three and six of an act entitled "An act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violations of this act," approved May 26, 1913, as amended, and to add a new section thereto, to be numbered eleven a.

[Approved by the Governor April 25, 1927. In effect July 29, 1927.]

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

Stats. 1913,
p. 633,
amended.

SECTION 1. Section 3 of an act entitled "An act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violations of this act," approved May 26, 1913, as amended, is hereby amended to read as follows:

Duties of
commission.

Sec. 3. (a) It shall be the continuing duty of the commission to ascertain the wages paid, the hours and conditions of labor and employment in the various occupations, trades and industries in which women and minors are employed in the State of California, and to make investigations into the comfort, health, safety and welfare of such women and minors.

Duties of
employers.

(b) It shall be the duty of every person, firm or corporation employing labor in this state:

1. To furnish to the commission, at its request, any and all reports or information which the commission may require to carry out any of the purposes of this act, such reports and information to be verified by the oath of the person, or a member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when so requested by the commission or any member thereof.

2. To allow any member of the commission, its secretary or any of its duly authorized experts or employees, free access to the place of business or employment of such person, firm or corporation for the purpose of securing any information which the commission is authorized by this act to ascertain, or to make any investigation authorized by this act, or to make

inspection of, or excerpts from the books, reports, contracts, payrolls, documents or papers of such person, firm or corporation relating to the employment of women and minors, the conditions under which their labor is performed, or the payment of such labor by such person, firm or corporation.

3. To keep a record of the ages of all minors employed, and the names, residence addresses, hours of work daily and wages paid to all women and minors employed.

(c) For the purposes of this act, a minor is defined to be a person of either sex under the age of eighteen years.

"Minor" defined

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

Stats. 1921, p. 379, amended.

Sec. 6. (a) The commission shall have further power after a public hearing had upon its own motion or upon petition, to fix:

Power to fix wages, hours, etc.

1. A minimum wage to be paid to women and minors engaged in any occupation, trade or industry in this state, which shall not be less than a wage adequate to supply to such women and minors the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The maximum hours of work consistent with the health and welfare of women and minors engaged in any occupation, trade or industry in this state; *provided*, that the hours so fixed shall not be more than the maximum now or hereafter fixed by law.

3. The standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade or industry in this state.

(b) Upon the fixing of the time and place for the holding of a hearing for the purpose of considering and acting upon any matters referred to it in subsection (a) hereof, the commission shall give public notice by advertisement in at least one newspaper published in each of the cities of Los Angeles, Oakland, Sacramento, San Jose, Fresno and in the city and county of San Francisco, and shall give due notice in at least one newspaper published in each of the cities of Fresno, San Jose, Eureka, San Diego, Long Beach, Alameda, Berkeley and Stockton, and by mailing a copy of said notice to the county clerk of each county in the state to be posted at the courthouse of each county, or city and county, and also to each association of employers or employees and to any employer within the State of California filing with the commission a written request for such notice of such hearing and the purpose thereof, which notice shall state the time and place fixed for such hearing, which shall not be earlier than fourteen days from the date of publication and mailing of such notices.

Notice of hearing

(c) After such public hearing, the commission may, in its discretion, make a mandatory order to be effective in sixty days from the publication of such order, specifying the minimum wage for women or minors in the occupation, trade or

Order fixing wages, etc.

industry in question, the maximum hours; *provided*, that the hours specified shall not be more than the maximum for women or minors in California and the standard conditions of labor for said women or minors. Such order shall be published in at least one newspaper in each of the cities of Los Angeles, Sacramento, Oakland, San Jose, Fresno and in the city and county of San Francisco, and a copy thereof be mailed to the county clerk of each county in the state, and such copies shall be filed without charge. The commission shall send by mail, so far as practicable, to each employer in the occupation in question, a copy of the order, and each employer shall be required to post a copy of such order in the building in which women or minors affected by the order are employed; and it shall be the duty of the commission to send a copy of such order to each employer registering his name with the commission and requesting such order to be mailed, but failure to mail such order or notice thereof to any employer affected thereby shall not relieve such employer from the duty to comply with such order, and finding by the commission that there has been the publication and mailing to county clerks as herein provided shall be conclusive as to service.

Stats 1913,
p 636,
amended.

SEC. 3. A new section is hereby added to said act approved May 26, 1913, as amended, to be numbered 11a, to read as follows:

Maximum
hours, con-
ditions of
labor, and
penalties.

Sec. 11a. The maximum hours of work and the standard conditions of labor fixed by the commission as herein provided shall be the maximum hours of work and the standard conditions of labor for such women and minors, and the employment of any woman or minor for longer hours than those fixed by such order or under conditions of labor prohibited by such order shall be unlawful, and every employer or other person who, either individually or as an officer, agent or employee of a corporation or other person, requires or causes to be required any such employee to work for longer hours than those fixed by said order or under conditions of labor prohibited by said order, shall be guilty of a misdemeanor and upon conviction thereof he shall be punished by a fine of not less than fifty dollars or by imprisonment for not less than thirty days, or by both such fine and imprisonment; and every employer or other person who, individually or as an officer, agent or employee of a corporation or other persons, violates or refuses or neglects to comply with the provisions of this section or any order or rulings of this commission, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars or by imprisonment of not less than thirty days or by both such fine and imprisonment.

CHAPTER 249.

An act to amend sections one hundred thirty-seven and one hundred forty of the Civil Code, relating permanent support of wife or husband by the other, as the case may be.

[Approved by the Governor April 25, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 137 of the Civil Code is hereby amended to read as follows: Stats 1917,
p 35,
amended

137. When an action for divorce is pending, the court may, in its discretion, require the husband or wife, as the case may be, to pay as alimony any money necessary to enable the wife, or husband, to support herself and her children, or to support himself and his children, as the case may be, or to prosecute or defend the action. When the husband or wife wilfully deserts the wife or husband, as the case may be, or when the husband or wife has any cause of action for divorce as provided in section 92 of this code, he or she may, without applying for divorce, maintain in the superior court an action against her or him for permanent support and maintenance of himself or herself or of himself and children, or of herself and children. When the husband wilfully fails to provide for the wife, she may, without applying for divorce, maintain in the superior court an action against him for permanent support and maintenance of herself or of herself and children. During the pendency of an action for divorce the court may, in its discretion, require the husband or wife, as the case may be, to pay as alimony any money necessary for the prosecution of the action and for support and maintenance, and execution may issue therefor in the discretion of the court. The court, in granting the husband or wife permanent support and maintenance of himself or herself, or of himself and children or herself and children, in any such action, shall make the same disposition of the community property and of the homestead, if any, as would have been made if the marriage had been dissolved by the decree of a court of competent jurisdiction. The final judgment in such action may be enforced by the court by such order or orders as in its discretion it may from time deem necessary, and such order or orders may be varied, altered, or revoked at the discretion of the court. Alimony,
costs of
prosecution,
and
permanent
support

SEC. 2. Section 140 of the Civil Code is hereby amended to read as follows: Original
section
amended.

140. The court may require the husband or wife, as the case may be, to give reasonable security for providing maintenance or making any payments required under the provisions of this chapter, and may enforce the same by the appointment of a receiver, or by any other remedy applicable to the case. Security for
maintenance
and alimony.

CHAPTER 250.

An act to amend sections two, three, four, five, six and thirteen of an act entitled "An act to establish standards for the packing, marketing and sale of apples, forbidding the sale of certain infected and diseased apples, providing for the inspection and certification thereof, and for its enforcement, fixing penalties for its violation and repealing an act entitled 'The standard apple act of 1917,' approved May 7, 1917; as amended," approved June 3, 1921; as amended, approved May 26, 1923; as amended, approved April 10, 1925, as amended, relating to apple packing and grading.

[Approved by the Governor April 25, 1927. In effect July 29, 1927.]

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

Stats 1925,
p. 132,
amended.

SECTION 1. Section 2 of an act entitled "An act to establish standards for the packing, marketing and sale of apples, forbidding the sale of certain infected and diseased apples, providing for the inspection and certification thereof, and for its enforcement, fixing penalties for its violation and repealing an act entitled 'The standard apple act of 1917,' approved May 7, 1917, as amended;" approved June 3, 1921, as amended; approved May 26, 1923, as amended; approved April 10, 1925, as amended, relating to apple packing and grading, is hereby amended to read as follows:

Standard
grades.

SEC. 2. The following standard grades and standard boxes are hereby established for apples, packed, shipped, delivered for shipment, offered for sale or sold, in the State of California.

"Extra
fancy"

(a) The "Extra fancy" grade shall consist of well-grown, properly matured apples of one variety; hand picked, well colored and normally shaped for the locality where produced, free from visible rot, visible dry rot, visible Baldwin spot, Jonathan spot and other diseases, and from insect pests, insect bites, bruises, skin punctures, skin broken at stem and other defects (except such bruises as are necessarily caused in the operation of packing,) and virtually free from dirt, and shall be uniform in size and well packed in clean standard boxes; *provided, however,* that russeting confined within the basin of the stem shall be permitted, and that a variation from the said standard as to insect pests, diseases, dry rot, Baldwin spot, insect bites, bruises and other defects shall be allowed not to exceed ten per cent total thereof, nor to exceed five per cent of any one thereof, in any one package; *provided, further,* that a variation in the size of the apples contained in one box shall be allowed as follows: In boxes containing one hundred twenty-five apples, or less, a variation of one-half inch when measured through the widest portion of the cross-section thereof; in boxes containing one hundred thirty-eight

apples, or more, a variation of three-eighths of one inch when so measured.

(b) The "Fancy" grade shall consist of well-grown, properly matured apples of one variety, hand picked, normally shaped for the locality where produced, free from visible rot, visible dry rot, visible Baldwin spot, Jonathan spot, soft scald, internal breakdown, serious internal browning, visible water-core and other diseases and from insect pests, insect bites, skin punctures, skin broken at stem, bruises and other defects (except such bruises as are necessarily caused in the operation of packing), and virtually free from dirt, and shall be uniform in size and well packed in containers which shall be virtually clean; *provided*, that internal browning which can not be detected by external examination or pressure shall be permitted in this grade; *provided, further*, that smooth caterpillar bites, which on any one apple and in the aggregate shall not exceed one-half of one inch in diameter, slight limb rubs, and not to exceed two healed over case-bearer, codlin moth or aphid stings on each apple, slight sun spots and slight flyspeck fungus, and scab spots which on any one apple and in the aggregate shall not exceed one-fourth of one inch in diameter, russeting which is not excessively rough, and which does not appear on more than twenty-five per cent of the surface of any one apple in the aggregate, except in the case of Newtown Pippins, on which it does not appear on more than thirty-three per cent of the surface of any one apple in the aggregate, shall be permitted in this grade; *provided, further*, that when the apples contained in any box are packed in tiers, and the size thereof is indicated upon the box by the use of tier markings, the size of the apples in such package shall conform to the tier size marked as hereinafter defined, but when such tier markings are not used, but in lieu thereof the number of apples contained in the box is given, a variation in the size of the apples in such package shall be allowed as follows: In boxes containing one hundred twenty-five apples, or less, a variation of one-half inch when measured through the widest portion of the cross-section thereof; in boxes containing one hundred thirty-eight apples, or more, a variation of three-eighths of one inch when so measured; *and provided, further*, that a variation from said standard as to the pests, diseases and defects above mentioned as forbidden shall be permitted, not to exceed ten per cent total thereof, nor to exceed five per cent of any one thereof, in any one package; *and provided, further*, that apples slightly soiled and/or slightly dirty shall be permitted in this grade.

(c) The "Fancy loose" grade shall conform in all respects to the "Fancy" grade, as hereinabove established, with the following exceptions; the apples in this grade shall not be packed, and the only requirement as to size shall be that none of the apples of this grade shall be of a size that will pass through a ring two and three-eighths inches in diameter.

"C" grade.

(d) The "C" grade shall consist of properly matured apples of one variety, hand picked, free from visible rot, visible dry rot, visible Baldwin spot, Jonathan spot, soft scald, internal breakdown, serious internal browning, visible watercore, and other diseases, and from insect pests, broken skin, sun scald and frost bite more than skin deep, and shall be uniform in size and well packed; *provided*, that internal browning which can not be detected by external examination or pressure shall be permitted in this grade; *provided, further*, that scab spots on any apple not larger than one-half of one inch in diameter in the aggregate, and apples showing blossom end cracks, shall be permitted in this grade; *provided, further*, that a variation from said standard as to such insect pests, dry rot, Baldwin spot, diseases and defects, shall be allowed not to exceed ten per cent total thereof nor to exceed five per cent of any one insect pest, decay or Baldwin spot in any one package; *provided, further*, that when the apples contained in any box are packed in tiers and the size thereof is indicated upon the box by the use of tier markings, the size of the apples in such package shall conform to the tier size marked as hereinafter defined, but when such tier markings are not used, but in lieu thereof the number of apples contained in the box is given, a variation in the size of the apples in such package shall be allowed as follows: In boxes containing one hundred twenty-five apples, or less, a variation of one-half inch when measured through the widest portion of the cross-section thereof; in boxes containing one hundred thirty-eight apples, or more, a variation of three-eighths of one inch when so measured.

"C loose."

(e) The "C loose" grade shall conform in all respects to the "C" grade, as hereinabove established, with the following exceptions: The apples in this grade shall not be packed, and the only requirement as to size shall be that none of the apples of this grade shall be of a size that will pass through a ring two and three-eighths inches in diameter.

"Unclassified."

(f) The "Unclassified" grade shall consist of apples, packed or unpacked, of one variety, free from insect pests, visible rot, visible dry rot, visible Baldwin spot, Jonathan spot, soft scald, internal breakdown, serious internal browning and other diseases; *provided*, that internal browning which can not be detected by external examination or pressure shall be permitted in this grade; *provided, further*, that visible watercore and that scab spots on any one apple not larger than one-half of one inch in diameter, in the aggregate, shall be permitted in this grade; *provided, further*, that a variation from the said standard as to such insect pests, dry rot, Baldwin spot, diseases and defects, shall be allowed not to exceed ten per cent total thereof, nor to exceed five per cent of any one insect pest, decay or Baldwin spot in any one package.

Tolerances.

(g) For the purpose of this section, although the tolerances specified for the various standards necessarily are placed on a

package basis, not more than one-fourth of the packages in any lot may be permitted to exceed the tolerance established by not more than one-half of the amount allowed; *provided*, that the entire lot shall average within the tolerance established; *provided, further*, that no container shall have more insect pests or decay than the amount specified in the tolerance established.

(h) Standard containers for apples shall be boxes of the following dimensions: Inside measurements, when measured without distention of parts; depth of end ten and one-half inches; width of end eleven and one-half inches; length of box eighteen inches; having a cubical content of as nearly as possible two thousand one hundred seventy-three and one-half cubic inches; and a box with the same length and width, but with a depth of end five and one-fourth inches; having a cubical content of as nearly as possible one thousand eighty-six and three-fourths cubic inches.

(i) All packed apples, when shipped, offered for sale or sold, shall be placed in one of the standard boxes herein described; *provided, however*, that other sized containers may be used (except where the words "Extra fancy" are used as the grade designation) if conspicuously marked, in letters not less than one-half inch in height "Irregular container."

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Sec. 3. Every container of apples, excepting *loose* unclassified apples, when stored, loaded, shipped, delivered for shipment, offered for sale or sold, in the State of California, shall bear upon the outside thereof, and on the end in plain words or figures and in the English language, the following: The grade of the apples therein contained, as herein defined; the designation of grade, when the stamps hereinafter provided for are not used, being stated in letters not smaller than thirty-six point type, that it, not less than one-half inch in height; the number of apples contained in the package, or the minimum net weight of the apples contained therein, or the cubical contents of the package; the variety of the apples contained in the package, unless the variety be unknown to the packer, in which case the variety shall be stated as unknown; the name and business address of the person, firm, company, organization or corporation, who first packed or caused the same to be packed, and if repacked, the name and business address of the person, firm, company, organization or corporation who repacked the same or caused same to be repacked; the date when such apples were first packed, or if repacked, the date of repacking, and on each container of apples which have been held in cold storage for more than thirty days after being packed a statement showing the fact that the contents have been held in cold storage; *provided, however*, that a variation of five apples, more or less, than the number stated, shall be allowed; *provided, further*, that any container of loose apples

Standard
containers

Irregular
containers.

Stats 1925,
p 133.
amended
Statement
on container.

which meet the requirements for unclassified apples, as herein defined, in lieu of such markings may be marked, in plain words and in the English language, and in letters not less than one-half inch in height, with the words "Unclassified apples."

Definitions

(a) The term "packed," whenever used in this act, shall be construed to mean the regular, compact arrangement of all or a part of the fruit in any container; the term "well packed," whenever used in this act, shall be construed to mean the regular, compact arrangement of all of the fruit in any container, the fruit being compacted with sufficient solidity so that it will not move in the container when lidded, the top and the bottom of the box, when lidded, having a bulge of not less than one-half inch, and, where wrappers are used, all of the apples in the box being wrapped, with the exception of the bottom layer, which may be "flagged." The term "flagged" shall be construed to mean the incomplete covering of the apples by the use of wrappers which are not closed.

Size of apples

(b) The term "three and one-half tier," "four tier," "four and one-half tier" and "five tier," whenever used as the designation of the size of apples sold or offered for sale, shall have the following meanings, respectively, to wit:

The term "three and one-half tier" shall mean an apple in size three inches or larger when measured as in this section prescribed; the term "four tier" shall mean an apple larger in size than two and five-eighths inches and not larger than three and one-eighth inches when so measured; the term "four and one-half tier" shall mean an apple not smaller in size than two and one-fourth inches nor larger than two and three-fourths inches, when so measured; the term "five tier" shall mean an apple not smaller in size than one and seven-eighths inches, nor larger than two and one-fourth inches, when so measured.

Measure-
ment

(c) All measurements of apples that may be required or contemplated by the terms of this section shall be made by the use of rings having the specified diameter. If the apple being measured will pass through such ring it shall be deemed to be smaller than the diameter of the ring; if not, it shall be deemed to be larger than such diameter.

"Cross-
section."

(d) The term "cross-section," whenever used in this act, shall mean the section of an apple taken at a right angle to a straight line drawn from the stem end to the blossom end thereof.

Conformity.

(e) When the size of the apples in any container shall be designated by the terms "three and one-half tier," "four tier," "four and one-half tier," or "five tier," at least ninety-five per cent of the apples in each such container shall conform to the definition of the tier marking used, as herein defined, and no apples in the container shall be smaller than the size next smaller, as herein defined.

(f) The term "properly matured," as used in this act, shall be deemed to mean that the apples to which it refers, at the time they were taken or fell from the tree, had reached that stage of development necessary to insure the proper completion of the ripening process; *provided, however,* that unclassified apples of any variety shall not be required to be properly matured; *provided, further,* that apples of the varieties Alexander, Red Astrachan, White Astrachan and Beitigheimer shall not be required to be properly matured, as herein defined, in order to meet the requirements of the "Fancy" and "C" grades. "Properly matured."

(g) The term "insect pests," whenever used in this act, shall include San Jose scale, codlin moth and other insects, or the larvæ, nymphs, or pupæ thereof, and also shall include any apple which has been infested with codlin moth, and bears evidence of such infestation, with the exception of superficial, well healed codlin moth stings. "Insect pests"

SEC. 3. Section 4 of said act, is hereby amended to read as follows: Stats 1923,
p. 475,
amended

Sec. 4. No person, firm, company, organization or corporation shall sell or offer for sale, within the State of California, any apples labeled, designated, invoiced or represented to be "Extra fancy," "Fancy," "Fancy loose," "C grade," "C loose," or "Unclassified," whether contained in closed packages or otherwise, unless the same shall conform to the standard for such grade herein established. Apples to conform to standard

SEC. 4. Section 5 of said act is hereby amended to read as follows: Stats 1925,
p. 135,
amended

Sec. 5. No person, firm, company, organization or corporation shall import into this state, or deliver for shipment, store, load, ship, sell, barter, keep on display, offer for sale or have in his possession for sale, apples which do not meet the specifications of "Extra fancy," "Fancy," "Fancy loose," "C" grade, "C loose" or "Unclassified" apples as herein defined; *provided, however,* that no provision of this act shall prevent a grower of fruits in the State of California from selling the same in bulk, or unpacked and unmarked, to a packer, or prevent a grower or packer from manufacturing the same into any apple by-product, or from selling the same unmarked and unpacked to any person, firm, company, organization or corporation actually engaged in the operation of an apple by-product factory, and for the sole and express purpose of being used in the manufacture of an apple by-product; *provided, further,* that all apples placed or exposed in bulk for sale by any person, firm, company, organization or corporation shall at least meet the requirements of unclassified apples as herein defined; *provided, further,* that such apples shall not require a sign, placard or grade designation stating classification to which the apples belong; *provided, further,* that no statement, figure, design or device appearing in connection with and having reference to any lot of apples so exposed shall be false or misleading in any particular. Sale of apples not meeting specifications

Stats. 1923,
p 475,
amended
Misleading
statements.

SEC. 5. Section 6 of said act is hereby amended to read as follows:

Sec. 6. No statement, figure, design or device appearing upon any container in which apples are loaded, sold, bartered, or offered for sale, or in which apples are packed for sale or shipment, or upon the brand or lining of any such container, or upon the wrapper of any apple therein contained, or upon any sign or placard used in connection therewith and having reference to the apples contained, shall be false or misleading in any particular. The words "Extra fancy" shall not be used with reference to any apples the grade of which does not conform to the standard for "Extra fancy" grade as in this act defined; and the word "Fancy" or words "Fancy loose" shall not be used with reference to any apples the grade of which does not conform to the standard for "Fancy" grade or the "Fancy loose" grade, as the case may be, as in this act defined; nor shall the letter "C," or words "C loose," as an indication of grade, or quality, be used with reference to any apples the grade of which does not conform to the standard for "C" grade or "C loose" grade, as the case may be, as in this act defined, nor shall the words "Unclassified apples" be used with reference to any apples, the grade of which does not conform to the requirements of unclassified apples as in this act defined.

Stats 1923,
p 478,
amended
Penalties.

SEC. 6. Section 13 of the said act, as amended, is hereby amended to read as follows:

Sec. 13. Any person, firm, company, organization or corporation, who shall violate any of the provisions of this act shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment; *provided, however,* that when any lot of apples has been inspected as herein permitted, has been passed by the inspector as conforming to the requirements of this act, and has thereupon been sold, and placed in cold storage or shipped to a purchaser, the person who was the owner, packer, or shipper of the lot, at the time of such inspection, shall not be prosecuted hereunder by reason of any failure of any of said fruit so to conform discovered upon any subsequent inspection or examination of such lot.

CHAPTER 251.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article eighteen, embracing section six hundred fifty-four to six hundred eighty-five, both inclusive, relating to a department of finance.

[Approved by the Governor April 25, 1927. In effect July 29, 1927.]

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

SECTION 1. The Political Code is hereby amended by adding a new article to chapter III of title I of part III thereof, to be numbered article XVIII, embracing sections 654 to 685, both inclusive, and to read as follows: New sections.

ARTICLE XVIII.

THE DEPARTMENT OF FINANCE.

654. A department of the government of the State of California to be known as the department of finance is hereby created. The department shall have general powers of supervision over all matters concerning the financial and business policies of the state and shall whenever it deems it necessary, or at the instance of the governor, institute or cause the institution of such investigations and proceedings as may be deemed proper to conserve the rights and interests of the state. Dept. of
finance
created.

655. The department shall be conducted under the control of an executive officer to be known as director of finance, which office is hereby created. The director shall be appointed by and hold office at the pleasure of the governor, and shall receive a salary of ten thousand dollars per annum. Before entering upon the duties of his office, the director shall execute an official bond to the State of California in the penal sum of one hundred thousand dollars, conditioned upon the faithful performance of his duties. Except as otherwise in this article prescribed, the provisions of article II or chapter III of title I of part III of the Political Code as adopted at the forty-fourth session of the Legislature, and as the same may be amended from time to time, shall govern and apply to the conduct of the department of finance in every respect the same as if such provisions were herein set forth at length. Whenever in said article II the term "head of the department," "head of a department" or similar designation occurs, the same shall for the purposes of this article mean the director of finance, except that in respect to matters herein and hereafter specifically placed under the jurisdiction of the board of control such term or designation shall mean said board of control; and whenever by the provisions of any statute or law now in force or that may be hereafter enacted, a duty or jurisdiction is imposed or authority conferred upon the chairman of the state board of control, such duty, jurisdiction and authority are hereby imposed upon and transferred to the Director of
finance.

director of finance with the same force and effect as though the title of the director of finance had been specifically set forth and named therein in lieu of the term chairman of the board of control.

Organization
of
department.

656. For the purpose of administration, the department shall be forthwith organized by the director, with the approval of the governor, in such manner as shall be deemed necessary properly to segregate and conduct the work of the department. The work of the department is hereby divided into at least three divisions, to be known respectively as the division of budgets and accounts, the division of service and supply and the division of motor vehicles. The director of finance shall have power to arrange and classify the work of the department, and with the approval of the governor may create such other divisions and subdivisions as may be necessary, and change or abolish the same from time to time. The chief of the division of service and supply shall be appointed by and hold office at the pleasure of the governor. The chief of each division shall receive a salary of five thousand dollars per annum, and before entering upon the duties of his office shall execute to the State of California an official bond in the penal sum of twenty-five thousand dollars. The director of finance may also be chief of the division of budgets and accounts without additional compensation.

Director's
powers and
duties.

657. The director of finance, as head of the department of finance, shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities and carry out and effect all purposes now or hereafter vested by law in the department of finance, except such duties, powers, jurisdiction, responsibilities and purposes as are specifically vested in the board of control by the provisions of this article.

Audit of
state
financial
records.

658. It shall be the duty of the director of finance to examine and expert, or cause to be examined and experted, the books of the different state prisons, reformatories, state hospitals and other institutions, commissions, bureaus and officers of the state, at least once in each year, and as often as may be deemed necessary. The officers of said prisons, reformatories, hospitals and other institutions, boards, commissions and bureaus and the several officers of the state, must permit such examination and experting and must upon demand produce without unnecessary delay all books, contracts and papers in their respective offices, and must furnish upon demand the information touching books, papers and contracts and other matters pertaining to their respective offices.

Visitation
of state
institutions.

659. It shall be the duty of the director of finance to visit or cause to be visited from time to time every public institution maintained in whole, or in part, by state appropriations to ascertain the conditions of the same, and their wants and requirements, and also to visit public buildings in course of construction to ascertain if all the provisions of law in relation to such construction and the contracts therefor are being faithfully executed.

Upon completion of such examination the director must make a report in duplicate and file one copy with the governor and one copy in the office of the department of finance.

The director of finance shall supply to the state controller a certified copy of each periodical audit of the accounts of any state institution, commission, bureau or officer.

660. The money in the state treasury must be counted by the director of finance at least once every month, without giving the treasurer any previous notice of the day or hour of counting; the director may at any counting place any sum in bags or boxes and mark and seal the same with a seal to be adopted and kept by him, and may, at any subsequent counting count each bag or box separately and credit at the value stamped thereon the contents of such bags or boxes as part of the money counted without making a detailed count of such contents.

Count of money in state treasury

He shall count as cash all evidence of money belonging to the state upon deposit outside the state treasury that may be held by the treasurer in accordance with law and shall determine for himself whether such evidence is sufficient according to law.

After each count of money he must make and file with the secretary of state and cause to be published in some newspaper in the city of Sacramento, an affidavit showing:

1. The amount of money or credit that ought to be in the state treasury.

2. The amount and kind of money or credit actually therein.

Deficiencies in appropriations

661. The director, with the consent of the governor, shall have power to authorize the creation of deficiencies in any appropriations of money made by law in cases of actual necessity and shall authorize the payment of deficiencies out of any money which may be appropriated for such purposes. No deficiency shall be authorized except upon the written authority, first obtained, of the director of finance and of the governor. Any indebtedness attempted to be created against the state in violation of these provisions shall be null and void, and shall not be allowed by the director of finance or the controller.

662. For the purpose of exercising the powers of supervision mentioned in section 654 of this code, the director is hereby authorized to make and enter into contracts providing for the payment of fees to private persons, firms or corporations, contingent upon the recovery to or for the state through the efforts of any such person, firm or corporation of money or property withheld from the state, due the state from taxes levied prior to the first Monday in March, 1911; or for the collection of excess freight rates which may have been charged to the state. He shall also have power to acquire title to real property in the name of the State of California whenever the acquisition of such property is contemplated by law.

Recovery of money or property

663. A state board of control is hereby created to consist of the director of finance, the chief of the division of service and

State board of control.

supply of the department of finance, and the state controller, all acting ex officio.

The members of the state board of control shall receive no additional compensation for their services as ex officio members of said board. The director of finance shall be chairman of said board of control.

The board shall meet at the call of the chairman and two members thereof shall constitute a quorum.

The board must keep a record of all its proceedings and any member may cause his dissent to the action of the majority upon any matter to be entered upon such record.

Presentation
and audit of
claims
against state.

664. The board by a majority vote shall adopt general rules and regulations governing such matters as are specifically committed to the jurisdiction of said board, and governing the presentation and audit of claims against the state for which an appropriation has been made or for which a state fund is available. In accordance with such general rules and regulations of said board the state controller shall audit such claims before drawing his warrant therefor as prescribed by law.

The board shall cause to be printed for distribution among all state officers and for the use of any one desiring to present a claim against the state, a set of the general rules and regulations adopted by the board governing the presentation and audit of demands against the state funds and appropriations.

Any person having a claim against the state for which an appropriation has been made, or for which a state fund is available, may present the same to the state controller in the form and manner prescribed by the general rules and regulations adopted by the board of control for the presentation and audit of claims.

Approval and
disapproval
of claims.

665. If the state controller approve such claim under and in accordance with said rules and regulations, he shall draw his warrant for the amount so approved in favor of the claimant.

If the state controller disapprove of any claim, the same shall be filed with the records of the board of control in such manner as may be prescribed in the general rules and regulations of said board for the presentation and audit of claims, together with a statement showing such disapproval and the reasons therefor.

Claims for
which no
appropriation
was made.

666. If no appropriation has been made, or if no fund is available for the payment of any claim against the state, the settlement of which is provided by law, or if an appropriation or fund has been exhausted, such claim must be presented to the board which shall audit the same and if approved by a unanimous vote thereof it shall, with the sanction of the governor, be transmitted to the Legislature with a brief statement of the reasons for such approval.

Presentation,
hearing and
report to
Legislature.

667. Any person having a claim against the state, the settlement of which is not otherwise provided for by law, must present the same to the board at least four months before the

meeting of the Legislature, accompanied by a statement showing the facts constituting the claim, verified in the same manner as complaints in civil actions. Before finally passing upon any such claim, notice of the time and place of hearing must be mailed to the claimant at least fifteen days prior to the date set for final action. At the time designated the board must proceed to examine and adjust such claims. It may hear evidence in support of or against them and, with the sanction of the governor, report to the Legislature such facts and recommendations concerning them as may be proper. In making such recommendations the board may state and use any official or personal knowledge which any member thereof may have touching such claims.

668. The controller must not entertain, for the second time, a demand against the state once rejected by him or by the Legislature unless such facts are subsequently presented to the board of control as in suits between individuals would furnish sufficient ground for granting a new trial. Any person interested, who is aggrieved by the disapproval of a claim by the controller, may appeal from the decision to the board of control and if in the opinion of the board of control facts are presented justifying such action, the controller shall reconsider his rejection of said claim. After final rejection of a claim by the controller following such reconsideration any person interested may appeal to the Legislature of the state by filing with the board of control a notice of such appeal, and upon the receipt of such notice the board must transmit the rejected demand, and all the papers accompanying the same, with a statement of the evidence taken before it, to the Legislature.

Rejected
claims.

669. The controller must not draw his warrant for any claim until it has been audited by him in conformity with the general rules and regulations adopted by the board of control governing the presentation and audit of claims, and when hereafter, the controller is directed to draw his warrant for any purpose, this direction must be construed as subject to the provisions of this section, unless the direction is accompanied by a special provision exempting it from the operation of this section. Claims upon the contingency funds of either house of the Legislature and for official salaries, are exempt from the operation of the provisions of this article.

Audit of
claims by
controller.

670. Whenever the chairman of the board of control has reason to believe that the controller has drawn or is about to draw his warrant without authority of law, or for a larger amount than the state actually owes, or in a manner not in conformity with the rules adopted by the board of control governing presentation and audit of claims, the chairman must notify the treasurer of state not to pay the warrant so drawn or to be drawn; and thereupon the treasurer is prohibited from paying warrant whether already drawn or not, until he is otherwise directed by the Legislature.

Blocking
payment of
warrant.

Investment
of school
land funds.

671. Whenever and as often as there is in the state treasury the sum of ten thousand dollars as the proceeds of the sale of state school lands, the director of finance must invest the same in the bonds of this state, or in the bonds of the United States, or in the bonds of any county, permanent road district, city and county, city, town, school district, or irrigation district within this state; the investment to be made in such manner and on such terms as the director shall deem best for the fund. All such bonds purchased under the provisions of this section must be delivered to the state treasurer, who shall keep them as a special school fund deposit, and the interest upon such bonds when collected, shall be placed by him to the credit of the state school fund.

Investment
of estates of
deceased
persons'
funds.

672. Whenever and as often as there is in the state treasury to the credit of the estates of deceased persons' fund (in excess of the retention hereinafter provided for) the sum of ten thousand dollars or more, the director of finance must invest the same in the bonds of this state, or in the bonds of the United States, or in the bonds of the several counties, city and county, permanent road districts, cities and towns, or school districts of this state; the investments to be made in such manner and on such terms as the director shall deem best for the fund. No investment shall be made which with the amounts previously invested shall reduce the uninvested portion of the fund below the amount of ten thousand dollars, and whenever a demand presented against said fund will reduce the amount of cash therein below the specific amount of ten thousand dollars it shall be the duty of the director to sell such bonds belonging to said fund as he may deem proper, for the purpose of making good the cash retention of ten thousand dollars. Bonds purchased under the provisions of this section must be delivered to the state treasurer, who shall keep them as a portion of said estates of deceased persons' fund, and the interest upon such bonds shall be paid into the state school fund and apportioned like other moneys employed for the support of common schools.

Notice of
local bond
issues.

673. Whenever, under the provisions of law, the board of supervisors, trustees, common council or other governing boards or bodies of any city or county, city or town or school district of this state shall advertise the sale of bonds voted for any purpose, the clerk of such board of supervisors, trustees, common council or other governing board or body shall forthwith by mail, postage prepaid, notify the department of finance and state treasurer at the capitol of such issuance and sale of bonds and shall specify the purposes for which such bonds were voted, the amount of the total issue for each purpose, the denomination of each bond showing date of issuance and date of maturity, the rate of interest showing when and where payable, the assessed value of the property upon which such bonds are a lien, the total amount of other bonded indebtedness which is a lien upon said property, and shall upon

request of the state department of finance furnish a full description of the proceedings leading up to such issue; *provided*, that no certified check, bond or other assurance in law shall be required from the state upon its bid to purchase bonds.

674. At any sale of bonds by the state treasurer the director of finance may become a bidder and purchase bonds with the funds at his disposal, and the appropriate transfer of funds must be made by the controller and treasurer on the books of their offices. No purchase of bonds shall be completed by the director of finance until the attorney general shall have approved the validity of the issue.

Purchase of
bonds

675. Except as otherwise provided by law, the director of finance with the consent of the head of the department concerned shall have the power to lease for a period of not to exceed five years any property, real or personal, of the state, which in his judgment shall be for the best interests of the state, and shall have power to authorize the sale or exchange of any property, except real estate, which belongs to the state and which, in his judgment, it shall be for the best interests of the state to sell or exchange.

Lease, sale
and exchange
of property

675a. All contracts entered into by any state officer, board, commission, department, or bureau for the purchase of supplies, materials, or services, shall before the same become effective be transmitted with all papers, estimates and recommendations concerning the same to the state department of finance for consideration. If such department approve the same, the contract shall, from the date of such approval, be in force and effect.

State
departmental
contracts.

No state officer, board, commission, department or bureau shall purchase supplies and materials, or either, in open market, unless permission has been given, upon a presentation of the necessity therefor, by the state department of finance; *provided*, that to meet an emergency, supplies and materials of a perishable nature, in an amount not exceeding one hundred dollars in value, may be purchased by such state officer, board, commission, department, or bureau without the permission of the said department of finance.

Every state office, board, commission, or department to whom is given by law the authority to make purchases of materials or supplies must upon the request of the department of finance designate some certain officer or employee in such office, board, commission, or department whose duty it shall be to make such reports at such times and in such manner to the department of finance as such department shall from time to time require.

676. Whenever by the provisions of this code or any statute or law now in force or that may hereafter be enacted a duty is imposed or authority conferred upon the "state board of examiners" or the "board of examiners" and the members thereof such duty and authority are hereby imposed and conferred upon the state department of finance and the

Transfer of
duties of
board of
examiners

members thereof, the same as though the title of the state department of finance had been specifically set forth and named therein. For the purposes of this chapter the terms "state board of examiners," and "board of examiners" respectively, shall be construed to mean and refer to the "state department of finance," and wherever in this code or in any statute or law the term "member of the state board of examiners" or "member of the board of examiners" is used it shall be construed to mean and refer to the director of finance.

Uniform
accounting
system

677. The department of finance shall devise, install and supervise a uniform system and method of receiving, disbursing, accounting, and reporting for any and all officers or persons in this state permitted or charged by law with the handling of public money or its equivalent, to the end that there shall be obtained similar and comparable data for every public office and every public account of the same class, and that there shall be a general, systematic and uniform check upon the receipt and disbursement of all public revenue.

Financial
and
statistical
reports.

678. The state department of finance may require from all such officers or persons mentioned in the foregoing section financial and statistical reports, duly verified, covering the period of each fiscal year, which report shall be made out upon blank forms prescribed and adopted and furnished by the department of finance, and mailed to such officers or persons not less than sixty days before the time such reports are required to be filed with such department. When necessary, the department may require special reports from any such officers or persons, which must be filed with the department without delay.

Examination
of accounts
of state
departments.

679. The department of finance is given full power to examine, through any of its officers or appointees, all accounts and all financial affairs of every officer or person mentioned in section 677 of this code, and shall have the right to enter into any public office or institution in this state and examine any books, papers or documents contained therein or belonging thereto for the purpose of making such examination, and shall have access, in the presence of the custodian thereof, or his deputy, to the cash drawers and cash in the custody of such officer or person and shall also have the right, during business hours to examine the public accounts in any depository which has public funds in its custody.

Failure to
obey orders.

680. Any officer or person who shall fail or neglect to make, verify and file with the department of finance any such report as is required by this article, or who shall fail or neglect to follow the directions of the department of finance in keeping the accounts of his office, or who shall refuse to permit the examination or access to the books, accounts, papers, documents or cash drawer or cash of his office to a representative of said department, or who shall in any way interfere with such examination, shall be guilty of a misdemeanor and upon

conviction shall be fined not less than one hundred dollars nor more than one thousand dollars or shall be imprisoned in the county jail not less than thirty days, or both.

681. Except as in this article otherwise provided, the department of finance shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the state board of control heretofore established, the department of public accounting, state purchasing department, superintendent of capitol buildings and grounds, board of trustees of the state burial grounds, board of Colton hall trustees, board of Monterey customhouse trustees, board of Pio Pico mansion trustees, board of Sutter's fort trustees, guardian of Marshall's monument, commission of San Pasqual battlefield, capitol planning commission, superintendent of state printing, motor vehicle department of California, superintendent of the motor vehicle department of California, and of the several officers, deputies and employees of such bodies and offices; and, except as herein otherwise provided, whenever by the provisions of any statute or law now in force or that may hereafter be enacted, a duty or jurisdiction is imposed or authority conferred upon any of said bodies, offices, officers, deputies or employees, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of finance with the same force and effect as though the title of the department of finance had been specifically set forth and named therein, in lieu of the name of any such board, commission, office, officer, deputy, or employee thereof, as the case may be.

For the purposes of this article the terms "state board of control," "department of public accounting," "state purchasing department," "superintendent of capitol building and grounds," "board of trustees of the state burial grounds," "board of Colton hall trustees," "board of Monterey customhouse trustees," "board of Pio Pico mansion trustees," "board of Sutter's fort trustees," "guardian of Marshall's monument," "commission of San Pasqual battlefield," "capitol planning commission," "superintendent of state printing," "deputy superintendent of state printing," "motor vehicle department of California," "superintendent of the motor vehicle department of California." or similar designations, and of the several members, officers or employees of such bodies and offices, when used in any statute or law now in force, or that may hereafter be enacted, shall be construed to mean and refer to the "department of finance," the same as though the title of the department of finance had been specifically set forth and named therein; *provided*, that nothing herein contained shall be construed as divesting the state board of control created by this article, of any of the powers, duties, purposes, responsibilities or jurisdiction expressly conferred upon or vested in said board by any of the provisions of this article.

Succession
to duties,
etc. of
various
boards.

Terms
designating
boards to
refer to
department.

Bodies and
offices
abolished

The following named bodies and offices and the positions of all deputies, officers and employees thereunder, are and each of them is hereby abolished and shall have no further legal existence: Department of public accounting, state purchasing department, superintendent of capitol building and grounds, board of trustees of the state burial grounds, board of Colton hall trustees, board of Pio Pico mansion trustees, board of Sutter's fort trustees, guardian of Marshall's monument, commission of San Pasqual battlefield, capitol planning commission, superintendent of state printing, motor vehicle department of California, superintendent of the motor vehicle department of California, and the positions of all deputies, officers and employees under the state board of control; *provided, however,* that the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes and responsibilities and jurisdiction together with all lawful rules and regulations established thereunder, are hereby expressly continued in force.

Bodies and
offices
continued.

All other bodies, offices and officers mentioned in this section shall continue in existence with the duties, powers, purposes, responsibilities, and jurisdiction elsewhere in this article prescribed.

Records, etc

682. The department of finance shall also be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of all of said bodies, offices and officers mentioned in the article, and the title to all property now or hereafter held by any of said bodies, offices or officers, for the use and benefit of the state is hereby transferred to the State of California to be held in the possession of said department. The motor vehicle division of the department of finance shall have power to destroy the registration records of motor vehicles when such records have been in the custody of the division for a period of over four years.

Title to
property.

Tahoe
camping
grounds.

683. The department of finance is hereby invested with the power, and is charged with the duty of administering and enforcing the act entitled "An act to authorize the state board of fish and game commissioners to prepare and maintain free camping grounds on land in Placer county belonging to the State of California, and to adopt, and enforce regulations pertaining thereto," approved May 13, 1919, and all other laws now or hereafter imposing any duty, power or function upon any of the bodies, offices, officers, deputies or employees herein transferred to said department.

San Pasqual
battlefield

684. The management and control of any land acquired by the State of California under or pursuant to the provisions of the act entitled "An act to accept the gift to the state of San Pasqual battlefield in San Diego county, to provide for collecting and systematizing the history of said battle, for determining the exact location thereof, and to report a suitable

method of marking said battlefield and commemorating the heroism of those Americans who fought and died there," approved May 11, 1919, is hereby transferred to and vested in the department of finance.

685. From and after the date upon which this act takes effect, the department of finance shall be and is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of all the statutes the administration of which is committed to the department, or for the use, support, or maintenance of any board, commission, office or officer whose duties, powers, and functions are, by the provisions of this article, transferred to and conferred upon the department of finance. Expenditures by department.

SEC. 2. Article XVIII of chapter III of title I of part III of the Political Code, embracing sections 654 to 691, inclusive, as the same existed on the first day of January, 1927, is hereby repealed. Repealed.

SEC. 3. Article IIa of chapter III of title I of part III of the Political Code, embracing sections 360 to 360g, inclusive, as the same existed on the first day of January, 1927, is hereby repealed. Repealed.

SEC. 4. This act in so far as it does not add to, take from or alter an existing law shall be construed as a continuation thereof. Effect of act.

CHAPTER 252.

An act to amend sections three hundred sixty-three, three hundred sixty-three a, three hundred sixty-three b, three hundred sixty-three c, three hundred sixty-three d, three hundred sixty-three e, three hundred sixty-three f, three hundred sixty-three g and three hundred sixty-three h of the Political Code, relating to the department of public works.

[Approved by the Governor April 25, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 363 of the Political Code is hereby amended to read as follows: Stats. 1923, p. 595, amended.

363. A department of the government of the State of California to be known as the department of public works is hereby created. The department shall be conducted under the control of an executive officer to be known as director of public works, which office is hereby created. The director shall be appointed by and hold office at the pleasure of the governor and shall receive a salary of ten thousand dollars per annum. Before entering upon the duties of his office, the director shall execute an official bond to the State of California Dept. of public works created

in the penal sum of twenty-five thousand dollars conditioned upon the faithful performance of his duties.

Except as otherwise in this article prescribed the provisions of article II of this chapter, title and part of the Political Code as the same exists at the time this amendment takes effect and as the same may be amended from time to time shall govern and apply to the conduct of the department of public works in every respect the same as though such provisions were herein set forth at length. Whenever in said article II the term "head of the department," "head of a department" or similar designation occurs the same shall for the purpose of this article mean the director of public works.

Stats 1923,
p. 596,
amended.
Divisions.

SEC. 2. Section 363a of the Political Code is hereby amended to read as follows:

363a. For the purpose of administration, the department shall be forthwith organized by the director of public works with approval of the governor in such manner as shall be deemed necessary to properly segregate and conduct the work of the department. The work of the department is hereby divided into at least four divisions to be known respectively as the division of engineering and irrigation, the division of water rights, the division of highways and the division of architecture.

Chiefs and
salaries.

The chief of the division of engineering and irrigation shall be and is hereby designated as the state engineer and he shall receive a salary of five thousand dollars per annum. The chief of the division of highways shall be and is hereby designated as the state highway engineer and he shall receive a salary of ten thousand dollars per annum. The chief of the division of architecture shall be and is hereby designated as the state architect and he shall receive a salary of five thousand dollars per annum. The chief of the division of water rights shall receive a salary of five thousand dollars per annum. The director of public works with the approval of the governor may create such other divisions and subdivisions as may be necessary and change or abolish the same from time to time with the approval of the governor.

Stats. 1921,
p. 1040,
amended.
Highway
commission

SEC. 3. Section 363b of the Political Code is hereby amended to read as follows:

363b. A commission, to be known as the California highway commission, is hereby created, to consist of five members to be appointed by and hold office at the pleasure of the governor. The members shall receive their actual necessary traveling expenses incurred in the discharge of their duties. The governor shall designate the chairman of the commission, the person so designated to hold such office or position of chairman at the pleasure of the governor. The governor shall fill vacancies occurring from any cause in the membership of the commission.

Change of
highways.

The commission is hereby granted the power to alter or change the route of any road and to abandon any portion

thereof, under the jurisdiction of the department of public works, when in the opinion of the commission such alteration, change or abandonment shall be necessary or advisable by reason of alteration or revision in alignment of portions of routes of state roads or highways or shall be for the best interests of the state.

The commission may also abandon any lands or parts thereof or rights in lands which have been taken or acquired by the state for state road or highway purposes. Said abandonment shall be by resolution adopted by the California highway commission and a copy of the resolution may be recorded in the office of the county recorder of the county where such route or land to be abandoned is located, without acknowledgment, certificate of acknowledgment or further proof and no fee shall be charged for such recording by said county recorder and thereupon the title to the land so abandoned shall revert to the owner of the fee. The commission is further empowered to relinquish to any county, city or city and county, any portion of any state road or highway within said county, city or city and county with the consent of the governing body of such county, city or city and county, as a county road or city street as the case may be.

Abandonment
of lands.

Relinquish-
ment of
highways

All moneys received by the state treasurer from the United States government under project agreements relating to federal aid road work shall be credited by the state controller to such fund or funds for the construction of highways as the California highway commission shall designate.

Federal aid
funds.

Except as may be otherwise expressly provided by law the commission shall have power at any time and from time to time, to select, adopt and determine the routes for new state roads and highways and, from the moneys and funds available therefor, to allocate moneys for the construction or repair of the various roads and highways or portions thereof under the jurisdiction of the department of public works and to determine in each case the maximum sum of money that shall be made available therefor and to conduct preliminary surveys for the determination of the advisability of including in or excluding from the state highway system any road or portion thereof; *provided*, that not more than one-half of the cost of any such preliminary survey shall be paid from state funds available for such purposes.

Selection of
routes

Allocation of
funds

Preliminary
surveys.

SEC. 4. Section 363c of the Political Code is hereby amended to read as follows:

Stats. 1921,
p. 1040,
amended.

363c. The director of public works as head of the department of public works shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities and carry out and effect all purposes now or hereafter vested by law in the department of public works, except such duties, powers, jurisdiction, responsibilities and purposes as are vested in the California highway commission or in the chief of a division of the department of public works by

Director's
powers and
duties

express provision of this article or of any law hereafter adopted.

Stats 1921,
p. 1040,
amended.
Board of
review

SEC. 5. Section 363*d* of the Political Code is hereby amended to read as follows:

363*d*. For all quasi judicial functions relating to irrigation or water rights the director may appoint a board of three engineers of the department to sit as a board of review or appeal, wherever a review or appeal, other than review by or appeal to the courts is provided for under the laws relating to any of the boards, officers or commissions whose functions are transferred to the department.

Stats. 1923,
p. 596,
amended
Succession to
duties, etc.
of various
boards, etc.

SEC. 6. Section 363*e* of the Political Code is hereby amended to read as follows:

363*e*. Except as in this article otherwise provided, the department of public works shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the state Carey act commission, advisory board to the state Carey act commission, state engineer, the state water commission, the state highway engineer, the department of engineering, the board of public works, the advisory board to the department of engineering, the California highway commission, and of the several officers, deputies and employees of such bodies and offices; and

Except as herein otherwise provided, whenever by the provisions of any statute or law now in force or that may hereafter be enacted, a duty or jurisdiction is imposed or authority conferred upon any of said bodies, offices, officers, deputies or employees, or upon any other person by any statute, the administration or enforcement of which is transferred to the department of public works, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of public works and the appropriate officers thereof with the same force and effect as though the title of said department of public works had been specifically set forth and named therein, in lieu of the name of any such board, commission, office, officer, deputy or employee thereof as the case may be.

For the purposes of this article, the terms "state Carey act commission," "advisory board to the Carey act commission," "state engineer," "state water commission," "executive member of state water commission," "state highway engineer," "state department of engineering," "board of public works," "advisory board to the department of engineering," "member of state Carey act commission," "member of state department of engineering," and "member of the California highway commission," is used, the same shall be construed to mean and refer to the "department of public works"; and

Whenever in any statute or law reference is made to the "advisory board to the department of engineering," or to a "member of the advisory board to the department of engineering," or to the "California highway commission" or to

a "member of the California highway commission," such reference, in so far as it relates to matters not coming within the jurisdiction of the California highway commission created by statute enacted at the forty-seventh session of the Legislature of the State of California, shall be construed to mean and refer to the "department of public works."

Except as in this article otherwise provided, said bodies and offices the duties, powers, purposes, responsibilities and jurisdiction of which are so transferred to and vested in the department of public works, and the positions of all officers, deputies and employees thereunder are and each of them is hereby abolished and shall have no further legal existence, but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction together with all lawful rules and regulations established thereunder are hereby expressly continued in force. The department of public works shall also be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of said bodies, offices and officers.

Offices
abolished.

SEC. 7. Section 363*f* of the Political Code is hereby amended to read as follows:

Stats 1921,
p. 1042,
amended.

363*f*. Except as in this article otherwise provided, the department of public works is hereby invested with the power and is charged with the duty of administering and enforcing all laws now or hereafter imposing any duty, power or function upon any offices, officers, deputies or employees herein transferred to said department.

Enforcement
of laws.

SEC. 8. Section 363*g* of the Political Code is hereby amended to read as follows:

Stats 1921,
p. 1042,
amended.

363*g*. From and after the date upon which this act takes effect, the department of public works shall be and is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of any of the statutes the enforcement of which provisions is committed to the department or for the use, support, or maintenance of any board, commission, office or officer, that is abolished by the provisions of this article or whose duties, powers and functions are, by the provisions of this article, transferred to and conferred upon the department of public works. Such expenditures by the department shall be made in accordance with law in carrying on the work for which such appropriations were made or such special funds created.

Expenditures
by
department.

SEC. 9. Section 363*h* of said code is hereby amended to read as follows:

Stats. 1923,
p. 597,
amended.

363*h*. The department of public works is hereby authorized, in the name of the people of the State of California, to condemn, under the provisions of the Code of Civil Procedure of the State of California, relating to eminent domain any real

Condemna-
tion of real
property.

property which it is by law authorized to purchase or acquire but said department shall not have power to commence any such proceeding in eminent domain which by the provisions of section 365*f* of the Political Code it is authorized to purchase or acquire unless the California highway commission created by the provisions of section 363*b* of the Political Code shall first have adopted a resolution declaring that public interest and necessity require the acquisition, construction or completion by the state acting through the department of public works of the improvement for which said real property is required and that the real property described in such resolution is necessary therefor. Said resolution shall be conclusive evidence:

(a) Of the public necessity of such proposed public improvement;

(b) That such property is necessary therefor; and

(c) that such proposed public improvement is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

CHAPTER 253.

An act to amend section fifty-seven and to repeal section eighty-five of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees, and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended, relating to the disposition of funds.

[Approved by the Governor April 25, 1927. In effect July 29, 1927.]

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

Stats 1915,
p. 156,
amended.

SECTION 1. Section 57 of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this

act," approved April 23, 1915, as amended, is hereby amended to read as follows:

Sec. 57. The commission shall charge and collect the following fees: For copies of papers and records not required to be certified or otherwise authenticated by the commission, ten cents for each folio; for certified copies of official documents and orders filed in its office, fifteen cents for each folio and one dollar for every certificate under seal affixed thereto; for certifying a copy of any report made by a public utility, two dollars; for each certified copy of the annual report of the commission, one dollar and fifty cents; for certified copies of evidence and proceedings before the commission, fifteen cents for each folio; for certificate authorizing an issue of bonds, notes or other evidence of indebtedness, one dollar for each thousand dollars of the face value of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and twenty-five cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of twenty-five dollars; *provided*, that no fee need be paid on such portion of any such issue as may be used to guarantee, take over, refund, discharge or retire any bond, note or other evidence of indebtedness on which a fee has theretofore been paid to the commission; *and provided, further*, that if the commission modifies the amount of the issue requested in any case and the applicant thereupon elects not to avail itself of the commission's authorization, no fee need be paid. No fees shall be charged or collected for copies of papers, records or official documents, furnished to public officers for use in their official capacity, or for the annual reports of the commission in the ordinary course of distribution, but the commission may fix, with the approval of the department of finance, reasonable charges for publications issued under its authority. All fees charged and collected under this section shall be paid at least once each month into the state treasury to the credit of the general fund.

Fees to be charged by commission

Sec. 2. Section 85 of the said act is hereby repealed.

Stats. 1915, p. 169, repealed.

CHAPTER 254.

An act to allow unincorporated towns and villages to establish, equip and maintain a police department, to provide for the formation, government and operation of said police districts, the assessment, collection, custody and disbursement of taxes, for such purpose, and to create a board of police commissioners.

[Approved by the Governor April 26, 1927. In effect July 29, 1927.]

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

SECTION 1. Any unincorporated town or village of this state may equip and maintain a police department for the purpose

Village police.

of protecting and safeguarding life and property, in accordance with the provisions of this act.

Formation of
police
protection
district

SEC. 2. Upon the application, by petition, of fifty or more taxpayers and residents of said town or village presented at a regular meeting of the board of supervisors of the county in which said town or village is situated, praying for the formation of a police district and setting forth the name and boundaries of the said proposed district, the board of supervisors shall fix a time and place, for hearing the same and protests of interested parties not less than twenty-five nor more than thirty days after the date of presentation to said board of supervisors of said petition.

Notice.

The clerk of the board shall thereupon cause notices of the filing and hearing of such petition to be posted in three of the most public places in said district. Said notices shall be headed "Notice of the proposed formation of ----- police protection district" (stating name of the proposed police protection district) in letters of not less than one inch in length and shall in legible characters state the fact and date of the filing of such petition, the time and place set for hearing such petition and protests of interested parties, specify the boundaries of the proposed district and refer to said petition for further particulars.

Additional
notice.

The said clerk shall also cause a notice, similar in substance, to be published at least once a week for two consecutive weeks in a newspaper of general circulation printed and published in the county in which the proposed district is located, and designated by said board for that purpose. Said notice must be posted and the second of said publications must be made as above provided, at least seven days before the date set for the hearing of said petition.

Protests

Any person interested, objecting to the formation of said district, or to the extent of said district, or to the inclusion of his property in said district, may file a written protest, setting forth such objections, with the clerk of said board at or before the time set for the hearing of said petition.

The clerk of said board shall indorse on each such protest the date of its reception by him, and, at the time appointed for the hearing above provided for, shall present to said board all protests so filed with him. Said board shall hear said petition and protests at the time appointed, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision thereon shall be final and conclusive.

Boundaries

If any of such protests be against the extent of said district, or against the inclusion of property in said district, then the board shall have power to make such changes in the boundaries of the proposed district as it shall find to be proper and advisable, and shall define and establish such boundaries, but said board shall not extend the boundaries of said district, nor shall said board modify such boundaries so as to exclude from such proposed district any territory which will be benefited

by said improvement, nor shall any territory which will not, in the judgment of said board be benefited by said improvement be included within such proposed district. At the expiration of the time within which protests may be filed, if none be filed, or if protests be filed and, after hearing be denied or the boundaries of the proposed district be defined and established with modifications, as above provided, then said board shall be deemed to have acquired jurisdiction to further proceed in accordance with the provisions of this act.

The said board of supervisors within thirty days after acquiring jurisdiction to proceed as hereinabove provided must by resolution establish said police district and appoint three commissioners each of whom must be a resident within said district, to be known as and called a board of police commissioners of the district for which they are appointed who shall hold office until the second Monday in April next thereafter and until their successors are elected and qualified.

The fact of the presentation of the petition, and the order establishing the police district, shall be entered in the minutes of the board of supervisors and shall be prima facie evidence of the due presentation of a proper petition, and that each of the petitioners was, at the time of signature and presentation of the petition, a tax payer and resident of the proposed district, and of the fact and regularity of all prior proceedings of every kind and nature provided for by this act, and of the existence and validity of the district.

SEC. 3. The board of police commissioners so appointed by said board of supervisors, and their successors, shall be authorized and empowered, and it shall be their duty:

1. To make all rules, regulations and laws necessary for the administration, operation and maintenance of the police district.

2. To call an election and to submit to the electors residing within the limits of said police district, the question whether a tax will be levied and raised for the purpose of establishing and equipping a police department for the said police district, and for the protection of life and property therein.

3. To estimate and determine the annual amount of money required for the maintenance of said police department for the ensuing fiscal year and for the costs of any other things which may be necessary for carrying out the provisions of this act, and report the same to the board of supervisors of the county in which said police district is located not later than the first day of July of each year.

4. To appoint judges, not less than three, and other officers, to conduct such election, and to issue certificates of election.

5. To determine the number of employees if any necessary to properly care for and protect the life and property of residents within said district; to prescribe their duties and fix their compensation which said employees shall hold their positions at the pleasure of the board.

Commissioners

Validity of proceedings

Powers and duties of board.

6. To do and perform such other acts and things as may be proper and necessary to carry out the full intent and meaning of this act.

Provision for
police
station.

SEC. 4. The board of police commissioners so appointed by said board of supervisors, and their successors, are further authorized and empowered, in their discretion, to purchase or otherwise acquire land and to erect thereon a police station for purposes of housing the police equipment and police apparatus, or to purchase or otherwise acquire land already improved with a building thereon suitable for housing said equipment and apparatus, and to pay for said land, improved or unimproved, as the case may be out of the annual tax provided for under paragraph 2 section 3 of this act, or by special tax to be voted by the voters within the police district in the manner herein provided for. Said board of police commissioners may furthermore in their discretion submit to the qualified electors within said police district at a special election for that purpose, or at the annual election provided for in section 17 of this act, the proposition whether or not land shall be purchased or otherwise acquired and a police station built thereon, or the proposition of whether or not land with a police station already thereon shall be purchased or otherwise acquired, or both of said propositions, and in event of such submission the vote registered for or against the proposition or propositions so made to the voters shall be binding upon said board of police commissioners. Said board of police commissioners are further hereby empowered to sell or otherwise dispose of any such land, improved, or unimproved, as the case may be, theretofore by them or by their predecessors acquired for police station purposes; *provided, however*, that if the same shall have been originally acquired pursuant to the vote of the electors within the police district, as herein permitted, then the same shall not be sold excepting by like vote of the electors within said district. The proceeds derived from the sale of any such land or improvements thereon shall be exclusively devoted to the purchase of other land or other improvements. All real property acquired under the provisions of this section shall be conveyed to, and held in the name of the "board of police commissioners of the police protection district -----" (naming said district).

Call for
election

SEC. 5. Said election must be called by posting notices in three of the most public places in said district for not less than ten days, and also, if there is a newspaper printed and published in the district by advertising such notice therein at least two regular issues of the paper.

Time, place
and amount
to be raised

SEC. 6. Such notice must specify the time and place for holding the election, and the amount required for the establishment and equipment of said police department, and the amount of money to be raised for such purpose shall not exceed in any one year one per cent of the assessable property within the

police limits, as fixed by the board of supervisors; *provided*, that the amount to be raised for the maintenance of said department each year shall not exceed one-half of one per cent of the assessable property within the police limits as fixed by the board of police commissioners.

SEC. 7. The board of police commissioners must appoint three judges and two clerks to conduct the election and it must be held in all respects as nearly as practicable in conformity with the general election law; *provided*, that no new register shall be required, nor legal ballot paper; *and provided further*, that the polls may be opened at eight o'clock a.m. and close at five o'clock p.m. on the day appointed for such election.

Conduct of election

SEC. 8. At such election the ballots must contain the words "Tax—Yes" or "Tax—No."

Ballots

SEC. 9. The judges of the election shall, within twenty-four hours after holding said election, make returns and certify to the board of police commissioners said votes, showing the number of votes cast, and the number of votes in favor of, and the number of votes against the matter voted upon.

Election returns

SEC. 10. The board of supervisors must, at the time of levying the county taxes, levy a tax upon all the taxable property within the limits of the said police protection district authorizing such tax sufficient to raise the amount authorized. The rate of taxation shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate assessed value of the property in the district, as it appears on the assessment roll of the county, and then dividing the sum authorized by the remainder of such aggregate assessed value; the taxes so levied shall be computed and entered on the assessment roll by the county auditor and collected at the same time and in the same manner as the state and county taxes, and when collected shall be paid into the county treasury for the purpose and use of the district in which the tax was authorized.

Tax levy

SEC. 11. All moneys arising from the tax herein authorized to be levied and collected shall be kept by the treasurer of the county in which said district is situated and shall be paid out on warrants of the county auditor which shall be drawn upon orders of said board of police commissioners of said district authorizing said tax.

Funds.

SEC. 12. The treasurer shall receive no compensation for the receipt and disbursement of moneys derived under the provisions of this act.

Compensation of treasurer.

SEC. 13. The board of police commissioners shall procure all necessary books and blanks for the purpose of keeping a correct record of their proceedings; and they shall keep a record of all their acts, of all moneys received and disbursed by them, which said books shall be open to public inspection at all times.

Records

SEC. 14. All accounts, bills, and demands against the police district shall be audited, allowed, and paid by the board of police commissioners by warrants drawn on the county

Payment of claims.

treasurer in the manner provided in section 11 hereof, and the county treasurer shall pay the same in the order in which they are presented.

Compensation
of commis-
sioners
Vacancies.

SEC. 15. No member of any police commission created by this act shall receive any compensation for his services.

SEC. 16. In case of a vacancy of any or all of the members of the board of police commissioners, after election had, by death, resignation or otherwise, such vacancy shall be filled by appointment by the board of supervisors of the county in which said vacancy may happen.

Election of
commis-
sioners.

SEC. 17. An election shall be held on the first Monday of April subsequent to the appointment of the police commissioners by the board of supervisors for the election of three police commissioners who shall take office on the next succeeding Monday of the same month. Said commissioners shall at their first meeting so classify themselves by lot that one of their number shall go out of office on the second Monday of April of the year next succeeding said first election, one thereof on the second Monday of April of the second year succeeding, and one thereof on the second Monday of April of the third year succeeding. On the first Monday of April of the year next succeeding said first election and on the first Monday of April of every year thereafter, an election shall be held for the election of one police commissioner, who shall take office on the next succeeding Monday in the same month and shall hold office for the term of three years, or until his successor is elected and qualified. Notice of such elections shall be given by the board of police commissioners by posting in three public places within the limits of said police district for at least two weeks before the day of election. They shall also appoint the judges of election. The elections shall be conducted in accordance with the provisions of the general election laws of the State of California, excepting as in this act provided to the contrary.

Election
returns.

SEC. 18. The judges of election shall, within twenty-four hours after holding said election, make returns and certify said votes, and the names of the person or persons voted for, to the said board of police commissioners, and within five days after the returns have been received by the board of police commissioners they shall canvass the returns, determine who has been elected, and forthwith issue certificates of election to the persons elected.

Expiration of
term.

SEC. 19. Each board of police commissioners shall at the expiration of their term of office, turn over to their successors all the books, and documents, belonging to the office of said board of police commissioners, taking their receipt therefor.

Legality
of tax.

SEC. 20. No assessment or act relating to assessment or collection of taxes, or elections held under the provisions of this act, shall be illegal, void, or voidable on account of any error, omission, or informality, or failure to comply strictly with the provisions of this act, nor on account of any misnomer; but the same shall be liberally construed, with a view to hold valid all acts done under this act.

SEC. 21. The said board of police commissioners may adopt such ordinances, as they may deem proper for the protection of life and property. Such ordinances shall be signed by the said police commissioners and published in a newspaper printed in the county in which said police district is situated, or posted in three of the most public places in said district for the period of two weeks, at the end of which time it shall be and become a law for the government of the inhabitants of said district. Ordinances

SEC. 22. Any person who shall violate any of the provisions of any ordinance so adopted shall be guilty of misdemeanor. Penalty

SEC. 23. Any justice of the peace within the townships within which said police district is situated shall have jurisdiction of all prosecutions under this act and for violations of any ordinance adopted by said police commissioners as herein provided for, and sections 1426 to 1459, both inclusive, title IX, chapter I of the Penal Code, are hereby made applicable to proceedings under this act. Jurisdiction
of justices

SEC. 24. Every police district formed or established under the provisions of this act must be designated by the name and under the style of ----- police protection district (using the name of the district as hereinabove provided) of ----- county (using the name of the county in which said district is situated) and in that name the said board may make and award contracts and may sue and be sued. Name of
district

SEC. 25. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitu-
tionality

CHAPTER 255.

An act to amend section one thousand two hundred eight of the Political Code, relating to illiterate or helpless voters.

[Approved by the Governor April 27, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1208 of the Political Code is hereby amended to read as follows: Stats. 1895,
p. 306,
amended

1208. When it appears from the register that any elector has declared under oath, when he registered, that he can not read, or that by reason of physical disability he is unable to mark his ballot, he shall receive the assistance of at least one person, and no more than two persons, of his own selection, or, Illiterate or
helpless
voters.

upon request, receive the assistance of two of the officers of election, of different political parties, in the marking thereof, to be chosen as follows: One by the inspector then receiving the ballots, and the other by the judge of the opposite political party which at the last election cast the highest number of votes throughout the state, and in the event there are more judges than one of said party, then by the one of said judges who shall be named by said inspector. Such officers shall thereafter give no information regarding the marking of said ballot. The officers making such appointments shall make the same in writing, and sign the same, and upon the same paper the persons so appointed shall subscribe and take the following oath before assisting such elector:

State of California, county of _____, assembly district number _____, _____ precinct, ss. _____ and _____, being duly sworn, each for himself, says that he is one of the officers of election appointed to assist _____ (here insert the name of the elector) in marking his ballot, and that he will not give any information, now or hereafter, regarding the same.

Subscribed and sworn to before me, this-----day of -----, A. D. 19-----.

Said affidavits may be sworn to before any officer of election competent to administer an oath, and the same, with the indorsements thereon, shall be returned to the county clerk, as provided in section 1261 of this code.

List of the voters who have been assisted in marking their ballots shall be kept by the clerks keeping the poll-lists, and shall be returned and preserved, as the poll-lists are returned and preserved. As amended March 23, 1893.

CHAPTER 256.

An act to amend an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in any part of the state, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, by adding a new section thereto to be numbered six a, declaring breeding places for mosquitoes to be a public nuisance and providing for the abatement thereof.

[Approved by the Governor April 27, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the formation, government, operation and dissolution of mosquito abatement districts in

Stats 1915,
p. 1014,
amended.

any part of the state, to facilitate the extermination of mosquitoes, flies and other insects; and to provide for the assessment, levy, collection and disbursement of taxes therein," approved May 29, 1915, to be numbered 6a and to read as follows:

Sec. 6a. All breeding places for mosquitoes which exist or shall exist as the result of any use made of the land or premises on which the same are found or of any artificial change in the natural condition thereof, are hereby expressly declared to be a public nuisance, and may be prosecuted as such in all actions and proceedings whatever and all remedies which are or may be given by law for the prevention and abatement of nuisance shall apply thereto, and it shall be unlawful to maintain the same. The remedies hereinabove provided shall be in addition to the remedy by way of abatement hereinafter provided.

Breeding
places
nuisances.

Whenever any such nuisance shall exist upon any property within any mosquito abatement district, the board of trustees thereof may in writing notify the record owner or owners, or person or persons in charge or in possession of said property, of the existence of said nuisance; and said notice shall direct said owner within a certain time to be therein specified to rectify and abate the nuisance complained of in the notice by destroying the larvæ or pupæ which are present. Said notice shall further direct said owner within a period to be specified therein to perform such work as may be necessary to prevent the recurrence of breeding in the places complained of.

Notice to
abate.

Said notice may be served upon the person or persons or either of them owning as of record or having charge or possession of such property upon which such nuisance shall be found, or upon the agents of either, by any person deputed by said board of trustees for that purpose, in the same manner as a summons in a civil action; *provided, however*, that if any such property belong to any person who is not a resident of the district and there is no person in charge or possession thereof, and there is no tenant or agent of such nonresident person upon whom service can be had, who can after diligent search be found; or if the owner or owners of such property cannot after due diligence be found, then such notice may be served by posting a copy of the same in a conspicuous place upon such property or premises for a period of ten days, and by mailing a copy thereof to the said owner addressed to his address given on the last completed assessment roll of the county or city and county in which said property is situate, or if no address be so given, then to his last known address.

Service of
notice.

Before complying with the requirements of said notice the said owner or owners shall have the right to appear at a hearing before the said board of trustees to be held at a time and place fixed by the board and to be stated in the notice hereinabove provided for. At such hearing said board of trustees shall redetermine whether or not said owner shall rectify and

Hearing

abate the nuisance complained of and prevent the recurrence thereof as required by said notice, and said board shall re-fix the time within which such work shall be completed.

Trustees
to abate

In the event that any such nuisance shall not have been rectified and abated within the time specified in said notice or fixed at such hearing, it shall be the duty of said board of trustees to proceed to remove and abate said nuisance by destroying the larvæ or pupæ and by taking appropriate measures to prevent the recurrence of further breeding in the places complained of. The cost thereof shall be repaid to the said mosquito abatement district by the owner of said property or premises.

Lien for
cost

Any and all sums so expended by said board of trustees shall be and become a lien upon the property and premises from which said nuisance has been removed or abated or other appropriate measures taken. Notice of such lien shall be filed and recorded in the office of the county recorder of the county in which said property is situated within six months after the first item of expenditure. An action to foreclose such lien shall be commenced within six months after the filing and recording of said notice of lien, which action shall be brought by the said board of trustees in the name of the district; *provided, however*, that the lien provisions of this act shall not apply to the property of any county, city and county, municipality, district or other public corporation, but it shall be the duty of the governing body thereof to repay to said mosquito abatement district the amount expended by it upon such property under the provision of this act upon presentation by said board of trustees of a verified claim or bill showing the amount of such expenditures.

Foreclosure

Disposition
of proceeds.

When the property is sold, enough of the proceeds to satisfy such lien and the costs of foreclosure shall be paid to said mosquito abatement district; and the overplus, if any there be, shall be paid to the owner of the property if known, and if not known, shall be paid into the court for the use of such owner when ascertained.

CHAPTER 257.

An act to amend section six hundred fifty-three c of the Penal Code, relating to the hours of labor on public works, by requiring contractors, or their agents, to file with the officer, board or commission awarding the contract a verified report as to the nature of any extraordinary emergency when their employees are permitted to work over eight hours per day, together with the names of the said employees and the hours worked per day, making failure to file said report within

thirty days prima facie proof that no extraordinary emergency existed, also making it a misdemeanor for any contractor or subcontractor on public work, or agent thereof, to violate any of the provisions of the said section.

[Approved by the Governor April 27, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 653c of the Penal Code is hereby amended to read as follows:

653c. The time of service of any laborer, workman, or mechanic employed upon any of the public works of the State of California, or of any political subdivision thereof, or upon work done for said state, or any political subdivision thereof, is hereby limited and restricted to eight hours during any one calendar day; and it shall be unlawful for any officer or agent of said state, or of any political subdivision thereof, or for any contractor or subcontractor doing work under contract upon any public works aforesaid, who employs, or who directs or controls, the work of any laborer, workman, or mechanic, employed as herein aforesaid, to require or permit such laborer, workman, or mechanic, to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property, or except to work upon public military or naval defenses or works in time of war; *provided, however, that* within thirty days after any employee is permitted to work over eight hours in one calendar day due to such an extraordinary emergency, the contractor doing the work, or his duly authorized agent, shall file with the officer, board or commission awarding the contract a verified report as to the nature of the said emergency together with the name of the said worker and the hours worked by him on the said day, and failure to file the said report within the said time shall be prima facie evidence that no extraordinary emergency existed. Any officer or agent of the State of California, or of any political subdivision thereof, making or awarding, as such officer or agent, any contract, the execution of which involves or may involve the employment of any laborer, workman, or mechanic upon any of the public works, or upon any work, hereinbefore mentioned, shall cause to be inserted therein a stipulation which shall provide that the contractor to whom said contract is awarded shall forfeit, as a penalty, to the state or political subdivision in whose behalf the contract is made and awarded, ten dollars for each laborer, workman, or mechanic employed, in the execution of said contract, by him, or by any subcontractor under him, upon any of the public works, or upon any work hereinbefore mentioned, for each calendar day during which such laborer, workman, or mechanic is required or permitted to labor more than

Stats 1905,
p. 666,
amended
Hours of
labor on
public works.

Report on
emergency
work

Stipulation
for
forfeiture.

Collection of
forfeiture

eight hours in violation of the provisions of this act; and it shall be the duty of such officer or agent to take cognizance of all violations of the provisions of said act committed in the course of the execution of said contract, and to report the same to the representative of the state or political subdivision, party to the contract, authorized to pay to said contractor moneys becoming due to him under the said contract, and said representative, when making payments of moneys thus due, shall withhold and retain therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation. Any officer, agent, or representative of the State of California, or of any political subdivision thereof, or any contractor or subcontractor, or their agents, who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by fine not exceeding five hundred dollars, or by imprisonment, not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Penalties

CHAPTER 258.

An act to amend section nineteen b of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons; and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salaries thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

[Approved by the Governor April 27, 1927. In effect July 29, 1927.]

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

Stats 1919,
p 1299,
amended

SECTION 1. Section 19b of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons; and for the

commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salaries thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

Sec. 19b. In counties or cities and counties of the second class, there shall be one probation officer, one chief assistant probation officer, and twenty-three assistant probation officers. The salaries of said officers shall be as follows:

Counties of
2d class:
probation
officer.

Probation officer, three hundred fifty dollars per month; one chief assistant probation officer, two hundred seventy-five dollars per month; one assistant probation officer who shall act as collector, two hundred forty dollars per month; three assistant probation officers at two hundred twenty-five dollars per month each; one assistant probation officer who shall act as cashier-bookkeeper, two hundred twenty-five dollars per month; twelve assistant probation officers at two hundred ten dollars per month each; four assistant probation officers who shall act as stenographers, one hundred eighty-five dollars per month each; one assistant probation officer who shall act as stenographer, one hundred sixty-five dollars per month; and one assistant probation officer who shall act as file and information clerk at one hundred seventy-five dollars per month.

CHAPTER 259.

An act to add a new section to the Code of Civil Procedure, to be numbered three hundred seventy-nine a, relating to the joinder of parties to actions.

[Approved by the Governor April 27, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered 379a, to read as follows:

New section.

379a. All persons may be joined as defendants against whom the right to any relief is alleged to exist, whether jointly, severally or in the alternative; and judgment may be given against such one or more of the defendants as may be found to be liable, according to their respective liabilities.

Same.

CHAPTER 260.

An act to add a new section to the Code of Civil Procedure, to be numbered three hundred seventy-nine b, relating to the parties to actions.

[Approved by the Governor April 27, 1927. In effect July 29, 1927.]

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

New section.

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered 379b, to read as follows:

Order preventing embarrassment.

379b. It shall not be necessary that each defendant shall be interested as to all relief prayed for, or as to every cause of action included in any proceeding against him; but the court may make such order as may appear just to prevent any defendant from being embarrassed or put to expense by being required to attend any proceedings in which he may have no interest.

CHAPTER 261.

An act to amend an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examination and surveys, and creating a reclamation board, and defining its powers," approved December 24, 1911, as amended, by adding a new section thereto to be numbered 33a, authorizing a reclamation district that may have sold or transferred any of its levees or property to Sacramento and San Joaquin Drainage District, Sutter-Butte By-Pass Project No. 6, or any other unit or project, and received warrants issued by said Sacramento and San Joaquin Drainage District or Sutter-Butte By-Pass Project No. 6, or any other project thereof, in exchange or payment therefor, or may have received or may receive compensation for any property included in any plan now or that may hereafter be adopted for controlling the flood waters of Sacramento and San Joaquin rivers, or their tributaries, to exchange said warrants for outstanding warrants issued by such reclamation district and also providing that in any new, additional or supplemental assessment of such reclamation district, there shall be determined the amount that should be assessed upon

tracts of land the benefits accrued from the expenditures represented by the warrants of the reclamation district exchanged or paid for by warrants of Sacramento and San Joaquin Drainage District, and also the amount that should have been apportioned of warrants of Sacramento and San Joaquin Drainage District, and providing that if the amount that would have been assessed against each tract of land is greater than the amount to which such tract or owner thereof would have been entitled on distribution of warrants, such excess shall be assessed to each tract of land and if the amount be less, the difference shall be paid to the owner of such tract by such reclamation district.

[Approved by the Governor April 27, 1927. In effect July 29, 1927.]

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

SECTION 1. The act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examination and surveys, and creating a reclamation board, and defining its powers," approved December 24, 1911, as amended, is hereby amended by adding a new section thereto, to be numbered 33a, and to read as follows:

Sec. 33a. Any reclamation district that may have sold or transferred any of its levees, or other reclamation or flood control works, easements, or property of any kind, to the Sacramento and San Joaquin Drainage District, Sutter-Butte By-Pass Project No. 6, or of any other unit or project, and received warrants issued by said Sacramento and San Joaquin Drainage District, or of Sutter-Butte By-Pass Project No. 6, or of any other unit or project, in exchange or payment therefor, or which may have received, or may hereafter receive, compensation from the said Sacramento and San Joaquin Drainage District, or Sutter-Butte By-Pass Project No. 6, or any other project thereof, for any levee, land, right of way, easement, or property of any kind, included in any of the plans now, or that may hereafter be adopted, for controlling the flood waters of the Sacramento and San Joaquin rivers, or their tributaries, to be carried out by the reclamation board, may exchange said warrants, or any portion of them, at par and accrued interest, for outstanding warrants issued by such reclamation district, at par and accrued interest. Any person, firm, or corporation, owning and holding any warrants

Stats 1919,
p 1130,
amended

Refinancing
of
outstanding
warrants

of said reclamation district, may apply to the board of trustees of said reclamation district for an exchange of said warrants on said terms, and, thereupon, it shall be the duty of the board of trustees of said reclamation district to make said exchange. When any such exchange shall have been effected, it shall be the duty of the board of trustees of said reclamation district to notify the county treasurer of the county in which such land, or the largest portion thereof, is situated, of such fact, and after such exchange shall have been effected, said warrants of said district shall be marked: "Surrendered for warrants of Sacramento and San Joaquin Drainage District," and proper entries of such surrender payment shall be made upon the books of the reclamation district, and also of the county treasurer of the county having the custody of the funds of said reclamation district. If the warrants of said Sacramento and San Joaquin Drainage District, or any of its units or projects, shall be, at the time of said offer for exchange, in the hands and custody of the county treasurer of the county in which the land of said district, or the largest portion thereof, is situated, the county treasurer of said county is hereby directed to make said exchange on said terms, and in said manner, whenever application is made to him for such purpose.

Additional
and supple-
mental
assessments.

In any new, additional, or supplemental assessment of such reclamation district, there shall be determined the amount that should be assessed upon each tract of land according to the benefits that accrued to each tract of land from the expenditures represented by the warrants of the reclamation district that have been so exchanged or surrendered for or paid by warrants of Sacramento and San Joaquin Drainage District or of Sutter-Butte By-Pass Project No. 6 or any other unit or project, and also the amount which should have been apportioned to each tract of land if said warrants of Sacramento and San Joaquin Drainage District or of Sutter-Butte By-Pass Project No. 6 or any other unit or project had been distributed to said tract of land or owner thereof proportionately to the percentage which on the last assessment made by said reclamation district, said tract of land was assessed for the construction or acquisition of the levees, easements and property sold or transferred to Sacramento and San Joaquin Drainage District or any project thereof. If from such determination it appears that the amount that would have been assessed against any tract of land is greater than the amount to which such tract or owner thereof would have been entitled if such distribution had been made, such excess shall be assessed to such tract respectively. If the amount is less than the amount to which such tract or owner would have been entitled respectively, the difference shall be paid to the owner of such tract by the reclamation district.

CHAPTER 262.

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

[Approved by the Governor April 27, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 10 of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a state real estate department and the office of real estate commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled, 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision and licensing thereof; to create the office of real estate commissioner, and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, is hereby amended to read as follows:

Sec. 10. The fees for licenses shall be as follows:

(1) For an original broker's license the fee shall be five dollars together with an examination fee of fifteen dollars payable at the same time as the original broker's license fee, which examination fee shall cover all examinations prior to the issuance of such original broker's license. For a renewal broker's license the annual fee shall be five dollars. An original broker's license is one issued to a person, copartnership or corporation who did not have a broker's license on December 31st of the year previous to the year for which the license is issued. A renewal broker's license is one issued to a person, copartnership or corporation who did have a broker's license unrevoked and unsuspended on December 31st of the year previous to the year for which such renewal license is issued. If the licensee be a corporation, the license issued to it shall entitle the president thereof to engage in the business of real estate broker within the meaning of this act

Stats. 1919,
p. 1255,
amended.

License
fees.

without the payment of any further fee. For each officer or agent other than the president of a licensed corporation, who shall engage in the business of real estate broker, within the meaning of this act, the annual fee shall be two dollars in addition to the fee paid by said corporation. If the licensee be a copartnership, the license issued to it shall entitle one member only of said copartnership to engage in the business of real estate broker within the meaning of this act, said member to be designated in the application of such copartnership for a license. For each other member of such copartnership who engages in the business of real estate broker within the meaning of this act the annual fee shall be two dollars in addition to the fee paid by said copartnership.

(2) For a salesman's license the annual fee shall be two dollars.

(3) The fee for both the original and renewal broker's license shall at all periods of the year be the same as above provided.

(4) All applications for license shall be accompanied by the license fee as herein provided, and all licenses shall expire on December 31st of each year at midnight.

CHAPTER 263.

An act to amend section seven of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to the license fees to be paid by licensed employment agencies and surety bonds required of them.

[Approved by the Governor April 28, 1927. In effect July 29, 1927.]

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

Stats 1915,
p. 930,
amended.

SECTION 1. Section 7 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the

bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, is hereby amended to read as follows:

Sec. 7. Every person licensed under the provisions of this act to carry on the business of an employment agency shall pay to the commissioner of labor, annually, at the time the license is issued or renewed, a license fee of one hundred dollars in cities, or cities and counties, having a population of over one hundred thousand; a license fee of fifty dollars in cities having a population of over twenty-five thousand and not exceeding one hundred thousand; and a license fee of ten dollars in all cities or towns having a population of less than twenty-five thousand, all figures as to population to be based on the latest United States government census. Such persons shall also deposit before such license is issued, or renewed, with the commissioner of labor, a surety bond in the penal sum of two thousand dollars in cities, or cities and counties, having a population of over one hundred thousand; a surety bond in the penal sum of one thousand dollars in cities having a population of over twenty-five thousand and not exceeding one hundred thousand; and a surety bond in the penal sum of five hundred dollars in cities or towns having a population of less than twenty-five thousand, all figures as to population to be based on the latest United States government census. Such surety bonds to be approved by the commissioner of labor and such bonds shall be payable to the people of the State of California, and shall be conditioned that the person applying for the license will comply with the provisions of this act and will pay all damages occasioned to any person by reason of misstatement, misrepresentation, fraud or deceit or any unlawful acts or omissions of any licensed person, his agents or employees, while acting within the scope of their employment, made, committed or omitted in the business conducted under such license or caused by any other violation of this act in carrying on the business for which such license is granted. All moneys collected for licenses as provided herein and all fines collected for violations of the provisions hereof shall be paid into the state treasury and credited to the general fund.

License fee.

Surety bond

Disposition of receipts.

CHAPTER 264.

An act to amend section eighteen of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in

the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, by providing for penalties for violations of the said act.

[Approved by the Governor April 28, 1927. In effect July 29, 1927.]

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

Stats 1913,
p 521,
amended

SECTION 1. Section 18 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, is hereby amended to read as follows:

Penalties

Sec. 18. Any person, firm or corporation, or any agent or officer thereof, violating or omitting to comply with any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than two hundred fifty dollars, or by imprisonment for a period of not more than sixty days, or by both such fine and imprisonment.

CHAPTER 265.

An act to amend the Civil Code by adding a new section thereto, to be known as section one hundred sixty-one a thereof, relating to the respective interests of husband and wife in community property, and more clearly defining the same.

[Approved by the Governor April 28, 1927. In effect July 29, 1927.]

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

New section

SECTION 1. A new section is hereby added to the Civil Code to be known as section 161a thereof to read as follows:

Interests in
community
property

161a. The respective interests of the husband and wife in community property during continuance of the marriage relation are present, existing and equal interests under the management and control of the husband as is provided in sections 172 and 172a of the Civil Code. This section shall be construed as defining the respective interests and rights of husband and wife in community property.

CHAPTER 266.

An act to amend section four thousand four hundred sixty-three of the Political Code, relating to newspapers.

[Approved by the Governor April 28, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4463 of the Political Code is hereby amended to read as follows:

4463. The word "established," as used in section 4460 of this code, shall mean, and be construed to mean, that a newspaper of general circulation, as defined by said section, must have been in existence, under a specified name, during the whole of the period of time designated and required therein. The word "printed," as used in said section, shall mean, and be construed to mean, that the mechanical work of producing such a newspaper of general circulation, that is to say, the work of typesetting and impressing types on paper, shall have been performed during the whole of the period as designated and required by said section. If a monthly average of at least fifty per cent of the work of typesetting and a monthly average of at least fifty per cent of the work of impressing types on paper be done in accordance with the other provisions of this title such shall be deemed to meet the requirements embodied in the word "printed." The word "published," as used in said section, shall mean, and be construed to mean, that such a newspaper of general circulation shall have been issued from the place where it is printed, and sold to or circulated among the people and its subscribers, during the whole of the period designated or required by said section; and in no case shall the words "printed" and "published" be construed as synonymous, but each shall be understood to relate to separate acts or functions, necessary to constitute a newspaper of general circulation.

Stats 1923,
p 512,
amended
"Estab-
lished,"
"printed"
and
"published"
defined.

CHAPTER 267.

An act authorizing and empowering any city and county, or county, or city operating under a freeholders' charter or otherwise, or any town, or any municipal corporation in the State of California to acquire land and construct and complete improvements thereon necessary and convenient to the maintenance of airports, the flying and landing of aircraft and the maintenance of hangars for storing aircraft; permitting use for said purposes of property owned for park purposes; providing for the incurring of indebtedness and issuing bonds; validating, legalizing and ratifying any bonded indebtedness which may be incurred in furtherance of any such purposes and of the proceedings

leading up to the issuance and the proposed issuance of any such purpose and to levy taxes for such purposes.

[Approved by the Governor April 28, 1927. In effect July 29, 1927.]

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

Municipal
and county
airports
authorized.

SECTION 1. Any city and county, or county, or city operating under a freeholders' charter, or otherwise, or any town, or any municipal corporation, in the State of California, is hereby authorized and empowered to acquire by purchase, condemnation, donation, lease or otherwise real or personal property, or to use any real property owned by it, or which it may hereafter acquire, within or without its corporate limits for a site upon which an airport or airports may be maintained and upon which any such city and county or county or city or town or municipal corporation may erect and maintain or permit the erection and maintenance of hangars, mooring masts, flying fields, and all places for flying, take-off and landing of aircraft and the storage of the same when not in active use, together with signal lights, radio equipment, service shops, conveniences, appliances, works, structures and other air navigation facilities, now known or hereafter invented, of such number and character and in such places as may be necessary or convenient, and to levy taxes for the purpose of raising funds to acquire lands for the purposes mentioned in this act and to pay the principal and interest of any bonds issued pursuant hereto.

Use of
parks.

Any lands previously acquired by any such city and county, or county or city operating under a freeholders' charter or otherwise, or any town or any municipal corporation in the State of California for park purposes, may be used for any of the purposes in this section specified; it being hereby specifically declared that the purpose specified in this section shall constitute park purposes.

The foregoing sentence shall not be construed to limit or confine the uses specified in this section to lands acquired for park purposes.

Indebtedness
and bond
issues
authorized.

SEC. 2. Any city and county, or county or city operating under a freeholders' charter or otherwise, or any town or any municipal corporation in the State of California, is hereby authorized and empowered to incur indebtedness for any of the purposes mentioned in this act, and to issue bonds for the acquisition, construction and completion of any of the purposes mentioned in section 1 of this act in the same form and manner as debt is incurred and bonds issued for other municipal purposes.

Proceedings,
indebtedness
and bond
issues
validated

SEC. 3. All proceedings to call an election, and all other and subsequent proceedings which may have been taken prior to the taking effect of this act by any city and county, or county or city operating under a freeholders' charter, or

otherwise, or in any town, or municipal corporation in the State of California for the incurring of indebtedness and the issuance of bonds for any of the purposes specified in this act are hereby legalized, ratified, confirmed and validated, and such city and county, or county, or city operating under a freeholders' charter, or otherwise, or any town, or any municipal corporation in the State of California, is hereby authorized and empowered to complete any such proceedings and to issue said bonds, and all bonds issued pursuant to any election called or to be called for any of the purposes specified in this act are hereby legalized, ratified, confirmed and validated, and all bonds issued, or to be issued pursuant to proceedings taken by any city and county, or county or city operating under a freeholders' charter, or otherwise, or any town, or any municipal corporation in the State of California, so issuing them, and the faith and credit of such city and county, or county or city operating under a freeholders' charter, or otherwise, or any town, or any municipal corporation in the State of California, is hereby pledged for the prompt payment and redemption of the principal and interest of such bonds; *provided*, that this act shall not operate to legalize any bonds which have been sold for less than their par value, or any bonds which have not been authorized by not less than two-thirds of the qualified electors of said city and county, or county, or city operating under a freeholders' charter, or otherwise, or any town, or any municipal corporation in the State of California, voting at such election. Exception.

SEC. 4. In connection with the erection or maintenance of any such airport or airports, or air navigation facilities, any such city and county, or county, or city operating under a freeholders charter or otherwise, or town, or any municipal corporation, shall have the power and jurisdiction to regulate the receipt, deposit and removal, the embarkation or disembarkation of passengers or property to and from such landing places or moorage as may be provided, to exact and require charges, fees and tolls, together with a lien to enforce their payment, to lease or assign for operation such space or area, appurtenances, appliances or other conveniences necessary or useful in connection therewith, to own and operate municipal aircraft, to employ pilots, to provide rules and regulations covering the use of such airport and facilities and the use of other property or means of transportation within or over the said airport, to perform any duties necessary or convenient for the regulation of air traffic, to enter into contracts or otherwise cooperate with the federal government or other public or private agencies, and otherwise exercise such powers as may be required or convenient in the promotion of aeronautics and the furtherance of commerce and navigation by air. Maintenance and operation of airports

SEC. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repealed

CHAPTER 268.

An act to amend sections one and two of an act entitled "An act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same, and providing penalties therefor," approved March 20, 1903, as amended, by reducing the criminal penalty and adding a civil penalty for violation thereof and by making its provisions apply to misrepresentations regarding the existence of work and the length of time such work will last.

[Approved by the Governor April 28, 1927. In effect July 29, 1927.]

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

Stats. 1923,
p. 514,
amended

SECTION 1. Section 1 of an act entitled "An act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same and providing penalties therefor," approved March 20, 1903, as amended, is hereby amended to read as follows:

Misrepresentation of
conditions of
employment
prohibited

Section 1. It shall be unlawful for any person, partnership, company, corporation, association, or organization of any kind, directly or through any agent or attorney, to induce, influence, persuade or engage any person to change from one place to another in this state or to change from any place in any state, territory or country to any place in this state, or to change from any place in this state to any place in any state, territory or country, to work in any branch of labor, through or by means of knowingly false representations, whether spoken, written, or advertised in printed form, concerning the kind or character of such work, the existence of such work, the length of time such work will last, the compensation therefor, the sanitary or housing conditions relating to or surrounding it, or the existence or nonexistence of any strike, lockout, or other labor dispute affecting it and pending between the proposed employer or employers and the persons then or last theretofore engaged in the performance of the labor for which the employee is sought.

Stats 1903,
p. 270,
amended.
Penalties.

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

Sec. 2. Any person, firm, association or corporation, or agent or officer thereof, who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars and not exceeding five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

In addition to and apart from such criminal penalty any person, firm, association or corporation, or agent or officer thereof, who shall violate any of the provisions of this act

shall be liable to the party or parties aggrieved, in a civil action, to double damages resulting from such misrepresentations. Such civil action may be brought by such aggrieved person or persons, or his or their assigns, or successors in interest, without first establishing any criminal liability under this act.

CHAPTER 269.

An act to provide for the establishment of weed free areas, vesting the enforcement hereof in the state director of agriculture and the county horticultural commissioners and defining their powers and duties in relation hereto, prohibiting persons from permitting the propagation within weed free area of weeds of which said area has been declared to be practically free, providing penalties for violation hereof and repealing "An act to prevent the propagation of noxious weeds," approved June 3, 1921.

[Approved by the Governor April 28, 1927. In effect July 29, 1927.]

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

SECTION 1. This act shall be known as the weed free Short title.
area act.

SEC. 2. For the protection of agriculture and for the purpose of preventing the further introduction, propagation and dissemination of injurious species of plants, the state director of agriculture, after investigation and practical survey, may by proclamation declare an area within this state to be practically free from one or more of the following species of plants: Johnson grass, *Holcus halepensis*; sand bur, *Cenchrus pauciflorus*; nut grass, *Cyperus*, sp.; spiny dock, *Emex spinosa*; Russian thistle, *Salsola kali*; camels' thorn, *Alhagi camelorum*; pignut, *Hoffmannseggia falcaria*; puncture vine, *Tribulus terrestris*; mallow, *Malva* sp.; white mallow, *Sida hederacea*; gaura weed, *Gaura sinuata*; hoary cress, *Lepidium draba*; black currant, *Ribes nigra*; water hemlock, *Cicuta* sp.; spotted hemlock, *Conium maculatum*; Mexican whorled milkweed, *Asclepias mexicana*; wild morning glory, *Convolvulus arvensis*; cressa weed, *Cressa cretica*; dodder, *Cuscuta* sp.; Klamath weed, *Hypericum* sp.; wild heliotrope, *Heliotropium curassavicum*; white horse-nettle, *Solanum eleagnifolium*; Carolina horse-nettle, *Solanum carolinense*; chicory, *Cichorium intybus*; prickly lettuce, *Lactuca spinosa*; blue lettuce, *Lactuca pulchella*; creeping sow thistle, *Sonchus arvensis*; fleabane, *Erigeron linifolius*; sunflower, *Helianthus annuus*; spikeweed, *Centromadia* sp.; tarweed, *Hemizonia* sp.; tarweed, *Madia* sp.; poverty weed, *Iva axillaris*; ragweed, *Ambrosia* sp.; burweed, *Franseria* sp.; cocklebur, *Xanthium* sp.; spiny clotbur, *Xanthium spinosum*; corn chrysanthemum, *Chrysanthemum segetum*; milk thistle, *Silybum marianum*; cardoon,

Proclamation of weed free areas.

Plants declared to be weeds.

Cynara cardunculus; bull thistle, *Cirsium lanceolatum*; Canada thistle, *Cirsium arvense*; burdock, *Arctium* sp.; Russian knapweed, *Centaurea repens*; star thistle, *Centaurea* sp. Said plant or plants shall be named in said proclamation and said area thereafter shall be known as a weed free area as to the weeds named therein which names shall be a part of the name of said area. Said director of agriculture may by similar proclamation change the boundaries of said area or declare said area free from additional weeds, naming the same. Such proclamation shall be under the seal of the department of agriculture and shall be published in a newspaper or farm journal of general circulation, published and circulated in the area to be affected by said proclamation at least once a week for two successive weeks, and if there is no such newspaper or farm journal published and circulated in said area, then said publication shall be made in a newspaper or farm journal published and circulated in the county in which said area is situated and a copy of said proclamation shall be posted in one or more public places in said area.

Publication
of
proclamation.

SEC. 3. Every person who shall wilfully sell, distribute or offer or expose for sale or distribution or transport into or within any weed free area any seed of any weed of which said area has been declared to be practically free is guilty of a misdemeanor.

Sale or
distribution
of weed seed

SEC. 4. Every person owning, possessing, leasing, controlling or occupying land within any weed free area who shall knowingly permit any weed of which said area has been declared to be practically free to mature and disseminate its seed or to propagate itself by other means thereon or on the land of another, is guilty of a misdemeanor.

Permitting
growth of
weeds.

SEC. 5. The state director of agriculture is hereby empowered through his duly authorized agents and the county horticultural commissioners of each county of the state, their deputies and inspectors acting under the supervision and control of the state director of agriculture to enforce the provisions of this act and the state director of agriculture may adopt such rules and regulations as may be necessary to carry out the provisions of this act.

Enforcement
of act.

SEC. 6. An act entitled "An act to prevent the propagation of noxious weeds," approved June 3, 1921, is hereby repealed.

Stats. 1921,
p. 1247,
repealed

CHAPTER 270.

An act to amend section one thousand five hundred ninety-eight of the Code of Civil Procedure, relating to the filing of a petition for executor or administrator to make conveyance or transfer and notice of hearing thereof.

[Approved by the Governor April 28, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1598 of the Code of Civil Procedure is hereby amended to read as follows:

1598. On the filing with the clerk of the court of a verified petition by the executor or administrator, or by any person claiming to be entitled to such conveyance from an executor or administrator, setting forth the facts upon which the claim is predicated, such clerk shall appoint a time and place for the hearing of the petition by the court, and notice thereof shall be served on the executor or administrator personally when he is not the petitioner, and shall be published at least once a week for four successive weeks before such hearing, in a newspaper published in the county; *provided, however*, that if such contract was of record at the date of the death of the person executing such contract, then in that event notice of such hearing may be given by serving such notice on the executor or administrator personally, when he is not the petitioner, and posting a copy of such notice at the court house in the county where the court is held for at least ten days prior to the day fixed for hearing.

Stats 1921,
p 210,
amended.

Petition for
conveyance.

Notice of
hearing.

CHAPTER 271.

An act to amend section one thousand six hundred sixty-eight of the Code of Civil Procedure, relating to decree to be made after notice.

[Approved by the Governor April 28, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1668 of the Code of Civil Procedure is hereby amended to read as follows:

1668. The order or decree may be made on the petition of the executor or administrator, or of any person interested in the estate. When such petition is filed the clerk of the court must set the petition for hearing by the court, and give notice thereof by causing a notice to be posted at the court house in the county where the court is held, setting forth the name of the estate, the executor or administrator, and the time

Stats. 1907,
p. 993,
amended.

Petition for
final
distribution.

Notice of
hearing.

appointed for the hearing of the petition. If, upon the hearing of the petition, the court, or a judge thereof, deems the notice insufficient from any cause, he may order such further notice to be given as may seem to him proper. At the time fixed for the hearing, or to which the hearing may be postponed, any person interested in the estate may appear and contest the petition by filing written objections thereto. If the partition is applied for, as provided in this chapter, the decree of distribution does not divest the court of jurisdiction to order partition, unless the estate is finally closed.

Contest.

Partition.

CHAPTER 272.

An act to amend section one thousand three hundred seventy-three of the Code of Civil Procedure, relating to setting day for hearing petition for letters of administration and for notice of application therefor.

[Approved by the Governor April 28, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p 137,
amended
Date for
and notice of
hearing

SECTION 1. Section 1373 of the Code of Civil Procedure is hereby amended to read as follows:

1373. When a petition praying for letters of administration is filed, the clerk of the court must set the petition for hearing by the court, and give notice thereof by causing a notice to be posted at the court house in the county where the court is held which notice shall contain the name of the decedent, the name of the applicant, and the time at which the application will be heard. Such notice must be given at least ten days before the hearing. The clerk shall cause similar notice to be mailed, postage prepaid, to the heirs of the decedent, named in the petition, at least ten days before the hearing, addressed to them at their respective post office addresses, as set forth in the petition, otherwise at the county seat of the county where the proceedings are pending.

CHAPTER 273.

An act to amend section one thousand four hundred sixty-five a of the Code of Civil Procedure, relating to notice of hearing petition and to whom sent.

[Approved by the Governor April 28, 1927. In effect July 29, 1927.]

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

Stats 1915,
p 695,
amended
Date for
and notice of
hearing.

SECTION 1. Section 1465a of the Code of Civil Procedure is hereby amended to read as follows:

1465a. When the petition mentioned in the preceding section is filed the clerk of the court must set the petition

for hearing by the court and give notice thereof by causing a notice to be posted at the court house in the county where the court is held, containing the name of the decedent, the name of the petitioner, the nature of the application, and the time at which the same will be heard. Such notice must be given at least ten days before the hearing, and a copy thereof must be mailed at least ten days before the day appointed for the hearing to the executor or administrator, if he be not the petitioner, and to any person named as coexecutor or coadministrator not petitioning, and upon the attorney of any person who has appeared or given notice of appearance by an attorney in the estate as heir, legatee, devisee, next of kin, or creditor, or as otherwise interested, addressed to them at their places of residence, or office, if known, and if not known, then to the county seat of the county where the proceedings are pending. Proof of such posting and mailing must be made at the hearing.

CHAPTER 274.

An act to amend section one thousand five hundred fifty-two of the Code of Civil Procedure, relating to return of proceedings and notice of hearing of return of proceedings after sale of real estate.

[Approved by the Governor April 28, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1552 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1919,
p. 1180,
amended

1552. The executor or administrator, after making any sale of real estate, must make a return of his proceedings to the court, which must be filed in the office of the clerk at any time subsequent to the sale. Return of
sale

A hearing upon the return of the proceedings may be asked for in the return or by petition subsequently, and thereupon the clerk must fix the day for the hearing, of which notice of at least ten days must be given by the clerk, by a notice posted at the court house in the county where the court is held, or by publication in a newspaper, and must briefly indicate the land sold, and must refer to the return for further particulars. Date for
and notice of
hearing.

Upon the hearing the court must examine into the necessity for the sale, or the advantage, benefit and interest of the estate in having the sale made, and must examine the return and witnesses in relation to the sale, and if good reason does not exist for such sale, or if the proceedings for the sale were unfair or the sum bid disproportionate to the value and it appears that a sum exceeding such bid at least ten per cent exclusive of the expenses of a new sale may be obtained, the court may vacate the sale and direct another to be had, of which notice Hearing
Vacation
of sale.

must be given and the sale in all respects conducted as if no previous sale had taken place.

Greater offer.

If an offer of ten per cent more in amount than that named in the return be made to the court in writing, by a responsible person, it is in the discretion of the court to accept such offer and confirm the sale to such person or to order a new sale.

CHAPTER 275.

An act to provide for the disposition of fines and forfeitures heretofore collected, in any police court, city justices' court or recorder's court in cities or towns of the fifth and sixth class, but not yet transmitted to the county treasurer.

[Approved by the Governor April 28, 1927. In effect July 29, 1927.]

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

Fines and forfeitures collected in 5th and 6th class cities.

SECTION 1. All fines and forfeitures heretofore collected in any police court, city justices' court or recorder's court of cities or towns of the fifth and sixth class that is maintained and the salaries of the officers thereof paid by the city, whether prosecuted for violation of the state law or a city ordinance, which has not, at the time of the passage of this bill, been actually paid over to the county treasurer shall be allowed to remain with the city treasurer of the city or town in which such court is located, all provisions of law relating to disposition of fines collected in the justices' court to the contrary notwithstanding; *provided, however*, that the provisions of this act shall not apply to forfeitures collected by the judge of any such courts when sitting as a committing magistrate.

CHAPTER 276.

An act to add a new article to chapter three of title one of part three of the Political Code, to be numbered article two i, embracing sections three hundred seventy-two to three hundred seventy-two g, relative to a department of public health.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

New sections.

SECTION 1. The Political Code is hereby amended by adding a new article to chapter III of title I of part III thereof, to be numbered article II*i*, embracing sections 372 to 372*g*, and to read as follows:

ARTICLE II*i*.

DEPARTMENT OF HEALTH.

Dept. of public health created

372. A department of the government of the State of California to be known as the department of public health is hereby created. The department shall be under the control

of a state board of public health, which board is hereby created, to be composed of seven members, consisting of the director of public health, appointed and holding office as hereinafter prescribed, and six members; each appointed by the governor for the term of four years. The director and each of the other members of the board shall be duly licensed and practicing physicians of this state. Each of the members, other than the director of public health, shall receive his actual necessary traveling expenses incurred in the discharge of his duties. The director of public health shall be executive officer of the board.

372a. The office of director of public health is hereby created. The director shall be appointed by and hold office at the pleasure of the governor and shall receive a salary of six thousand dollars per annum and necessary expenses incurred in the performance of his duties. Before entering upon the duties of his office, the director shall execute an official bond to the State of California in the penal sum of ten thousand dollars, conditioned upon the faithful performance of his duties. The director shall enforce all orders and regulations of the state board of health and shall vigilantly observe sanitary conditions throughout the state and take all necessary precautions to protect it in its sanitary relations with other states and countries. He shall keep or cause to be kept an accurate record of the proceedings of the state board of health and of his own acts and shall file a written report of the same at each regular meeting of the board.

For the purpose of administration, the department shall be forthwith organized by the state board of public health with the approval of the governor in such manner as it shall deem necessary to properly segregate and conduct the work of the department. Subject to the approval of the governor, the state board of public health may create such divisions and subdivisions as may be necessary and may consolidate, divide, or abolish the same from time to time. The director of public health, subject to the approval of the board, and except as otherwise provided by law, shall have power to appoint such assistants, deputies, agents, experts and other employees as may be necessary for the administration of the affairs of the department of public health, to prescribe their duties and fix their salaries in accordance with classifications made by the civil service commission, and to require such appointees to execute to the state such official bonds as the said board of public health may determine and require, unless otherwise expressly provided by law; *provided, however*, that neither the state board of health nor the director shall have authority on the part of the state to incur obligations for salaries exceeding the amount of moneys made available by law for that purpose.

372b. The term "secretary of the state board of health" shall be construed to mean and refer to the director of public

Director of
public
health

Organization
of
department

Secretary of
state board
of health.

health, and whenever by the provisions of any statute or law now in force or that may be hereafter enacted, a duty is imposed or authority conferred upon the secretary of the state board of health, such duty and authority are hereby transferred to, imposed and conferred upon the director of public health with the same force and effect as though the title of said director of public health had been specifically set forth and named therein in lieu of the name of said secretary of the state board of health.

General provisions applicable.

372c. Except as otherwise in this article prescribed, the provisions of article II of this chapter and title and part of the Political Code as the same now exists and as the same may be amended from time to time shall govern and apply to the conduct of the department of public health in every respect the same as if such provisions were herein set forth at length.

State board of health abolished.

372d. The state board of health heretofore established by law and each of the bureaus, offices, departments, divisions and subdivisions and the positions of all deputies, officers and employees thereunder are hereby abolished and shall have no further legal existence, but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction, with all lawful rules and regulations to be established thereunder, are hereby expressly continued in force.

Succession to duties, etc., of state board of health, etc

372e. The department of public health hereby established shall succeed to and is hereby invested with all of the duties, powers, purposes, responsibilities and jurisdiction of the state board of health heretofore established and each of the bureaus, offices, departments, divisions and subdivisions of or under said state board of health and of the several officers, deputies and employees of such bodies and offices; and, whenever by the provisions of any statute or law now in force or that may hereafter be enacted a duty is imposed or authority conferred upon any of said bodies, offices or officers, such duty and authority are hereby imposed and conferred upon the department of public health and the appropriate officers thereof with the same force and effect as though the title of said department of public health had been specifically set forth and named therein in lieu of the name of any such board, bureau, office, department, division, subdivision or other body, office or officer, as the case may be. The department of public health shall also succeed to and be in control of all records, books, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of said bodies, offices and officers.

Expenditures by department

372f. From and after the date upon which this act takes effect, the department of public health shall be and is hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of

the provisions of all the statutes, the administration of which is committed to the department or for the use, support or maintenance of any board, bureau, office, department, division, subdivision or other body, office or officer whose duties, powers and functions are by the provisions of this article transferred to and conferred upon the department of public health. Such expenditures by the department shall be made in accordance with law in carrying on the work for which such appropriations were made or such special funds created.

372g. The terms of the members of the state board of public health, other than the director, first appointed shall be so classified by the governor that the term of one member shall expire one year from and after the date upon which this act takes effect, the terms of two members in two years, the term of one member in three years and the terms of two members in four years. Thereafter, the term of each of such members shall be four years. The appointee to a vacancy occurring before the expiration of a term shall hold office only for the unexpired term of his predecessor.

Classification
of members
of state
board of
public
health

CHAPTER 277.

An act relating to stills and other devices for the manufacture or production of intoxicating liquor for beverage purposes, providing a penalty for the violation thereof and repealing all inconsistent acts.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. Any person whether acting in his own behalf or as the agent, servant, officer or employee of any person, firm, association or corporation, who shall be the owner of or have any interest in or who shall operate or cause to be operated or knowingly have in his possession or control, any still, still worm, still cap, still condenser or stilling device of any kind, designed, used or intended for use in the manufacture or production of intoxicating liquor for beverage purposes, shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), and by imprisonment in the state prison for not less than one year nor more than five years.

Ownership or
possession
of stills, etc.

SEC. 2. The provisions of this act shall not apply to any person, firm, association or corporation who has a permit issued under the laws and regulations of the United States, or of any department thereof, for the manufacture either of alcohol for denaturation or of vinegar or of beverages containing less than one-half of one per centum of alcohol by volume from intoxicating liquor or arrested fermentation.

Exceptions.

Construction
of act.

SEC. 3. This act is an exercise of the police power for the protection of the public health, peace and safety, and all the provisions thereof shall be liberally construed to the end that the use of stills and stilling devices in the manufacture or production of intoxicating liquor for beverage purposes may be prevented.

Repealed.

SEC. 4. All acts or parts of acts inconsistent with this act are repealed only to the extent of such inconsistency.

Constitutionality.

SEC. 5. If any section or part thereof or any provision of this act shall be held to be unconstitutional or for any reason invalid, it shall not be construed to affect or invalidate any other provision thereof.

CHAPTER 278.

An act to amend section six hundred fifty-two of the Civil Code, relating to the consolidation of colleges.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Stats. 1909,
p. 385,
amended.
Consolidation
of colleges.

SECTION 1. Section 652 of the Civil Code is hereby amended to read as follows:

652. Whenever any benevolent, religious or fraternal organization or society, having a grand lodge, assembly, conference or other legislative or representative head in the State of California, having two or more colleges or institutions of higher education under its patronage, shall, for the purpose of greater efficiency and simplicity in the administration of its educational interests, desire to consolidate such institutions under one management, such organization or society shall be and is hereby authorized to consolidate such institution under one management, by complying with the following provisions:

Formation of
new
corporation.

Such grand lodge, assembly, conference or other legislative or representative head having authorized a consolidation of its institutions, a new corporation shall be formed.

Trustees.

The board of trustees of the new corporation shall at first consist of the persons constituting the boards of trustees of the several institutions, respectively thus consolidating, and others; *provided*, the number of trustees shall not exceed forty-five. The board of trustees shall be so classified that the term of office of one-third of its numbers shall expire each year; the successors of such trustees, as their terms expire shall be elected by such grand lodge, assembly, conference or other legislative or representative head, at its annual meeting.

Reports.

The said board of trustees shall report annually to the grand lodge, conference, assembly or other legislative or representative head controlling it, the condition of affairs of such corporation, and the amount and manner of its receipts and expenditures.

After the two or more colleges or institutions of higher education under the patronage of any benevolent, religious or fraternal organization or society, having a grand lodge, assembly, conference or other legislative or representative head in the State of California shall have become consolidated as hereinabove directed or specified, the board of trustees of the new corporation, consisting at first of the persons constituting the boards of trustees of the several institutions, respectively thus consolidated, may be reduced in number after said board of trustees shall have transacted the business of said corporation for a period of five years after such consolidation. Said number shall be reduced by the grand lodge, assembly, conference or other legislative or representative head of said colleges or institutions of higher education in the following manner, viz: At any annual session of such grand lodge, assembly, conference or other legislative or representative head, there shall be dropped from the number of trustees to be elected at that session of such grand lodge, assembly, conference or other legislative or representative head such a number of trustees as those present at such session shall determine, *provided, however*, that at no time shall the number of trustees composing such board be less than fifteen. On and after the expiration of five years next succeeding the formation of a new corporation by consolidation under the provisions of this section, the board of trustees of said new corporation shall have all of the powers granted to boards of trustees by and enumerated in section 650 of this code.

Reduction of
number
of trustees.

CHAPTER 279.

An act to amend section three thousand eight hundred eighteen of the Political Code, relating to partial redemptions from sales to state for delinquent taxes.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 3818 of the Political Code is hereby amended to read as follows:

Stats 1925,
p. 440,
amended
Partial
redemption

3818. In all cases where a lot, piece, or parcel of land contained in any assessment has been sold or may hereafter be sold for delinquent taxes to the state, and the state has not disposed of the same, a partial redemption may be made, separately from the whole assessment, of any such lot, piece or parcel of land as follows:

If such lot, piece or parcel of land has a separate valuation on the assessment roll, such partial redemption shall be made in the manner following: In the estimate provided for in the preceding section, the auditor shall estimate the amount of state and county taxes due on such lot, piece or parcel of

If land has
separate
valuation

land, together with a proper proportion of the taxes due on personal property under such assessment, and of the taxes due each school, road, lesser or other taxation district; and such redemption shall be made in the manner provided for in the preceding section.

If no
separate
valuation.

If such lot, piece or parcel of land does not have a separate valuation on the assessment roll, the auditor shall submit the description of the fractional part of the lot, piece or parcel of real property upon which redemption is requested, to the county assessor, who must place a valuation thereon. The auditor shall then estimate the amount of such taxes due on such lot, piece or parcel of land according to such relative or proportionate value and the taxes due on any improvements on the portion sought to be so redeemed, together with a relative proportion of the taxes due on personal property under such assessment, and of the taxes due each school, road, lesser or other taxation district; whereupon such redemption shall be made in the manner provided for in the preceding section; *provided*, that no lot, piece or parcel of land owned or claimed under contract by the person so redeeming shall be divided for the purpose of such redemption. A partial redemption may be made, in like manner, separately from the whole assessment, of an undivided interest in any real property, if such property has a separate valuation on the assessment roll; the auditor estimating the amount of taxes due on such undivided interest according to the proportion which such interest in said property bears to the whole assessment. The recorder shall note, on the margin of the record of the certificate of sale a description of the property or undivided interest redeemed under this section, and shall specifically set forth the several amounts of taxes paid upon such redemption.

Undivided
interest.

CHAPTER 280.

An act to amend section two thousand three hundred twenty-two & twenty-nine of the Political Code, relating to the salaries of the county horticultural commissioner, deputies, inspectors, and clerks of the counties of the twenty-ninth class.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Stats 1925,
p. 208,
amended.

Counties of
29th class:
horticultural
commis-
sioner

SECTION 1. Section 2322x29 of the Political Code is hereby amended to read as follows:

2322x29. In counties of the twenty-ninth class the commissioner shall receive a salary of two thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed

by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a salary of one thousand five hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed three inspectors at a monthly salary of one hundred dollars each during the time actually employed; and three inspectors at a compensation of five dollars per day, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed three thousand six hundred dollars per annum.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a salary not to exceed one thousand dollars per annum, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand dollars.

CHAPTER 281.

An act to amend section one thousand four hundred sixty-nine of the Code of Civil Procedure, relating to the administration of estate not exceeding two thousand five hundred dollars in value.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1469 of the Code of Civil Procedure is hereby amended, to read as follows

1469. If a deceased person leave a widow or minor child or minor children, and upon the return of the inventory of the estate of such deceased person it shall appear to the clerk of the court by the verified petition of the personal representative of such deceased person or of his widow or of the guardian of his minor children or of any of them, that the net value of the whole estate of said deceased over and above all liens or encumbrances of record at the date of the death of said deceased does not exceed the sum of two thousand five hundred dollars, any and all persons interested may appear on a day which shall be fixed by such clerk to show cause why the whole of said estate should not be assigned for the use and support of the family of the deceased.

Notice thereof shall be given and proceedings had in the same manner as provided in section 1465a of this code.

If upon the hearing, the court finds that the net value of the estate over and above all liens or encumbrances of record at the date of the death of said deceased does not exceed the sum of two thousand five hundred dollars, it shall, by decree for that purpose, assign to the widow of the deceased, if there be a widow, or if there be no widow, then to the minor children of

Stats 1921,
p. 101,
amended.
Administra-
tion of small
estates.

Notice.

Decree

the deceased, if there be minor children, the whole of the estate, subject to whatever mortgages, liens, or encumbrances there may be upon said estate at the time of the death of said deceased, after the payment of the expenses of the last illness of the deceased, funeral charges, and expenses of administration, and the title thereof shall vest absolutely in such widow, if there be a widow, or if there be no widow, in the minor children or child, subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the deceased, and there must be no further proceedings in the administration, unless further estate be discovered.

CHAPTER 282.

An act authorizing the establishment of municipal and county laboratories for the diagnosis of communicable disease and requiring the state board of health to issue certificates of approval for such laboratories.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Public
health
laboratories.

SECTION 1. Any incorporated city, town, county, city and county or chartered city may, for the purpose of protecting the community against infectious disease, establish a bacteriological and chemical laboratory for the examination of specimens from suspected cases of disease and for the examination of milk, waters and food products.

Expendi-
tures.

SEC. 2. The cost of establishment and maintenance of such laboratories shall be a legal expenditure from any incorporated city, town, county, city and county or chartered city funds that may be provided for disbursement under the direction of the health officer for the protection of public health.

Approval.

SEC. 3. All municipal and county laboratories established for the purposes herein set forth shall be subject to the approval of the state board of health.

CHAPTER 283.

An act to amend section seven hundred sixty-four of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, and to add a new section to said act, to be numbered section seven hundred fifty-two c, relating to powers of boards of trustees.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Stats 1917,
p. 1863,
amended.

SECTION 1. Section 764 of an act entitled "An act to provide for the organization, incorporation, and government

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

Sec. 764. The board of trustees of such city shall have ^{Powers of trustees.} power:

1. To pass ordinances not in conflict with the constitution ^{Ordinances.} and laws of this state, or of the United States.

2. To purchase, lease, or receive such real estate and personal ^{Property.} property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city; *provided*, that they shall not have any power to sell or convey any portion of any water front; but may rent such water front for a term not exceeding ten years for the purpose of erecting bathhouses thereon.

3. To contract for supplying the said city with water, and ^{Public utilities.} gas, and electric lights or other lights for municipal purposes; to purchase, lease, construct or otherwise acquire waterworks, electric plants, and gas works or plants or any of same, and all machinery, conductors, lands, appliances and all other things needed therefor, and to supply said city with, and to sell to the inhabitants of said city, gas, electric light or other light, and heat, and power; *provided*, that no such purchase or lease shall be made unless the question of acquiring such property is submitted to the voters of such city in the same manner as other propositions, at a general or special municipal election, and a majority of the electors, voting at such election shall vote in favor of such proposition.

4. To establish, build and repair bridges; to establish, lay ^{Special im-} out, alter, keep open, open, improve and repair streets, sidewalks, alleys, squares, and other public highways and places within the city, and to drain, sprinkle, oil, and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel and curb the same in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or upon any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places.

5. To establish, construct and maintain drains and sewers, ^{Sewers} and to provide by ordinance for a general system of sewers, and the expense of building and maintaining the same.

6. To provide fire engines and all other necessary or proper ^{Fire apparatus.} apparatus for the prevention and extinguishment of fires.

7. To impose and collect from every male inhabitant between ^{Poll tax.} the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars, and no other road poll tax shall be collected within the limits of such city; that any member of a volunteer fire company in such city shall be exempt from such tax.

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

Property
tax.

9. To levy and collect, annually, a property tax which shall be apportioned as follows: For the general fund, not exceeding sixty cents on each one hundred dollars; for street fund, not exceeding thirty cents on each one hundred dollars; for school fund, not exceeding twenty-five cents on each one hundred dollars; for sewer fund, not exceeding ten cents on each one hundred dollars. The levy for all purposes for any one year for all purposes to which such funds are applicable shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within such city; *provided, however*, that the board of trustees, by unanimous vote, may elect to levy a total tax, during any year, not exceeding one dollar and twenty-five cents on each one hundred dollars of the assessed value of all real and personal property within such city, and in that case may apportion the part of said tax over one dollar on one hundred dollars of the assessed value of all real and personal property within such city among the different funds, as they may deem proper.

Licenses.

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

Streams.

11. To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and to remove obstructions therefrom; to improve the water front of the city, and to construct and maintain embankments and other works to protect such city from overflow.

Buildings.

12. To erect and maintain buildings for municipal purposes.

Use of
streets.

13. To permit, under such restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, electricity, or other power thereon, and the laying of gas or water pipes in the public streets, and to construct and maintain, and to permit the construction and maintenance of telephone, telegraph and electric light lines therein.

Wards

14. In its discretion to divide the city, by ordinance, into a convenient number of wards, not exceeding five, to fix the boundaries thereof, and to change the same from time to time; *provided*, that no change in the boundaries of any ward shall be made within sixty days next before the date of said general municipal election, nor within twenty months after the same shall have been established or altered. Whenever such city shall be divided into wards, the board of trustees shall designate by ordinance the number of trustees to be elected from each ward, apportioning the same in proportion to the population of such ward; and thereafter the trustees so designated shall be elected by the qualified electors resident in such ward, or by the general vote of the whole city, as may be designated in such ordinance.

15. To appoint and remove such policemen and such other subordinate officers as they may deem proper, and to fix their duties and compensation. Police.

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

17. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other property or works within the city. Working out fines.

18. To establish fire limits, and the same to alter at pleasure; to regulate or prevent the erection of wooden or other buildings or structures of combustible materials; to regulate the construction of all buildings, shades, awnings, signs, or any structure of a dangerous or unsafe character; to provide, by regulation, for the prevention and summary removal of all filth and garbage in the streets, sloughs, alleys, back yards or public grounds of such city, or elsewhere therein; to regulate or prohibit the storage of gunpowder and combustible or explosive materials of every kind and nature within the city limits, and to prescribe the limits in which the same may be kept or stored. Fire regulations.

19. To do and perform any and all other acts and things necessary and proper to carry out the provisions of this chapter, and to exact and enforce within the limits of such city all other local, police, sanitary, and other regulations as do not conflict with general laws. Miscellaneous.

20. To levy and collect a property tax in addition to that now authorized by law for the purpose of improving, repairing, and maintaining any and all streets, avenues, lanes, alleys, courts, places and sidewalks of said municipality, which have heretofore been accepted by said municipality, under and pursuant to the provisions of any street improvement act, providing for the acceptance of streets by said municipality, which such tax shall not exceed thirty cents on each one hundred dollars of the assessed value of all real and personal property within such municipality. Special improvements tax.

SEC. 2. A new section, to be numbered 752c, is hereby added to said act, approved March 13, 1883, as amended, and to read as follows: Stats 1883, p 250, amended

752c. The board of trustees may at any time submit to the electors, at any municipal election or at any special election, to be held for that purpose, an ordinance to create the office of city manager, and providing that the board of trustees may appoint a suitable person as city manager and fix his compensation; *provided*, that no person shall be appointed city manager, except by the affirmative vote of four members of the board of trustees, but may be removed by the vote of three City manager.

members thereof. Said ordinance shall also provide that the person appointed as city manager shall have power:

Powers.

1. To employ, fix the compensation of, direct, control and discharge all employees of the city, except elective officers, and except employees of the school department, expressly vested by law in some other office, board or person.

2. To create, superintend, and provide rules and regulations for the control of a department of supply for the city, in which shall be vested exclusive authority to purchase, procure, and distribute all supplies used by the city, its officers and employees, excepting the school department.

3. To take, compile, and preserve complete inventories of all property, real and personal, owned by the city.

4. To create and superintend a complete system of accounting for the city and all officers thereof, except in the school department.

5. To prepare, or cause to be prepared, all plans, specifications and details for any and all work to be done by the city or any department thereof, except the school department.

6. To control, supervise and inspect any and all public work being done by the city in or upon any of its buildings or other property, or upon any street, highway, alley-way, or public places or grounds.

7. To examine and approve, before the execution thereof, all contracts to be entered into by the city or any officer thereof, excepting in the school department, and to see that such contracts are faithfully carried out and fulfilled.

Duties.

Said ordinance shall also provide that the city manager shall attend all meetings of the board of trustees, unless excused therefrom by the board, and shall keep the board of trustees advised as to the needs of the city, and shall devote his entire time and energy to the performance of the duties of his office, and shall perform all duties required of him by law and ordinances of the city, and shall file with the board of trustees each month a general and financial report of the affairs, business, and condition of the city, setting forth such detail as may be required by the board of trustees.

Bond.

Said ordinance shall also provide that the city manager shall give bond to the city, in such sum as the board of trustees may require, to insure the faithful performance of his duties, and that in the absence or the disability of the city manager the duties of his office shall be performed for the time being by such suitable person as the board of trustees shall designate.

Disability

Election.

Said ordinance shall specify the time of holding the election for voting thereon, and shall be published in the manner required for publication of other ordinances of the city, and the ballots used at said election shall have printed thereon substantially the following proposition: "Shall the board of trustees be empowered to create the office of city manager?" followed by the words, "Yes" and "No" so printed in connection therewith that the voters may express their choice.

The returns of the election shall be canvassed and declared as at other municipal elections, and if the majority of the votes cast at such an election should be in favor of the proposition, said ordinance shall take effect and be in force thirty days after the said election; otherwise, said ordinance shall be void and of no effect.

At any time after the office of city manager shall have been created in the manner provided in this section, the board of trustees of the city, by affirmative vote of at least four members of the board, may submit to the electors of the city, at any municipal or at any special election to be held for that purpose, the proposition of repealing the ordinance authorizing the board to create the office of city manager, and the ballots at said election shall have printed thereon substantially the following proposition: "Shall the office of city manager be discontinued?" followed by the words "Yes" and "No" so printed in connection therewith that the voters may express their choice. Returns of said election shall be canvassed and declared as at other municipal elections, and if it appears that a majority of the votes cast at said election were in favor of the proposition, the office of the city manager shall be discontinued, and the ordinance creating said office shall be deemed repealed thirty days after the holding of said election; otherwise, said office shall be continued and said ordinance, creating the office of city manager, shall continue in full force and effect.

Abolishment
of office.

CHAPTER 284.

An act to amend section four thousand three hundred i of the Political Code, relating to fees of the public administrator.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4300i of the Political Code is hereby amended to read as follows:

4300i. Public Administrator's Fees. Such fees as are now or may hereafter be allowed by law; *provided*, that when any public administrator receives a salary in lieu of fees, all fees and charges incurred by the public administrator for the benefit of any estate, in which the assets prove or may prove insufficient therefor, are hereby declared to be county charges. Such fees or charges may be paid, or if previously paid by such public administrator repaid upon a warrant drawn by the county auditor on the order of the board of supervisors, based upon such voucher as will show proper evidence of the facts. In no event shall the payments or repayments authorized by the provisions of this section exceed the sum of one thousand dollars, during any fiscal year or the total amount of the fees paid in during the same fiscal year by such public administrator.

Stats 1907,
p 554,
amended.
Public ad-
ministrator's
fees.

CHAPTER 285.

An act to amend section sixteen of an act entitled "An act for the preservation of the public health of the people of the State of California, and empowering the state board of health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907, relating to the reporting of contagious diseases.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Stats 1907,
p. 890,
amended

SECTION 1. Section 16 of an act entitled "An act for the preservation of the public health of the people of the State of California, and empowering the state board of health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907, is hereby amended to read as follows:

Report of
contagious
diseases.

Sec. 16. All physicians, nurses, clergymen, attendants, owners, proprietors, managers, employees, and persons living in or visiting any sick person in any hotel, lodging house, house, building, office, structure, or other place where any person shall be ill of any infectious, contagious, or communicable disease, shall promptly report such fact to the county, city and county, city, or other local health board or health officer, together with the name of the person, if known, and place where such person is confined, and nature of the disease, if known.

It shall be the duty of each city, city and county, or other health officer to transmit to the county health officer at least weekly in writing a report showing the number and character of infectious, contagious, or communicable diseases reported and locations from which such cases have been reported.

CHAPTER 286.

An act authorizing the department of finance to appropriate waters in connection with the utilization and conservation of the water resources of the state in the development of a general or coordinated plan; authorizing the state department of finance to release or assign such appropriations; authorizing the state department of finance to request other departments of the state or state officers to furnish service or assistance to make investigations in connection with the development of a general or coordinated plan for the utilization or conservation of the water resources of the state.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Department
of finance
to file on
unappropriated
waters.

SECTION 1. The state department of finance is directed and authorized, pursuant to the provisions of the water commission act and the rules and regulations of the division of water rights

of the department of public works, to make and file an application or applications for any water or the use thereof which in the judgment of the state department of finance is or may be required in the development and completion of the whole or any part of a general or coordinated plan looking towards the development, utilization or conservation of the water resources of the state. Any such application or applications shall be made and filed by the state department of finance with the division of water rights, department of public works within nine months after the date upon which this act shall go into effect. The priority of any such application or applications shall be as of the date this act shall become effective, and such priority shall be retained over any application made by others subsequent to said date, and which may be in conflict therewith, regardless of any requirements or provisions of the water commission act relating to diligence in the completion of applications for water or the use thereof, until October 1, 1931; *provided*, that any such priority or priorities may be maintained and extended by further legislative enactment; *provided, further*, the state department of finance, under the requirements of the water commission act and the rules and regulations of said division of water rights relating to applications for the appropriation of water may publish a notice that it intends to file upon an amount of water necessary to the development of any part or unit of such general or coordinated plan and in that event the publication of such notice shall preserve, as of the date of such publication, the priority of any application made and filed subsequently by the state department of finance with said division of water rights for the benefit of such part or unit prior to October 1, 1931; *provided, further*, notwithstanding anything in this act contained, the state department of finance shall have power, in its discretion, to release from priority or to assign any portion of or all of any of the appropriations that may be filed under the provisions of this act when such release or assignment is for the purpose of development not in conflict with such general or coordinated plan.

SEC. 2. It shall be the duty of the department of public works or any other department or state officer, upon being requested so to do by the state department of finance, to furnish any service or assistance in the investigation of the need or feasibility of the whole or any part of such general or coordinated plan and the cost of construction, operation and maintenance thereof; of the financing of construction and rates or returns that may be required to operate and maintain such general or coordinated plan or any part thereof; of the amortization of bonded or other indebtedness that may be placed on the whole or any part of such general or coordinated plan for the cost of construction thereof; and to render any other service which the state department of finance may deem necessary or needful for the maintenance of any such

Other state
departments
to furnish
assistance
and funds.

priority or priorities in the state for the purposes of the whole or any part or unit of such general or coordinated plan and the future development and completion thereof in the public interest.

CHAPTER 287.

An act appropriating money to pay the claim of John L. Berry, as county treasurer of the county of Siskiyou, against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Appropriation: claim of John L. Berry

SECTION 1. The sum of two hundred sixty-five dollars and ninety-seven cents is hereby appropriated out of any money in the state treasury in the estates of deceased persons fund to pay the claim of John L. Berry, as county treasurer of the county of Siskiyou, against the State of California.

CHAPTER 288.

An act appropriating money to pay the claim of W. M. Hughes, as county treasurer of the county of Madera, against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Appropriation: claim of W. M. Hughes.

SECTION 1. The sum of five hundred eighty-one dollars and forty-four cents is hereby appropriated out of any money in the state treasury in the estates of deceased persons fund to pay the claim of W. M. Hughes, as county treasurer of the county of Madera, against the State of California.

CHAPTER 289.

An act making an appropriation to pay the claim of the Gold Buckle Association against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Appropriation: claim of Gold Buckle Assn.

SECTION 1. The sum of three hundred seventy-five dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of the Gold Buckle Association against the State of California.

CHAPTER 290.

An act appropriating money to pay the claim of John M. Daly, as county treasurer of the county of Tulare, against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of one hundred ninety-four dollars and seventeen cents is hereby appropriated out of the estate of deceased persons fund in the state treasury to pay the claim of John M. Daly, as county treasurer of the county of Tulare, against the State of California.

Appropriation. claim of John M. Daly.

CHAPTER 291.

An act appropriating money to pay the claim of Salvatore Spingola against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of seven hundred fifty dollars is hereby appropriated out of any money in the harbor improvement fund in the state treasury to pay the claim of Salvatore Spingola against the State of California.

Appropriation: claim of Salvatore Spingola

CHAPTER 292.

An act appropriating money to pay the claim of Bernard Verbeck against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of seven thousand five hundred dollars is hereby appropriated out of any money in the harbor improvement fund in the state treasury to pay the claim of Bernard Verbeck against the State of California.

Appropriation. claim of Bernard Verbeck

CHAPTER 293.

An act appropriating money to pay the claim of the California highway commission against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Appropriation: claim of highway commission

SECTION 1. The sum of one thousand one hundred fifty-three dollars and eighty cents is hereby appropriated out of any money in the land settlement fund in the state treasury to pay the claim of the California highway commission against the State of California.

CHAPTER 294.

An act appropriating money to pay the claim of H. Moffatt Company against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Appropriation: claim of H. Moffatt Company

SECTION 1. The sum of one thousand three hundred sixty dollars and forty-five cents is hereby appropriated out of any money in the cattle protection fund in the state treasury to pay the claim of H. Moffatt Company against the State of California.

CHAPTER 295.

An act appropriating money to pay the claim of H. Levy Company against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Appropriation: claim of H. Levy Company.

SECTION 1. The sum of six hundred eighty-three dollars and sixty-five cents is hereby appropriated out of any money in the cattle protection fund in the state treasury to pay the claim of H. Levy Company against the State of California.

CHAPTER 296.

An act appropriating money to pay the claim of Harold E. Smith against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Appropriation: claim of Harold E. Smith

SECTION 1. The sum of thirty-one thousand six hundred eighty-seven dollars and ninety-five cents is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Harold E. Smith against the State of California.

CHAPTER 297.

An act appropriating money to pay the claim of Harold E. Smith against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of twenty-five thousand and fifty dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Harold E. Smith against the State of California. Appropriation claim of Harold E. Smith.

CHAPTER 298.

An act appropriating money to pay the claim of Clark and Henery Construction Company, a corporation, against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of one thousand one hundred eighty-seven dollars and one cent is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Clark and Henery Construction Company, a corporation, against the State of California. Appropriation claim of Clark and Henery Construction Company.

CHAPTER 299.

An act appropriating money to pay the claim of A. J. and T. D. Borie against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of one hundred five dollars and ninety-three cents is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of A. J. and T. D. Borie against the State of California. Appropriation claim of A. J. and T. D. Borie

CHAPTER 300.

An act appropriating money to pay the claim of Charles G. Johnson against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of two hundred dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Charles G. Johnson against the State of California. Appropriation claim of Chas G. Johnson.

CHAPTER 301.

An act appropriating money to pay the claim of Niagara Fire Insurance Company, a corporation, against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Appropriation claim of Niagara Fire Ins. Co.

SECTION 1. The sum of two thousand one hundred sixty dollars and seventy-seven cents is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Niagara Fire Insurance Company, a corporation, against the State of California.

CHAPTER 302.

An act appropriating money to pay the claim of Pacific Tank and Pipe Company, a corporation, against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Appropriation claim of Pacific Tank and Pipe Co.

SECTION 1. The sum of nine hundred sixty-eight dollars and seventy-six cents is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Pacific Tank and Pipe Company, a corporation, against the State of California.

CHAPTER 303.

An act appropriating money to pay the claim of the city of Berkeley against the State of California for the construction of electroliers upon that portion of Bancroft way in said city of Berkeley, fronting upon property of the University of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Appropriation claim of City of Berkeley.

SECTION 1. That the sum of two thousand one hundred thirty-three dollars (\$2,133) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be paid to the city of Berkeley to reimburse the said city of Berkeley for the cost of constructing electroliers upon a portion of Bancroft way in said city of Berkeley, fronting upon the property of the University of California.

CHAPTER 304.

An act appropriating money to pay the claim of the Exchange Orange Products Company, a corporation, against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of two hundred seventy-five dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of the Exchange Orange Products Company, a corporation, against the State of California.

Appropriation claim of Exchange Orange Products Co.

CHAPTER 305.

An act making an appropriation to pay the claim of Jennie Martin against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of thirteen dollars and forty-five cents is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Jennie Martin against the State of California.

Appropriation claim of Jennie Martin.

CHAPTER 306.

An act appropriating money to pay the claim of city of Los Angeles against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of twenty-two thousand three hundred six dollars and fifty-nine cents (\$22,306.59) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of the city of Los Angeles against the State of California.

Appropriation claim of City of Los Angeles

CHAPTER 307.

An act appropriating money to pay the claim of C. G. Celio and Sons, against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Appropriation claim of C. G. Celio and Sons

SECTION 1. The sum of one hundred eighteen dollars and forty-four cents is hereby appropriated out of the highway maintenance fund, to pay the claim of C. G. Celio and Sons, against the State of California.

CHAPTER 308.

An act to make an appropriation to pay the claim of Vina Rais against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Appropriation claim of Vina Rais

SECTION 1. The sum of two hundred sixty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Vina Rais.

SEC. 2. The state controller is hereby authorized to draw his warrant for the above sum in favor of Vina Rais and the state treasurer is directed to pay the same.

CHAPTER 309.

An act making an appropriation to pay the claim of F. O. Butler against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

Appropriation claim of F. O. Butler

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of one hundred ten dollars and twelve cents to pay the claim of F. O. Butler against the State of California.

CHAPTER 310.

An act making an appropriation to pay the claim of the Chalfant Cooperative Power Association against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of three hundred fifty-one dollars and seventy-two cents to pay the claim of the Chalfant Cooperative Power Association against the State of California.

Appropriation claim of Chalfant Cooperative Power Assn

CHAPTER 311.

An act to appropriate money to pay the claim of L. E. Hallowell, as county clerk of the county of Ventura, against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of four hundred fifty-four dollars and fifty cents is hereby appropriated out of the fish and game preservation fund to pay the claim of L. E. Hallowell, as county clerk of the county of Ventura, against the State of California.

Appropriation claim of L E Hallowell

CHAPTER 312.

An act appropriating money to pay the claim of C. W. Booth against the State of California.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of sixty-three dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of C. W. Booth against the State of California.

Appropriation claim of C W Booth

CHAPTER 313.

An act relating to the holding of the Tenth Olympiad in California, providing for the issuance and sale of state bonds to be known as "California Tenth Olympiad bonds," providing for and creating a fund for the carrying out of the purposes of this act, authorizing the expenditure of the moneys in said fund for the said purposes, creating a commission to be known as the "California Olympiad commission," creating an interest and sinking fund for the payment of interest on said bonds and the redemption of the same, and making appropriation therefor, making an appropriation of two thousand dollars for the expense of printing, lithographing and selling said bonds, designating the name by which this act shall be known, and fixing the time at which this act shall be and become effective.

[Approved by the Governor April 29, 1927. In effect July 29, 1927.]

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

California
Olympiad
commission
created

SECTION 1. For the purposes of this act there is hereby created a commission to be known as the "California Olympiad commission" which shall consist of five members to be appointed by the governor of the state within one year after the ratification of this act by vote of the electors of the state, to hold office until all the business and affairs of said commission shall have been fully completed and settled. All vacancies in said commission shall be filled by appointment of the governor. Said commission shall have the powers and duties hereinafter provided, and for the purpose of carrying out the provisions of this act the State of California shall incur an indebtedness, in the manner provided by this act, in the sum of one million dollars. Three members of said commission shall constitute a quorum for the transaction of business. Said commission shall adopt a seal having thereon the words "California Olympiad Commission of the State of California" and shall file with the state controller and state treasurer a certificate of the imprint of such seal, and all signatures of persons authorized by said commission to sign contracts, claims and other documents on behalf of said commission. For convenience the said commission hereinabove created may in this act be referred to as "the commission."

Bonds to
be issued

SEC. 2. Immediately upon the taking effect of this act, the state treasurer shall prepare one thousand suitable bonds of the State of California, negotiable in form and payable to the bearer and expressing on their face the obligation of the State of California to pay in gold coin of the United States the principal amount thereof at the respective dates of maturity hereinafter specified, together with interest as hereinafter provided for, in the denomination of one thousand dollars each. Said bonds shall be known and designated as

NOTE—See also Resolutions, chapter 66.

“California Tenth Olympiad bonds” and shall be numbered consecutively from one to one thousand, inclusive, and shall bear date the second day of January, 1929. Said bonds as originally prepared shall not contain a statement of the interest to be paid, but appropriate blanks shall be left upon the face of each of said bonds for the insertion of the rate of interest to be paid as hereinafter provided for. The total issue of such bonds shall not exceed the principal sum of one million dollars. Said bonds and interest thereon shall be payable in gold coin of the United States at the office of the state treasurer at the time and in the manner following, to wit :

The first twenty-five of said bonds shall be due and payable ^{Maturity} on the second day of January, 1932, and twenty-five of said bonds in consecutive numerical order shall be due and payable on the second day of January of each and every year thereafter until and including the second day of January, 1971.

The interest accruing on all of said bonds that shall be sold ^{Interest} shall be payable at the office of the state treasurer on the second day of January and on the second day of July of each and every year after the sale of the same. The interest on all bonds issued and sold shall cease on the day of their maturity and the said bonds so issued and sold shall on or after the day of their maturity be paid as herein provided and shall thereupon be canceled by the state treasurer. All bonds remaining unsold shall at the date of the maturity thereof be canceled and destroyed by the state treasurer. All bonds issued pursuant ^{Signatures and seal} to the provisions of this act shall be signed by the governor of the state, countersigned by the state controller, and indorsed by the state treasurer. Each of said bonds shall have the seal of this state impressed thereon. The said bonds signed, countersigned, indorsed and sealed, as herein provided, when sold shall be and constitute a valid and binding obligation upon the State of California, though the rate of interest shall be inserted upon the face of said bonds or any of them as hereinafter authorized and provided, at a date or dates after said bonds shall be so signed, countersigned, indorsed and sealed; and in case any officer whose signature or countersignature or indorsement appears on any such bonds or coupons thereof, issued hereunder, shall cease to be such officer before the delivery of such bonds to the purchaser thereof, such signature or countersignature or indorsement appearing either on the bonds or the coupons, or on both, shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of such bonds; and the lithographed signature upon the coupons of the person who is state treasurer at the date of such bonds, shall be valid although the bonds themselves may be indorsed by a different person who is treasurer at the time of delivery of such bonds.

SEC. 3. Attached to each of said bonds, there shall be an ^{Interest.} interest coupon for each semiannual payment of interest

thereon, negotiable in form and payable to bearer and expressing the obligation of the State of California to pay the amount of the semiannual payment of interest in gold coin of the United States at the time of maturity thereof. Said interest coupons shall be consecutively numbered in the chronological order of their time of payment and shall bear the lithographed signature of the state treasurer. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, except to the extent to which accrued interest shall have been paid to the state at the time of such sale by the purchaser of said bond.

Sale of
bonds

Interest
rate.

Withdrawal
and reissue

SEC. 4. Said California Olympiad commission shall from time to time, so long as the bonds herein authorized or any of them remain unsold, determine when the same or any part thereof shall be sold, the number to be sold, and the interest rate thereon, which rate shall be fixed by the said commission according to the then prevailing market conditions, but shall at no time exceed six per cent per annum, and the determination of said commission as to the rate of interest shall be conclusive as to the then prevailing market condition. When requested by said commission, the state treasurer shall prepare such number of bonds as may be requested, inserting upon the face of each of said bonds such interest rate as said commission has determined and authorized, and when so prepared said bonds shall be sold and delivered as in this act provided. In the event that any bonds prepared as herein provided can not in the judgment of said commission be sold at the time fixed for the sale thereof or thereafter, said commission may withdraw said bonds from sale and direct the state treasurer to cancel and destroy the same and may at said time or thereafter at its option direct the preparation and sale, as herein provided, of the same or a different number of bonds, but not to exceed in all the amount herein authorized, and at the same or a different rate of interest, but not to exceed six per cent per annum, and it shall be the duty of the state treasurer to obey any and all directions of said commission as herein authorized to cancel and destroy bonds and prepare and sell new bonds. In the event that bonds in addition to those directed in section 2 of this act originally to be prepared must be prepared in order to fulfill the provisions of the sentence immediately preceding this, such bonds and the coupons thereof shall be signed, countersigned, and indorsed in the same manner as provided for the original bonds in section 2 hereof.

Sale by state
treasurer

SEC. 5. When the bonds authorized by this act to be issued shall have been signed, countersigned, indorsed and sealed, as in this act provided, the state treasurer shall from time to time sell such number thereof as the said commission may direct, to the highest bidder for cash. The commission shall from time to time issue such direction to sell such bonds as in the opinion of a majority of said commission shall be deemed necessary or expedient; and the proceeds from the sale of any

and all such bonds shall be deposited in the state treasury to the credit of the California Tenth Olympiad fund.

The state treasurer shall not accept any bid which is less than the par value of the bond or bonds bid for and to the amount of the accepted bid there shall be added in each case as a part of the purchase price to be paid by the bidder the amount of interest which shall have accrued on the bond or bonds bid for between the date of purchaser's payment for said bond or bonds and the last preceding interest maturity date. Each bid shall be in writing and signed by the bidder and sealed and shall be deposited with the state treasurer not later than the last business day preceding the date of sale. Each bid shall be accompanied by a deposit with the state treasurer either in cash or by certified check on a responsible bank within the State of California to the order of the State of California of a sum equal to one-tenth of the amount of the par value of the bond or lot of bonds bid for. Such deposit of each unsuccessful bidder shall be returned to him immediately upon the rejection of his bid and such deposit of the successful bidder shall immediately upon acceptance of his bid become and be the property of the State of California and be placed in the state treasury to the credit of said California Tenth Olympiad fund, and shall be credited to the successful bidder upon the purchase price of the bond or bonds paid for in case such price is paid in full by him within the time hereinafter prescribed. At the time of sale the state treasurer shall open said bids and accept the bid of the highest bidder for cash, save and except that no bid shall be accepted which shall be lower in amount than the par value of the bonds bid for and that the state treasurer shall reject all bids if instructed so to do by the said commission. The purchase price of the bonds sold shall be payable within ten days after the acceptance of the bid therefor, and if not so paid, the successful bidder shall have no right in or to said bonds or by reason of said bid or to the recovery of said deposit accompanying said bid or to any allowance or credit by reason of such deposit unless it shall appear that the bonds would not be validly issued if delivered to the purchaser in the form and manner proposed. In case the purchase price is not so paid, the bonds so sold but not paid for shall be resold by the state treasurer upon notice as herein provided in case of original sale. Bonds sold shall be delivered to the purchaser immediately upon and not before the payment of the purchase price therefor. Before delivering any of said bonds, the state treasurer shall detach therefrom all interest coupons which have matured before the date of the payment of the purchase price therefor. The state treasurer may by public announcement at the time and place fixed by him for said sale continue such sale to such time and place as he may at the time of said continuance designate. When a sale is continued no notice thereof need be given other than the public announcement of such continuance by the state treasurer as just hereinbefore

Bids.

Deposit.

Opening of bids

Payment of purchase price.

Delivery of bonds

Continuance of sale

Notice
of sale

provided. The state treasurer shall give notice of the time and place of sale by publication in one newspaper published in the city and county of San Francisco, and in one newspaper published in the city of Los Angeles, once a week for two weeks next preceding the date fixed for said sale.

Disposition
of purchase
price

Immediately upon the receipt of the purchase price from each sale of said bonds, the state treasurer shall pay in to the state treasury to the credit of the California Tenth Olympiad fund the amount received as such purchase price, except such amount as may have been paid as accrued interest on said bonds.

Disposition
of interest
received.

Each and every amount that shall have been paid in any sale of the bonds herein authorized as accrued interest on the bonds sold shall be, by the state treasurer, immediately after such sale, paid into the treasury of the state and placed in the fund hereinafter mentioned, to be known as the "interest and sinking fund of the California Tenth Olympiad bonds."

Recurrent ap-
propriation.

SEC. 6. There is hereby appropriated from the general fund in the state treasury such sum annually as will be necessary to pay the principal of and interest on bonds issued and sold pursuant to provisions of this act as said principal and interest become due and payable. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum. There is hereby created in the state treasury a fund to be known and designated as the "interest and sinking fund of the California Tenth Olympiad bonds." The state treasurer shall on the first day of July, 1929, and on the first day of each January and the first day of each July thereafter transfer from the general fund of the state treasury to said interest and sinking fund of the California Tenth Olympiad bonds such an amount of money as shall be required to pay the interest maturing at the next interest payment date on the amount of said bonds sold and outstanding, and shall likewise on the first day of January of the year 1932, and the first day of January of each year thereafter in which any of said bonds sold and outstanding mature, transfer from the general fund of the state treasury to said interest and sinking fund of the California Tenth Olympiad bonds such an amount of money as may be required to pay the principal of such bonds sold and outstanding as mature in such year.

Interest and
sinking fund

Payment of
principal and
interest

SEC. 7. The principal and interest of all of said bonds which may be sold shall be paid at the time the same become due from said interest and sinking fund of the California Tenth Olympiad bonds, and the faith of the State of California is hereby pledged for the payment in full of the principal

and interest of said bonds so sold as the same mature. Both principal and interest of the bonds or coupons so maturing shall be so paid upon presentation thereof to the state treasurer on or after the day of the maturity of the same, and the state treasurer is hereby authorized and required to make such payment. Warrants for such payment shall be duly drawn by the state controller upon the request of the state treasurer.

SEC. 8. The sum of two thousand dollars is hereby appropriated to pay the expenses that may be incurred by the state treasurer in the printing, lithographing and selling of said bonds. Said amount shall be paid out of the general fund of the state treasury on the state controller's warrants duly drawn for that purpose.

Expense of
bond issue.

SEC. 9. The purpose of this act is to provide funds for use in connection with the holding and staging of the Olympic games in California in 1932; to provide facilities for same, to encourage and assist the participation therein by persons from all parts of the world; to establish a commission to represent the State of California in the carrying out of this purpose and to cooperate to the fullest extent therein with the government of the United States and with other persons, corporations and agencies, and to engage in such activities as may be necessary or desirable to make the holding of said Olympic games in California a success. The commission is hereby authorized and empowered to expend the moneys deposited in the California Tenth Olympiad fund for the purpose of carrying out any and all of the above purposes.

Purpose
of act

SEC. 10. For the purpose of performing the duties imposed by law upon the commission it shall have the power and authority to elect its own officers and to appoint and employ a secretary, executive officers, and such other assistants or persons as it may deem necessary, and fix their compensations. All of the officers and employees so appointed shall hold office at the pleasure of the commission, and all salaries of employees shall be payable out of the California Tenth Olympiad fund, upon proper warrants drawn therefor as herein-after specified. The said commission shall serve without compensation but shall receive their actual traveling expenses. The commission shall have full and complete power and authority to carry out the provisions of this act, and the particular enumeration herein of the powers and duties of said commission shall not be construed to be a limitation or restriction of the full and complete power and authority of the commission.

Officers and
employees

SEC. 11. Said commission shall have power to make and execute all contracts and agreements necessary to the business of said commission or to carry out the purposes of this act. All contracts, made by said commission, shall be executed in triplicate, signed by the president thereof and executed under the seal of said commission, and one copy thereof shall be immediately filed with the state controller. No contract or agreement shall be made by said commission unless the

Contracts

Waiver of
recourse.

parties thereto shall waive therein all claims and recourse against the State of California for loss or damage of person or property arising from, growing out of, or in any way connected with or incident to such contract or agreement, and all contracts or agreements made by said commission in violation of this provision for, waiver shall be void.

Payment of
claims.

SEC. 12. The said commission, through the president or such other officer as it shall authorize, shall audit all claims or demands for moneys expended by it, or for the expenditures of money which they have authorized in writing, and shall certify such claims and demands to the state controller who shall thereupon draw his warrants therefor upon the state treasury payable out of said California Tenth Olympiad fund, and the state treasurer shall pay the same.

Cooperation
with
corporation

SEC. 13. For the purpose of carrying into effect the provisions and purposes of this act the commission shall have power to make and enter into such contracts and agreements with the corporation hereinafter in this section referred to as it shall deem necessary or advisable, to bring about the union or joint action of the commission and said corporation. The corporation above referred to and contemplated by this act is a corporation to be formed under the laws of this state, for the purpose of conducting, managing, supervising and assuming responsibility for the holding of the events constituting the Olympic games to be held in the State of California in the year 1932, and all activities in connection therewith, in accordance with the rules and regulations of the International Olympic committee for the holding of the Tenth Olympiad; such corporation to be organized and controlled by citizens of this state of recognized responsibility and having the official recognition of the members of the international Olympic committee representing the United States of America; such official recognition may be sufficiently evidenced by the filing with said commission of a statement signed by said representatives that said corporation is the corporation organized for the above purposes, and that it is recognized as such by the international Olympic committee. Said corporation not yet formed may be referred to in this act as the Olympiad corporation. It is contemplated by this act that the Olympiad corporation will assume responsibility for the holding and staging of the said Tenth Olympiad in California, under the sanction of, and in accordance with, the rules and regulations of the international Olympic committee; that the commission will cooperate to the fullest extent with the Olympiad corporation to the end that all moneys in the California Tenth Olympiad fund shall be expended to the best possible advantage in assisting toward the carrying out of the above purposes in full and complete harmony with the plans of the Olympiad corporation.

Audit of
books of
corporation.

SEC. 14. The contract, or contracts, if any, entered into by the commission with the Olympiad corporation shall be construed to include a provision, whether specifically written therein or not, giving to the commission and its authorized

representatives the authority to examine the books, records, contracts, accounts and vouchers kept by the said Olympiad corporation at all reasonable times.

SEC. 15: The commission shall ask and demand that in the expenditure of any fund in connection or conjunction with the fund herein described, proper books of account shall be kept and maintained and an appropriate accounting system shall be had, and that such records and books shall be maintained and kept within the city of Los Angeles as will enable a person of ordinary understanding, from the inspection thereof, to determine the source and amount of all income and moneys received and the exact purpose in detail for which expenditures are made or moneys paid. Said books of account shall be open for inspection by any authorized representative of the commission.

Accounting system of corporation.

SEC. 16. The State of California shall not in any manner or under any circumstances be liable for any of the acts, doings or proceedings of any person, association or corporation with whom the commission shall act, cooperate, or join to carry out the purposes of this act, nor for the services, salary, labor or wages of any officers, agents, servants or employees of such person, association or corporation, nor for any debts, liabilities or expenses of any kind whatsoever of such person, association or corporation; *provided, however*, that the commission may, in its discretion, employ the same persons, servants, agents or officers that may be employed by such person, association or corporation with which the commission shall act, cooperate and join to carry out the purposes of this act, and contribute to pay the whole or any part of their compensation.

Liability of state.

Joint employees.

SEC. 17. No member of the commission, or employee thereunder, or any officers thereof, shall be personally liable for any debts or obligations, or liability that may be created or incurred by the commission or by the State of California, acting by or through the commission. Neither the commission nor any member thereof shall be liable in damages for the negligence, default or wrongful act of any of the agents, servants or employees of the commission.

Personal liability.

SEC. 18. The commission may execute contracts, hold property, and sue in its own name as California Olympiad commission of the State of California. The provisions of an act entitled "An act to authorize suits against the state, and regulating the procedure therein," approved February 28, 1893, shall not apply to any claim or contract made by the commission or for negligence of the commissioners.

Acts as a commission

SEC. 19. The commission shall, on the first day of December of each year, file with the state controller a financial statement under the seal of said commission, and verified by the members thereof, which statement shall show in detail the disposition of all moneys expended by it and to whom the same were paid, all expenditures contracted by it, all amounts

Annual financial statements.

- Reports. paid thereon, and the balance due, if any, and shall file with such financial statement a report of all proceedings of the commission, the work accomplished by it, and plans proposed and the status of all matters under or in connection with the work of the commission and its funds. Upon completion of all work by the commission, it shall render a full, complete and final report, and file the same with the state controller.
- Board of control without authority. SEC. 20. All claims and demands arising under or in consequence of any contract or agreement made by the commission, and all expenditures authorized by it, shall be exempt from the provisions of section 672 of the Political Code.
- Payment of indebtedness. SEC. 21. Indebtedness incurred and warrants issued by the commission shall be payable only from the California Olympiad fund, and shall never be or become general indebtedness of the State of California; *provided, however*, that this section shall not apply to the indebtedness represented by bonds or interest coupons issued under this act.
- Short title. SEC. 22. This act shall be known and may be cited as the "California Tenth Olympiad bond act of 1927."
- Effective. SEC. 23. This act shall take effect upon the adoption by the people of the State of California of an amendment to the constitution of the State of California approving, adopting, legalizing, ratifying, validating and making finally and completely effective this act.
- Year held. SEC. 24. In the event that the international Olympic committee shall determine that the Tenth Olympiad shall be held in some other year instead of 1932, then this act shall be effective to the same extent as if held in 1932.

CHAPTER 314.

An act to amend sections one and two of an act entitled "An act to regulate advertisements and solicitations for employees during strikes, lockouts and other labor troubles," approved June 7, 1913, by making its application universal, prescribing penalties for violation thereof, and making it mandatory to insert in such advertisements the name of the person, firm, association or corporation placing the advertisement and making the appearance of this name in connection with the advertisement prima facie evidence as to the person, firm or corporation responsible for the advertisement.

[Approved by the Governor May 2, 1927. In effect July 29, 1927.]

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

Stats. 1913,
p. 678,
amended.

SECTION 1. Section 1 of an act entitled "An act to regulate advertisements and solicitations for employees during strikes, lockouts and other labor troubles," approved June 7, 1913, is hereby amended to read as follows:

Advertising
for labor
during
strikes.

Section 1. If any person, firm, association or corporation, acting either for himself or itself, or as the agent of another person, firm, association or corporation, during the continu-

ance of a strike, lockout or other labor trouble among his, or its employees, or among the employees of the person, firm, association, or corporation for whom he, or it is acting, advertises for employees in the newspapers, or by posters, or otherwise, or solicits persons to work for him, or the persons, firm, association or corporation for whom he is acting, in the place of the strikers, he shall plainly and explicitly mention in such advertisements, or oral or written solicitations, that a strike, lockout or other labor disturbance exists. The person inserting any such advertisement in a newspaper or on a poster, or otherwise, shall insert in such advertisement his own name and, if he is representing any other person, firm, association or corporation, the name of the person, firm, association or corporation he is representing and at whose direction and under whose authority he is inserting the advertisement, and the appearance of this name or names in connection with such advertisement shall be prima facie evidence as to the person, firm, association or corporation responsible for the advertisement.

SEC. 2. Section 2 of the said act, as amended, is hereby amended to read as follows: Stats. 1913, p. 678, amended Penalty.

Sec. 2. Any person, firm, association or corporation, or agent or officer thereof, who shall violate or omit to comply with any of the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars and not exceeding two hundred and fifty dollars for each offense.

CHAPTER 315.

An act to amend section three of an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision without governor's approval on February 25, 1901, as amended.

[Approved by the Governor May 2, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 3 of an act entitled "An act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision without governor's approval on February 25, 1901, as amended, is hereby amended to read as follows: Stats 1915, p. 1454, amended

Sec. 3. Such ordinance shall be published once a day for at least seven days in some newspaper published at least six days a week in such municipality, or once a week Publication of ordinance

Vote
necessary to
carry.

for two weeks in some newspaper published less than six days a week in such municipality, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week. In municipalities where no such newspaper is published, such ordinance shall be posted in three public places therein for two succeeding weeks. No other notice of such election need be given. It shall require the votes of two-thirds of all the voters voting on any such proposition to authorize the issuance of the bonds herein provided; *provided, however*, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds of the qualified electors, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted; *and provided, further*, should any proposition so submitted at such election fail to receive the requisite number of votes, as aforesaid, the legislative body of such municipality shall have no power or authority, within six months after such election, to call or order another election for incurring any indebtedness for improvements, substantially the same as voted upon at such prior election, unless a petition signed by fifteen per cent of the qualified electors of such municipality, computed upon the total number of votes cast therein for all candidates for governor at the last preceding election at which a governor was elected, be filed with the legislative body of such municipality, requesting that such proposition, or a proposition substantially the same, be submitted at an election to be called for the submission of such proposition and to be held in accordance with the provisions of this act.

CHAPTER 316.

An act to regulate the method of, nominating, voting for and electing candidates for judicial offices at primary and general elections by giving each office a designating number for the purpose of elections where two or more judges or justices of any court of record are to be elected for the same term at the same election.

[Approved by the Governor May 2, 1927. In effect July 29, 1927.]

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

Designation
of offices by
number.

SECTION 1. In any election hereafter held at which two or more judges or justices of any court of record are to be elected for the same term, and in the primary election preceding such election, it shall be deemed for all purposes of such election and primary election, and all stages and proceedings thereof, including the canvass of returns and the declaration of the result, that there are as many separate judicial offices to be filled as there are judges or justices of said court of record

to be elected, each of said separate offices shall be designated by a distinguishing number not greater than the total number of such judges or justices to be elected for the same term at the same election.

Such designation shall remain the same for all purposes of both primary and general election and shall be used on all nomination papers, certificate of nomination, ballots, certificate of election and on all election papers referring to such office.

After election and the issuance of the certificates of election such designating number shall have no further significance.

SEC. 2. Each candidate for judicial office for which two or more judges or justices are to be elected for the same term at the same election as herein provided, not more than ten days nor less than five days prior to the first day on which his nomination papers may be circulated and signed, shall file in the office in which his nomination papers are required to be filed, a written and signed declaration of his intention to become a candidate for such office and shall state in such declaration for which of the said number-designated offices of courts of record he intends to become a candidate. Candidate to designate office

SEC. 3. Such offices shall be separately designated for such numbers upon all ballots and separately grouped and arranged thereon in numerical order. No person may be a candidate nor have his name printed upon any ballot as a candidate for any other of such number-designated offices than the one designated by him in his declaration of intention to become a candidate. Designation on ballot

CHAPTER 317.

An act to amend section four hundred thirty-seven of the Code of Civil Procedure, relating to the contents of the answer of the defendant.

[Approved by the Governor May 2, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 437 of the Code of Civil Procedure is hereby amended to read as follows: Code amds 1873-74, p. 300, amended

437. The answer of the defendant shall contain:

1. A general or specific denial of the material allegations of the complaint controverted by the defendant. Contents of answer,

2. A statement of any new matter constituting a defense or counter claim.

If the complaint be verified, the denial of the allegations controverted must be made positively, or according to the information and belief of the defendant. If the defendant has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may

so state in his answer, and place his denial on that ground. The denials of the allegations controverted may be stated by reference to specific paragraphs or parts of the complaint; or by express admission of certain allegations of the complaint with a general denial of all the allegations not so admitted; or by denial of certain allegations upon information and belief, or for lack of sufficient information or belief, with a general denial of all allegations not so denied or expressly admitted. If the complaint be not verified, a general denial is sufficient, but only puts in issue the material allegations of the complaint.

CHAPTER 318.

An act to amend section three hundred eighty-four a of the Penal Code, relating to the protection of the Christmas red berry and Christmas tree.

[Approved by the Governor May 2, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 384a of the Penal Code is hereby amended to read as follows:

384a. Any person, firm or corporation who shall wilfully or negligently mutilate, cut or destroy any Toyon or Christmas red berry (*Hetermeles arbutifolia*) or cut any Christmas tree or trees growing on public land or land not his own, without a written permit from the owner of the land signed by such owner or his agent duly authorized in writing to grant such authority, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500), and all Toyon or Christmas trees wilfully cut or possessed shall be subject to confiscation by the state forester, deputy state forester, assistant state forester, state forest ranger, state fire warden, or peace officer. The term "Christmas tree" as used herein shall include any evergreen tree or a part thereof cut and removed from the place where grown without the foliage having been removed.

CHAPTER 319.

An act to amend section one thousand eight hundred ten b of the Code of Civil Procedure, relating to attorney's fees against minors fixed by court and payment of judgments in actions by or on behalf of minors.

[Approved by the Governor May 2, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1810b of the Code of Civil Procedure is hereby amended to read as follows:

1810b. All contracts for attorneys' fees made by and for the benefit of minors shall be void unless the contract is approved by the court having jurisdiction of the pending

Stats 1921,
p. 147,
amended.
Red berries
and
Christmas
trees.

Stats 1919,
p. 556,
amended.
Attorneys'
fees and
judgments
in favor
of minors.

litigation on behalf of said minor. A petition to have said contract approved by the court may be filed at any time after the appointment of the guardian ad litem in said litigation. In the event the contract for attorneys' fees for and on behalf of the minor has not been approved by the court, then whenever a judgment shall be recovered by or on behalf of a minor, the attorneys' fees chargeable against said minor shall be fixed by the court in which said judgment is rendered and if said judgment is for money and there is no general guardian for said minor, one shall be appointed by the court and the entire amount of the judgment shall be paid to and cared for by such general guardian under the control of the court; *provided*, where a minor has brought an action by a guardian ad litem and has recovered a money judgment not in excess of five hundred dollars, exclusive of costs and the guardian ad litem is a blood relative of said minor, then by the approval of the court which rendered such judgment the whole of said judgment may be paid directly to such guardian ad litem without any bond being required therefor. The court in any of the cases provided herein may direct the amount fixed as attorneys' fees to be paid to the attorney and the balance to be paid to such guardian of said minor or to the general guardian of said minor if a general guardian has been appointed or is required by court.

CHAPTER 320.

An act to amend section one thousand forty-eight of the Code of Civil Procedure, relating to consolidation of actions.

[Approved By the Governor May 2, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1048 of the Code of Civil Procedure is hereby amended to read as follows:

1048. An action may be severed and actions may be consolidated, in the discretion of the court, whenever it can be done without prejudice to a substantial right.

Original
section
amended
Severance
and
consolidation

CHAPTER 321.

An act to add a new section to the Code of Civil Procedure to be numbered one thousand sixty-two a, relating to declaratory relief.

[Approved by the Governor May 2, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered section 1062a, to read as follows:

1062a. Actions brought under the provisions of this chapter shall be set for trial at the earliest possible date and shall take

New section.
Setting for
trial.

precedence of all other cases, except older matters of the same character and matters to which special precedence may be given by law.

CHAPTER 322.

An act to amend section nine hundred of the Code of Civil Procedure, relating to judgment lien in justice's court.

[Approved by the Governor May 2, 1927. In effect July 29, 1927.]

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

Stats 1911,
p 398,
amended
Judgment
liens

SECTION 1. Section 900 of the Code of Civil Procedure is hereby amended to read as follows:

900. A judgment rendered in a justice's court creates no lien upon any lands of the defendant, unless such an abstract is filed in the office of the recorder of the county in which the lands are situated. When so filed, and from the time of filing, the judgment becomes a lien upon all the real property of the judgment debtor, not exempt from the execution, in such county, owned by him at the time, or which he may afterward, and before the lien expires, acquire. The lien shall continue during a period of five years from the date of the rendition of the judgment.

CHAPTER 323.

An act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this act; to provide for their appointment and define their powers, duties and compensation, to define offenses committed by acts done contrary to the provisions of this act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an act entitled "An act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, and all other acts or parts of acts in conflict herewith.

[Approved by the Governor May 5, 1927. In effect July 29, 1927.]

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

Board of
veterinary
examiners
created

SECTION 1. That there be, and is hereby created a board of examiners in veterinary medicine; to be appointed by the governor of the State of California, which shall consist of the chief of the division of animal industry, California department

of agriculture, and four reputable practitioners of veterinary medicine who shall have graduated from some veterinary college authorized by law to confer degrees, each of whom shall have been a bona fide resident of said state for three years last past before appointment and each during said period, shall have been actually engaged in the practice of his profession in said state. The appointment first made shall be for one year, one for two years, one for three years, and one for four years, and thereafter appointments shall be made for a period of four years except appointments to fill vacancies, in which case the appointment shall be made for the remainder of the unexpired terms; *provided*, that the governor may, in his judgment, remove any member of said board for neglect of duty or other sufficient cause, after due notice and hearing.

SEC. 2. That the said board of examiners in veterinary medicine shall, from its members, elect a president, vice president, secretary and such other officers as shall be necessary. The secretary of said board shall have power to administer oaths or affirmations upon such matters as pertain to the business of said board, and any person wilfully making any false oath or affirmation shall be deemed guilty of perjury; and said board shall make, alter, or amend, subject to the approval of the governor, such rules and regulations as may be necessary to carry into effect the provisions of this act, and shall hold such meetings as shall be necessary for the transaction of business, and shall issue all licenses to practice veterinary medicine in the State of California. Said board shall keep an official record of its meetings, and also an official register of all applicants for licenses, which register shall show name, age, place and duration of residence of each applicant, the time spent in the study of veterinary medicine in and out of veterinary colleges and the names and locations of all veterinary colleges which have granted said applicant any degree or certificate of attendance upon lectures, and it shall also show whether said applicant was rejected or licensed under this act, and said register shall be prima facie evidence of all matters contained therein. The board shall have the power to require any or all officers of said board to give a bond to the State of California in such form and penalty as it may deem proper. The board shall in the month of December of each year submit to the governor a full report of its transactions during the twelve months immediately preceding.

SEC. 3. It shall be unlawful for any person to practice veterinary medicine or any branch thereof in the State of California without having first secured a license as is hereafter provided. Application for this purpose shall be upon a form furnished by said board and shall be accompanied by satisfactory evidence of good moral character, and by a diploma from some veterinary college authorized by law to confer the same. Every person applying to the board of examiners in veterinary medicine for a license to practice veterinary medicine, shall pay the board a fee of twenty dollars (\$20), which

Officers.

Rules and regulations

Record and register

Official bonds

Report

License to practice

Fee.

Examina-
tions

fee in no case shall be refunded, and from the funds thus created the board shall pay such necessary expenses as it may incur. Such expenses shall not exceed in any one fiscal year the amount of fees collected during that period. Said board shall by means of examination, ascertain the professional qualifications of all applicants for license to practice veterinary medicine in said state, and shall issue such licenses to all who are found by such examinations to be, in the judgment of the board, competent to so practice; and no such license shall be issued to any person who has not so demonstrated his competence, except as hereinafter otherwise provided. Such examinations shall be held in January and June of each year, and shall include all such subjects as are ordinarily included in the curricula of veterinary colleges in good standing, but examinations may be held at such other times and include such other subjects as said board shall authorize and direct. Said board shall number consecutively all applications received, note upon each the disposition made of it, and preserve the same for reference and shall number consecutively all licenses issued.

Reciprocity
agreements

SEC. 4. That said board of examiners so far as may be possible, shall make arrangements with analogous boards of the several states and territories whereby due credit for state and territorial licenses will be allowed in the State of California to such licentiates of said boards as desire to secure licenses to practice veterinary medicine in this state, and whereby licentiates of the board of examiners in veterinary medicine in the State of California will secure due credit for licenses issued by said board whenever such licentiates desire to secure licenses to practice veterinary medicine in any state or territory; but no arrangement shall be made under the provision of this section which will be liable to lower the standard of practice of veterinary medicine in the State of California, and no arrangements for the mutual recognition of licenses, shall be valid until it has been approved by the governor of the State of California.

Appeal from
refusal of
license.

SEC. 5. That any person having been examined by said board of examiners in veterinary medicine and having been refused a license as the result of such examination may, within thirty days after formal notification of such refusal, appeal from the decision of said board. Such appeal must be in writing, addressed to the governor of the State of California, setting forth the ground upon which it is based, and accompanied by a deposit of thirty dollars. If, after examination of said appeal the governor deems it proper, he shall appoint a board of review consisting of three practitioners of veterinary medicine having qualifications similar to those required of members of the regular board of examiners, in veterinary medicine having qualifications similar to those of appellant and if they deem necessary to re-examine him and report their findings to the governor and such findings shall be final and binding upon all parties concerned, and

if favorable to the appellant the board of examiners in veterinary medicine shall issue to him a license to practice veterinary medicine in said state. Each member of said board of review shall be paid a fee of not more than ten dollars for each candidate examined, payment to be made from the deposit of the appellant if the finding is adverse to him, but otherwise from the funds of the board of examiners. If favorable, the amount deposited shall be returned to the appellant.

SEC. 6. It shall be unlawful for any person, firm or corporation, to practice veterinary medicine or any branch thereof in the State of California, or represent himself or themselves or permit himself or themselves to be represented as so practicing without first displaying or causing to be displayed conspicuously in his or their place of business his or their license to practice in said state. Said place of business shall, during all reasonable hours, be open to inspection by any representative of the police department or of the board of examiners in veterinary medicine in said state, so far as may be necessary to examine such licenses, and it shall be unlawful for any person to interfere with any inspection made or intended to be made for this purpose.

Display of
licenses.

SEC. 7. It shall be unlawful for any person, firm or corporation in the State of California not licensed as provided in this act to append or cause to be appended to his name the letters V. S., D. V. M., V. M. C., M. D. V., M. D. C., D. V. S., or M. R. C. V. S., or the words "veterinarian," "veterinary surgeon" or "veterinary dentist," "veterinary farrier," "veterinary horseshoer," "horse dentist," or "horse doctor," or to prescribe, advise, or apply any drug or medicine or any other material agency for the treatment of any lower animal, to perform any operation for the treatment, relief, or cure of any sick, diseased, or injured lower animal, for commercial purposes, or to publicly profess to do any of these things, or charge or receive any compensation or money therefor directly or indirectly; *provided*, nothing in this act shall be construed to prohibit members of the medical profession from prescribing for domestic animals in case of emergency, and collecting a fee therefor, nor to prohibit gratuitous services in any emergency, nor to prevent any person from practicing veterinary medicine on any animal belonging to himself or herself.

Unlawful
practices.

SEC. 8. That this act shall not affect the rights under the laws of the State of California, of veterinarians to practice veterinary medicine who have lawful rights to practice veterinary medicine at the time of the passage of this act, excepting as hereinafter provided, for the payment of an annual license tax; *and provided, further*, that this act shall not apply to veterinary surgeons in the employ of the United States army, or United States bureau of animal industry, or veterinarians employed full time by the California department of agriculture nor to regularly licensed veterinarians in actual consultation from other states, nor to regularly licensed veterinarians actually called from other states to attend cases in the

Practitioners
not affected

State of California, but who do not open an office or appoint a place to do business within said state.

Revocation
and suspen-
sion of
licenses

SEC. 9. That the board of examiners in veterinary medicine hereby created may, by a vote of four members, revoke or suspend for a certain time the license of any person to practice veterinary medicine or any branch thereof in the State of California after notice and hearing for any of the following causes, namely: the employment of fraud or deception in passing the examination or in obtaining a license, chronic inebriety, or conviction of crime involving moral turpitude, for having professional connection with or lending one's name to any illegal practitioner of veterinary medicine and the various branches thereof.

The form of complaint, the form and length of notice, and the time and procedure of hearing charges against any licensee for any of the above causes shall be as near as possible according to the provisions of title eleven of the Code of Civil Procedure and the president of the board shall sign all papers, writs and process.

License
issued prior
to July 1,
1927

SEC. 10. Any license granted to any person to practice veterinary medicine, or any branch thereof, in the State of California, except as hereinbefore provided, issued prior to the first day of July, 1927, shall remain in force until that date, and thereafter so long as the holder thereof shall comply with the provisions of this section relating to an annual tax and not otherwise, but notwithstanding the payment of such tax, such license at any time may be forfeited, or revoked as provided in section 9 hereof. To provide a fund to be used to secure evidence against and prosecute violators of this act every person holding a license to practice veterinary medicine, or any branch thereof, in this state, shall pay an annual license tax of two dollars to said board, for the year commencing with the first day of July, 1927, and annually thereafter, on or before the first day of July of each year, and failure to pay such license tax prior to such date, shall ipso facto work a forfeiture of the license held by such person not paying the tax, and the license of such person shall not be restored except upon written application therefor to the said board of veterinary examiners and the payment to said board of ten dollars. *Provided, further,* that the person applying for reinstatement and to have license restored shall not be required to submit to any examination on account of the forfeiture of such license by reason of the nonpayment of such license tax, but it shall be unlawful for any person, firm or corporation to practice veterinary medicine or any branch thereof during the period that said license is forfeited by reason of nonpayment of license tax.

Annual
license
tax.

Forfeiture
of license

Applicant to
pay license
tax.

Every person applying to said board of examiners for a license to practice veterinary medicine or any branch thereof, subsequent to July 1, 1927, shall pay to said board of veterinary examiners, in addition to the fee provided for in section 3 hereof, such license tax hereinbefore provided for in

the current year within which such examination shall be taken and the board of examiners shall issue no license to any applicant unless such license tax be paid.

All fines or forfeitures of bail in any case wherein any person is charged with the violation of any of the provisions of this act shall be paid upon collection by the proper officer of the court to whom the same are paid, fifty per cent thereof to the state treasurer, to be deposited to the credit of the board of veterinary examiners contingent fund as hereinafter provided for the use by such board in aiding in the enforcement of the provision of this act, and the other fifty per cent thereof shall be paid as now provided by law, for the payment of fines or forfeitures of bail in misdemeanor cases.

Disposition
of fines and
forfeitures

SEC. 11. That any person who shall violate or aid or abet in violating any of the provisions of this act shall be deemed guilty of misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars, or not more than two hundred dollars, or by imprisonment in the county jail for not less than thirty days or more than six months, or by both such fine and imprisonment.

Penalties.

SEC. 12. That all fees collected on behalf of the board of veterinary examiners and all receipts of every kind and nature, shall be reported each month for the month preceding to the state controller and at the same time the entire amount shall be paid into the state treasury and shall be credited to a fund to be known as the board of veterinary examiners contingent fund, which fund is hereby created. Such contingent fund shall be for the use of the board of veterinary examiners and out of it and not otherwise, shall be paid all expenses of the board. The secretary of the board of veterinary examiners shall receive an annual salary of two hundred dollars and expenses. Necessary traveling expenses and a per diem and not to exceed ten dollars for each day of actual service in the discharge of his duties may be paid each other member of the board providing the fees and other receipts of the board are sufficient to meet this expense.

Report,
disposition
and use of
receipts

SEC. 13. That three members of the board of examiners in veterinary medicine in the State of California shall constitute a quorum for transaction of business at any meeting of the board, except as provided in section 9 of this act.

Quorum

SEC. 14. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitu-
tionality

SEC. 15. All acts or parts of acts in conflict with this act are hereby repealed.

Repealed.

CHAPTER 324.

An act to add a new section to the Penal Code to be numbered five hundred thirty-seven e relating to the purchase or sale of manufactured articles from which identification marks have been removed.

[Approved by the Governor May 5, 1927. In effect July 29, 1927.]

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

New section. SECTION 1. A new section to be numbered 537e is hereby added to the Penal Code to read as follows:

Articles
minus
identification
marks.

537e. Any person who knowingly buys, sells, receives, disposes of, conceals, or has in his possession a radio, automobile tire, piano, phonograph, sewing machine, washing machine, typewriter, adding machine, comptometer, a fire arm, safe or vacuum cleaner, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed, is guilty of a misdemeanor.

CHAPTER 325.

An act to amend section seven hundred thirty-six a of the Political Code, relating to the salaries of the justices of the district courts of appeal.

[Approved by the Governor May 5, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p. 371,
amended.
Appellate
justices'
salaries.

SECTION 1. Section 736a of the Political Code is hereby amended to read as follows:

736a. The annual salary of each of the justices of the district courts of appeal is the sum of ten thousand dollars. Such salaries shall be payable monthly by the state.

CHAPTER 326.

An act to amend section seven hundred thirty-six of the Political Code, relating to the salaries of supreme court justices.

[Approved by the Governor May 5, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p. 261,
amended
Supreme
court
justices'
salaries.

SECTION 1. Section 736 of the Political Code is hereby amended to read as follows:

736. The annual salary of the chief justice of the supreme court is the sum of twelve thousand dollars and the annual salary of each of the associate justices of the supreme court is the sum of eleven thousand dollars. Such salaries shall be payable monthly by the state.

CHAPTER 327.

An act reserving certain state lands in Del Norte County for park and recreational purposes.

[Approved by the Governor May 5, 1927. In effect July 29, 1927.]

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

SECTION 1. The northeast quarter (NE $\frac{1}{4}$) of the south-east quarter (SE $\frac{1}{4}$), lots four (4) and five (5), and the fractional west half (W $\frac{1}{2}$) of section thirty-six (36) in township fifteen (15) north, range one (1) west, Humboldt meridian, containing 131.71 acres, excepting a strip of land therefrom eighty (80) feet wide running through the northeast quarter (NE $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$) of section thirteen (13), occupied by the California highway commission for state highway purposes, having been received by gift with the stipulation that it is to be used only for park purposes, is hereby reserved from sale and is set aside for all time for state park and recreational purposes. Reservation for park purposes.

SEC. 2. The cutting or removal of any timber or other forest growth from the above-described land, except where such cutting or removal is absolutely necessary for the proper administration or protection of such land, is hereby prohibited. Removal of timber.

SEC. 3. Said land is hereby placed under the management and control of the California state board of forestry. Management.

CHAPTER 328.

An act to provide for the acquisition by the state department of finance, upon behalf of the state, by gift, devise, grant or other conveyance, of the Donner monument and lands contiguous thereto; and for the improvement of the same.

[Approved by the Governor May 5, 1927. In effect July 29, 1927.]

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

SECTION 1. The state department of finance shall have the right, power and authority to receive and accept in the name of the people of the State of California, by gift, devise, grant or other conveyance, the property known as the Donner monument near Donner lake and a tract of land surrounding said monument, not to exceed twenty acres in extent. Acceptance of Donner monument.

SEC. 2. The tract of land acquired under the terms of this act shall be known and designated as the Donner state monument and shall be a memorial to the California pioneers of the Overland trail. Until otherwise directed by the Legislature said monument shall be and remain in the custody and under the supervision of the state department of finance, which department is hereby empowered to make all necessary repairs; Name, purpose, custody and maintenance

to construct roads and trails and make such other improvements for the accommodation of the public as it may deem necessary, expedient or desirable; and to erect suitable markers or monuments at historic spots about said grounds.

CHAPTER 329.

An act to amend section twenty-eight of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section fourteen of article one of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to reassessments.

[Approved by the Governor May 5, 1927. In effect July 29, 1927.]

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

Stats 1923,
p 118
amended

SECTION 1. Section 28 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, is hereby amended to read as follows:

Reassess-
ments

Sec. 28. Whenever any assessment heretofore made or issued or filed or which may be hereafter made, issued or filed in the office of the clerk is or shall be void, or unenforceable, for any cause or if bonds shall have been, or shall be, issued to represent or be secured by any assessments and such issuance shall not have been, or shall not be effective through the curative provisions in relation thereto, or any curative act that may be passed by the Legislature in relation thereto to make them valid and enforceable, then, in any of such events a reassessment therefor may be issued. The true intent and meaning of this section is to make the cost and expense of work or improvement made through an attempted compliance

with this act, payable by the real estate benefited by such work or improvement by making a reassessment therefor.

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

A reassessment shall be ordered under any one of four When to be ordered circumstances:

First—Where the owner or holder of any assessments, or bonds issued under this act to represent or be secured by assessments, or the person who would own or hold any such assessment or bonds if the same were issued, request the legislative body of the city in which the assessment has been or shall be made, filed or issued to order a reassessment. In such event if said legislative body be of the opinion that the assessments or bonds in question are not enforceable, it shall order the making and issuing of a reassessment covering only the assessments owned or held by the petitioner, or the assessments represented or secured by the bonds owned or held by such petitioner, or which would be owned or held by petitioner if issued.

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

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

Fourth—Whenever any contractor or assignee of a contractor shall have done or performed any work or improvements pursuant to proceedings had and taken in attempted compliance with the provisions of this act, and whenever prior to the issuance of any assessment, any court of competent jurisdiction in any suit to invalidate the contract or any of such proceedings shall for any reason declare said contract or other proceedings to be invalid, then such court shall in and by its decree direct the making of a reassessment for the reasonable value of the work and improvement actually done and performed in good faith by the contractor, or such portion thereof as was of a kind that could lawfully have been ordered under the provisions of this act.

Manner of
making re-
assessment.

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

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

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

Interest.

Notice of
hearing.

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

In the event such work or improvement made in attempted compliance with this act, is fully completed to the satisfaction of the street superintendent or city engineer as the case may be then it shall be the duty nevertheless of the proper officer to make and file an assessment for the costs and expenses thereof, so as to form the basis of a reassessment in the event such assessment should be unenforceable.

Hearing

Recording
reassessment

Collection.

Assessment
for costs and
expenses.

CHAPTER 330.

An act to amend section two of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations" approved March 13, 1883, as amended.

[Approved by the Governor May 5, 1927. In effect July 29, 1927.]

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

Stats. 1923,
p 102,
amended

SECTION 1. Section 2 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations" approved March 13, 1883, as amended, is hereby amended to read as follows:

Petition for
incorpora-
tion.

Sec. 2. A petition shall first be presented to the board of supervisors of such county, signed by at least fifty of the qualified electors of the county, residents within the limits of such proposed corporation, and the affidavit of three qualified electors residing within the proposed limits, certifying to the genuineness of the said signatures, filed with the petition, shall be prima facie evidence of the requisite number of signers. The petition shall set forth and particularly describe the proposed boundaries of such corporation, and state the number of inhabitants therein, as nearly as may be, and shall pray that the same may be incorporated under the provisions of this act. Such petition shall be presented at a regular meeting of such board, and shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in such county, together with a notice stating the time of the meeting at which the same will be presented. When such petition is presented, the board of supervisors shall hear the same, and may adjourn such hearing from time to time, not exceeding two months in all, and on the final hearing, shall make such changes in the proposed boundaries as they may find to be proper and shall establish and define such boundaries, and shall ascertain and determine how many inhabitants reside within such boundaries; *provided*, that any changes made by said board of supervisors shall not include any territory outside of the boundaries described in such petition; *and provided, further*, in the case of municipal corporations of the sixth class that in the event that the proposed boundaries of such corporation contain both a center of population subdivided into town or other lots of not more than ten acres each and also an area of land not so subdivided, the said board of supervisors shall include only such portion of said unsubdivided acreage as the owners thereof shall have petitioned to have included within the limits of said proposed corporation. The boundaries so established by the board of supervisors shall be the boundaries of such municipal

Notice.

Hearing.

Boundaries.

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

Incorrect description

Notice of election

CHAPTER 331.

An act to add a new section to the Civil Code to be numbered six hundred six, relating to the organization of corporations for charitable and eleemosynary purposes.

[Approved by the Governor May 5, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section to be numbered 606 is hereby added to the Civil Code to read as follows:

New section

606. With the approval of the commissioner of corporations and the attorney general first had as hereinafter provided, twenty-five or more persons may organize a nonprofit corporation for the purpose of receiving, acquiring, holding, managing,

Charitable and eleemosynary corporations.

administering and expending property and funds for charitable and eleemosynary purposes, including the assistance and support of charitable and eleemosynary institutions, associations and undertakings.

Powers

Such corporation shall, as an incident of its purpose and without any necessity for expressing the same in its articles of incorporation, have the following powers which it may exercise in full measure without the necessity of obtaining any order of court of authorization, approval or confirmation;

Special trusts.

1. To act as trustee under charitable and eleemosynary trusts, receiving, holding, managing, administering and expending property and funds in accordance with the respective trusts upon which the same are acquired and held.

General trusts

2. To receive, hold, manage, administer and expend property and funds upon the general charitable and eleemosynary trust that the same, either as to principal or income or both, shall be applied to the assistance and support of such charitable or eleemosynary institutions or objects, and at such times and to such extent as the corporation may in its judgment deem most conducive to the public welfare. No bequest, devise, gift or transfer of property or funds to such corporation for a charitable or eleemosynary purpose shall be invalid because of indefiniteness or uncertainty as to the purposes of the beneficiaries thereof, but, to the extent to which such indefiniteness or uncertainty exists, the same shall be resolved by the corporation in the manner which, in its judgment, is most consonant with the purpose of the donor and most conducive to the public welfare.

Property limitation

3. Subject to the provisions of section 1313 of the Civil Code, to take property and funds by will, gift or otherwise and with or without specification of any charitable or eleemosynary purpose, but in case no charitable or eleemosynary purpose is specified, the property or funds so received shall, nevertheless, be held upon the trust that the same shall be used for charitable and eleemosynary purposes. Such corporation shall not have the power to take or hold property or funds for any purpose other than a charitable or eleemosynary one.

Property.

4. To hold, in its own name and right, real and personal property of every nature and description without limitation as to extent, character or amount and with all the powers of control, management, investment, change and disposal incident to the absolute ownership of property or funds by a private person, subject only to the terms of particular trusts and to the general trust that all its properties and funds shall be held for charitable and eleemosynary purposes.

Borrowing power

5. To borrow money, either upon or without security, giving such promissory notes or other evidences of indebtedness and such pledges, mortgages or other instruments of hypothecation as it may be advised.

6. To appoint and pay officers and agents to conduct and administer the affairs of the corporation, but no member of the board of trustees shall receive any compensation. Officers and agents.

7. To adopt by-laws prescribing the duties of the officers and agents of the corporation, the detail of its organization, the time and manner of its meetings, and any and all detail incident to its organization and the efficient conduct and management of its affairs. By-laws

8. To do any and all things which a natural person might do necessary or desirable for the general purpose for which the corporation is organized. Other powers

The exercise of the powers of the corporation, with the right to delegate to officers and agents the performance of duties and the exercise of powers, shall be vested in a board of trustees of not less than nine nor more than twenty-five persons, provided that the articles of incorporation may prescribe that the matter of controlling, managing, investing and disposing of the property of the corporation for the purpose of earning an income therefrom, as distinguished from the matter of applying property and funds to charitable and eleemosynary purposes, shall be exclusively in a finance committee consisting of not less than three members of the board, designated or appointed in some particular manner; *and provided also*, that the matter of controlling, managing, investing and disposing of the property of the corporation for the purpose of earning an income therefrom may be delegated either in whole or in part to one or more trust companies or banks duly authorized to conduct a trust or banking business in this state. Exercise of powers.

The articles of incorporation shall specify how the trustees shall be chosen and their terms of office, which shall not exceed six years. It shall be permissible that some or all of the trustees be chosen by specified associations or corporations or by those who are officers thereof and by public officials. As the articles of incorporation may prescribe, the board of trustees may constitute the corporation, or the corporation may have a membership distinct from the board of trustees. In the latter case the by-laws shall prescribe the terms and qualifications of membership. Trustees

The corporation shall be subject at all times to examination on behalf of the state to ascertain the condition of its affairs and to what extent, if at all, it may fail to comply with trusts which it has assumed or may depart from the general purpose for which it is formed. Such right of examination shall pertain ex officio to the attorney general. In case of any such failure or departure the attorney general shall institute, in the name of the state, the proceedings necessary to correct the same. Except as specially approved by the attorney general there shall be no accumulation of income by such corporation for a period longer than five years. Supervision by attorney general

Corporate expenses.

The expenses of the corporation may be apportioned to the extent necessary against the various trust funds and property held by it, in the manner which seems just and equitable to the corporation, and the meeting of such expenses shall be deemed a charitable or eleemosynary purpose.

Articles of incorporation.

The articles of incorporation of each such corporation shall set forth:

(a) Its name;

(b) That it is a nonprofit corporation organized solely for general charitable and eleemosynary purposes under section 606 of the Civil Code of California.

(c) The place where its principal business is to be transacted;

(d) The term for which it is to exist;

(e) The number of trustees, their terms of office and how they are to be chosen;

(f) The names of the members of the first board of trustees;

(g) Any other matter which it is provided herein may or should be set out in the articles of incorporation.

Approval of articles.

The articles of incorporation shall not be accepted for filing by the secretary of state without the endorsement upon them of the approval of the commissioner of corporations and the attorney general. Such approval shall be given where it appears to the commissioner of corporations and the attorney general that it is sought to organize the proposed corporation in good faith and strictly for charitable or eleemosynary purposes and shall be refused where such does not appear.

CHAPTER 332.

An act to amend section two of an act known as the "Los Angeles county flood control act," approved June 12, 1915, as amended, relating to the powers of the Los Angeles county flood control district.

[Approved by the Governor May 5, 1927. In effect July 29, 1927.]

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

Stats 1915,
p. 1502,
amended.

SECTION 1. Section 2 of an act known as the "Los Angeles county flood control act," approved June 12, 1915, as amended, is hereby amended to read as follows:

Purposes of act.

Sec. 2. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within said district, or to save or conserve in any manner, all or any of such waters, and to protect from damage from such flood or storm waters the harbors, waterways, public highways and property in said district.

Said Los Angeles county flood control district is hereby declared to be a body corporate and politic, and as such shall have power:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.
5. To acquire or contract to acquire lands, rights of way, easements, privileges and property of every kind, and construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements acquired by it as herein authorized.
6. To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and may condemn any existing works or improvements in said district now used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters.
7. To incur indebtedness, and to issue bonds in the manner herein provided.
8. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner hereinafter provided.
9. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.
10. To grant or otherwise convey to counties, cities and counties, cities or towns easements for street and highway purposes over, along, upon, in, through, across or under any real property owned by said Los Angeles county flood control district.
11. To remove, carry away and dispose of any rubbish, trash, debris or other inconvenient matter that may be dislodged, transported, conveyed or carried by means of, through, in or along the works and structures operated or maintained hereunder and deposited upon the property of said district or elsewhere.

Corporate
powers.

12. To pay premiums on bonds of contractors required under any contract wherein the amount payable to the contractor exceeds five million dollars; *provided*, that the specifications in such cases shall specifically so provide and state that the bidder shall not include in his bids the cost of furnishing the required bonds.

CHAPTER 333.

An act to amend sections one, two, three and four of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, relating to definitions, licenses, and what must be stated in applications therefor, giving to the commissioner of labor the power to revoke, suspend or refuse to grant licenses, providing penalties for operating an agency, directly or indirectly, without a license, for transferring or accepting any interest therein without permission from the commissioner, or for failing to list in the application all persons financially interested in the agency in question, prohibiting the conducting of agencies in connection with pool halls and soft drink parlors and more specifically defining what are employment agencies.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

Stats. 1913,
p. 515,
amended.

SECTION 1. Section 1 of an act entitled, "An act regulating private employment agencies, providing for a license for the operating thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, is hereby amended to read as follows:

Words and
phrases
defined.
"Person "

Section 1. When used in this act the following terms are defined as herein specified:

The term "person" means and includes any individual, company, society, firm, partnership, association, corporation,

manager, contractor, or subcontractor, or their agents or employees.

The term "employment agency" or "agency" means and includes the business of conducting, as owner, agent, manager, contractor, subcontractor, or in any other capacity an intelligence office, domestic or commercial employment agency, theatrical employment agency, motion picture employment agency, teachers' employment agency, general employment bureau, shipping agency, nurses' registry, or any other agency or office for the purpose of procuring or attempting to procure help or employment or engagements for persons seeking employment or engagements, or for the registration of persons seeking such help, employment or engagement, or for giving information as to where and of whom such help, employment or engagement may be procured, where a fee or other valuable consideration is exacted, or attempted to be collected, directly or indirectly, for such services, whether such business is conducted in a building or on the street or elsewhere. The term further means and includes any person, firm, partnership, corporation, service bureau, or organization, or club, or school, or any agent or attorney thereof, that shall, by advertisement or otherwise, offer, as one of its main objects or purposes, to procure employment for any person who shall pay for its services, or that collects dues, tuition, or membership fees of any sort whatsoever where the main object of the person paying the same is to secure employment; *provided*, that nothing in this act shall be construed to include a non-profit organization or corporation, organized for the purpose of economic adjustment, civic betterment and the giving of vocational guidance and placement to its members; and in which none of the directors, officers or employees thereof receive any profit other than a nominal salary for services performed for the organization or corporation; and in which no fee is charged for employment services other than a membership fee or dues entitling the person paying the same to full participation and benefits of the organization or corporation; and in which such membership fees or dues charged are used solely for maintenance of the organization or corporation; *provided*, *further*, that all organizations and corporations charging membership fees or dues and engaged in furnishing employment to their members must, in order to be exempt from the provisions of this act under this section, file, on or before the first day of April of each year, with the commissioner of the bureau of labor statistics, a copy of their by-laws and constitutions, together with a sworn statement setting forth their place of business, the names and addresses of their officers, directors and employees and the salaries they receive, and showing also the various benefits furnished to members of such organization or corporation and the membership fees and dues charged or collected by such organization or corporation from its members.

“Theatrical
employment
agency.”

The term “theatrical employment agency” means and includes the business of conducting an agency, bureau, office or any other place for the purpose of procuring or offering, promising or attempting to provide engagements for circus, vaudeville, theatrical or other entertainments or exhibitions or performances, or of giving information as to where such engagements may be procured or provided, whether such business is conducted in a building, or on the street or elsewhere.

“Motion
picture
employment
agency”

The term “motion picture employment agency” means and includes the business of conducting an agency, bureau, office or any other place for the purpose of procuring or offering, promising or attempting to provide engagements for or employment in motion pictures, or in connection with the motion picture industry, or of giving information as to where such engagements or employment may be procured or provided, whether such business is conducted in a building or on the street or elsewhere.

“Theatrical
engagement.”

The term “theatrical engagement” means and includes any engagement or employment of a person as an actor, performer or entertainer in a circus, vaudeville, theatrical or other entertainment, exhibition or performance.

“Motion
picture
engagement”

The term “motion picture engagement” means and includes any engagement or employment of a person as an actor, actress, director, scenario or continuity writer, camera man or in any other capacity in which employment concerned with the making of motion pictures may be offered or secured for the employee.

“Emergency
engagement.”

The term “emergency engagement” means and includes an engagement which has to be performed within twenty-four hours from the time when the contract for such engagement is made.

“Fee.”

The term “fee” means and includes any money or other valuable consideration paid or promised to be paid for services rendered or to be rendered by any person conducting an employment agency of any kind under the provisions of this act. Such term includes any excess of money received by any such person over what has been paid out by him for the transportation, transfer of baggage, or board and lodging for any applicant for employment. Such term also includes the difference between the amount of money received by any such person who furnished employees, performers or entertainers for circus, vaudeville, theatrical or other entertainments, exhibitions or performances, and the amount paid by him to the said employees, performers or entertainers whom he hires or provides for such entertainments, exhibitions or performances.

“Privilege”

The term “privilege” means and includes the furnishing of food, supplies, tools or shelter to contract laborers, commonly known as commissary privileges.

The term "registration fee" means and includes any charge made, or attempted to be made, for registering or listing an applicant for employment, or for letter writing, cost of photograph, or film showing of applicant, charge for costume, or any other charge of like nature, made, or attempted to be made, without having a bona fide order for the placement of said applicant in a position.

"Registration fee"

The term "commissioner of labor" or "commissioner" means the commissioner of the bureau of labor statistics.

"Commissioner"

Terms used in the masculine gender include the feminine and neuter and the singular number includes the plural and the plural the singular.

Gender and number.

SEC. 2. Section 2 of the said act, approved June 3, 1913, as amended, is hereby amended to read as follows:

Stats. 1913, p. 516, amended.

Sec. 2. A person shall not open, keep, maintain or carry on any employment agency, as defined in the preceding section, unless he shall have first procured a license therefor, as provided in this act from the commissioner of labor. Such license shall be posted in a conspicuous place in said agency. Any person who shall open or conduct such an employment agency without first procuring said license, or who shall fail to list, in his application to the commissioner for a license or renewal of license, all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates or profit sharers, in the operation of the employment agency in question, shall be guilty of a misdemeanor and shall be punished as in section 18 of this act provided. If any person who has been granted a license to operate an employment agency under this act sells, transfers or gives away any interest in, or the right to participate in the profits of, the said agency without the written consent of the commissioner of labor, the said license issued to him immediately becomes void and must thereupon be surrendered by him to the said commissioner.

License.

Offenses

Forfeiture of license.

SEC. 3. Section 3 of the said act, approved June 3, 1913, as amended, is hereby amended to read as follows:

Stats. 1913, p. 516, amended.

Sec. 3. An application for such a license shall be made to the commissioner of labor. Such application shall be written and in the form prescribed by the commissioner of labor, and shall state the name and address of the applicant; the street and number of the building or place where the business is to be conducted; whether the applicant proposes to conduct a lodging house for the unemployed separate from the agency which he proposes to conduct; the business or occupation engaged in by the applicant for at least two years immediately preceding the date of application. Such application shall be accompanied by the affidavits of at least two reputable residents of the city to the effect that the applicant is a person of good moral character. The application must further contain the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as

Application for license.

partners, associates or profit sharers, in the operation of the agency in question, together with the amount of their respective interests.

Stats. 1915,
p. 929,
amended
Investigation
of applicant.

SEC. 4. Section 4 of the said act, approved June 3, 1913, as amended, is hereby amended to read as follows:

Limitations
on grants.

SEC. 4. Upon receipt of an application for a license the commissioner of labor may cause an investigation to be made as to the character and responsibility of the applicant and of the premises designated in such application as the place in which it is proposed to conduct such agency. The commissioner of labor or his deputies may administer oaths, subpoena witnesses and take testimony in respect to matters contained in such application and in respect to complaints of any character against the applicant for such license, and upon proper hearing may refuse to grant a license. Each application shall be granted or refused within thirty days from date of filing. No license shall be granted to a person to conduct the business of an employment agency in rooms used for living purposes, or where boarders or lodgers are kept, or where meals are served, or where persons sleep, or in connection with a building or premises where intoxicating liquors are sold or consumed, or in connection with pool halls or soft drink parlors. No license shall be granted to a person whose license has been revoked within three years from the date of application. Each license shall run to and including the thirty-first day of March next following the date thereof and no longer, unless sooner revoked by the commissioner of labor, and may be renewed each year upon the filing of an application for renewal, renewed bond and the payment of the annual license fee, but the commissioner may, if he chooses, demand that a new application and bond be submitted.

Term and
renewal.

Revocation or
suspension of
license.

The commissioner of labor shall have the power and authority to revoke or suspend any license when it is shown that the licensee or his agent has violated or failed to comply with any of the provisions of this act, or when such licensee has ceased to be of good moral character, or when the conditions under which the license was issued have changed or no longer exist. Before revoking or suspending any license the commissioner shall notify, in writing, the holder of such license of the charges against him and afford an opportunity to be heard in person or by counsel in reference thereto. The commissioner or his deputies may administer oaths, subpoena witnesses and take testimony at the hearing and shall not be bound by the technical rules of evidence in conducting such a hearing. Obedience to the subpoenas issued by the commissioner of labor or his deputies shall be enforced by the courts in any county or city and county. The rulings of the commissioner shall be presumed to be prima facie reasonable, and his findings of fact shall, in the absence of fraud, be conclusive and shall be set aside by the courts only on the following grounds:

1. That the commissioner of labor acted without or in excess of his powers.

2. That the determination was procured by fraud.

The decision of the commissioner of labor either refusing, ^{Review.} suspending or revoking a license under this act shall be subject to review in accordance with the provisions of chapter one of title one of part three of the Code of Civil Procedure, pertaining to writs of review or certiorari, at any time within thirty days after notice of same is given to the party affected thereby.

CHAPTER 334.

An act to amend section twelve of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, so as to entitle the applicant for employment to double the amount of the fee paid in the event the fee paid is not returned within forty-eight hours after demand, in cases where the applicant fails to obtain employment.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows

SECTION 1. Section 12 of an act entitled "An act regulating private employment agencies, providing for a license for the operation thereof and a fee therefor, providing forms of receipts and registers to be used and kept, prohibiting any charge for registering or filing application for help or employment, prohibiting the dividing of fees, providing for the refunding of fees and expenses in the event of failure to procure employment, and granting the commissioner of the bureau of labor statistics the power to prescribe rules and regulations to carry out the purpose and intent of this act," approved June 3, 1913, as amended, is hereby amended to read as follows: ^{Stats 1915, p 930, amended.}

Sec. 12. No such licensed person shall accept a fee from ^{Applicant's fee.} any applicant for employment, or send out any applicant for employment without having obtained, either orally or in writing, a bona fide order therefor, and in no case shall such licensed person accept, directly or indirectly, a registration fee of any kind. In case the applicant paying a fee fails to obtain employment such licensed agency shall repay the amount of said fee to such applicant upon demand being made therefor

and unless the same is returned within forty-eight hours after demand, then the applicant shall be compensated for the time waited by the said licensed person paying to the applicant an additional sum equal to the amount of the fee paid. Nothing in this provision, however, shall be construed to apply to controversies arising on account of other provisions of this act. In cases where the applicant paying such fee is sent beyond the limits of the city in which the employment agency is located, such licensed agency shall repay in addition to the said fee any actual expenses incurred in going to and returning from any place where such applicant has been sent; *provided, however*, where the applicant is employed and the employment lasts less than seven days by reason of the discharge of the applicant, the employment agency shall return to said applicant the fee paid by such applicant to the employment agency, or such portion of said fee as in the judgment of the commissioner of labor may be adequate.

CHAPTER 335.

An act to amend section eight hundred sixty-eight of the Code of Civil Procedure, relating to writs of attachment.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

Stats 1917,
p 939,
amended.

To whom
directed and
what to
require

Keeper

Action
against more
than one
defendant

SECTION 1. Section 868 of the Code of Civil Procedure is hereby amended to read as follows:

868. The writ may be directed to the sheriff or any constable of the county in which such justice court is situate and must require him to attach and safely keep all of the property of the defendant within his county not exempt from execution, or so much thereof as may be sufficient to satisfy the plaintiff's demand against the defendant, the amount of which must be stated in conformity with the complaint, unless the defendant, whose property has been or is about to be attached, give him security by the undertaking of two sufficient sureties, in an amount sufficient to satisfy such demand against such defendant besides costs; in which case to take such undertaking; *provided, however*, that whenever a levy shall be made upon personal property, other than money, belonging to a going concern, then the sheriff must, if the defendant consents, place a keeper in charge of said attached property at plaintiff's expense for at least two days or more, and said keeper's fees must be prepaid by the attaching creditor. After the expiration of said two days, the sheriff shall take said property into his immediate custody, unless other disposition is made by the court or parties.

In the event that the action is against more than one defendant, any defendant whose property has been or is about to be attached in such action may give the sheriff such undertaking,

and the sheriff shall take the same, and such undertaking shall not subject such defendant to or be answerable for any demand against any other defendant, nor shall the sheriff thereby be prevented from attaching or be obliged to release from attachment, any property of any other defendant; *provided, however,* that such defendant, at the time of giving such undertaking to the sheriff, shall file with the sheriff a statement duly verified under oath, wherein such defendant shall aver and declare that the other defendant or defendants in the action in which said undertaking was given has or have not any interest or claim of any nature whatsoever in or to said property. Such statement must further contain the character of such defendant's title and the manner in which he acquired title to such attached property.

Several writs may be issued at the same time or thereafter, to the sheriffs or constables of different counties; *provided,* that where a writ of attachment issued by a justice of the peace is to be served out of the county in which it was issued, the writ of attachment shall have attached to it a certificate under seal by the county clerk of such county, to the effect that the person issuing the same was an acting justice of the peace of said county at the date of the writ.

After the return and filing of the writ of attachment, or upon filing by the plaintiff of a verified affidavit setting forth the loss of the writ of attachment, the justice of the peace, upon demand of the plaintiff, may issue an alias writ which shall be in the same form as the original.

CHAPTER 336.

An act to amend section three hundred sixty-one a of the Political Code, relating to a department of agriculture.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 361a of the Political Code is hereby amended to read as follows:

361a. The director shall have the power, with the approval of the governor, to arrange and classify the work of the department and to consolidate, abolish or create divisions thereof. Each division shall be in charge of a chief who shall be appointed by the director and shall hold office at the pleasure of the director. The director shall have the power to fix the salaries of such division chiefs, subject to the approval of the governor. The director shall have the power to appoint such assistants, deputies, agents, experts and other employees as are necessary for the administration of the affairs of the department, to prescribe their duties, and to fix their salaries in

Service out
of county.

Alias writs.

Stats. 1921,
p. 1036,
amended.

Director,
divisions and
employees.

accordance with classifications made by the civil service commission, and all such assistants, deputies, agents, experts and other employees shall be subject to the provisions of the civil service law.

CHAPTER 337.

An act to add new sections to the Political Code to be numbered seven hundred thirty-seven a, seven hundred thirty-seven b, seven hundred thirty-seven c, seven hundred thirty-seven d, seven hundred thirty-seven e, seven hundred thirty-seven f, seven hundred thirty-seven g, seven hundred thirty-seven h, seven hundred thirty-seven i, seven hundred thirty-seven j, seven hundred thirty-seven k, seven hundred thirty-seven l, seven hundred thirty-seven m, seven hundred thirty-seven n, seven hundred thirty-seven o, seven hundred thirty-seven p, seven hundred thirty-seven q, seven hundred thirty-seven r, seven hundred thirty-seven s, seven hundred thirty-seven t, seven hundred thirty-seven u, seven hundred thirty-seven v, seven hundred thirty-seven w, seven hundred thirty-seven x, seven hundred thirty-seven y, seven hundred thirty-seven z, seven hundred thirty-seven aa, seven hundred thirty-seven bb, seven hundred thirty-seven cc, seven hundred thirty-seven dd, seven hundred thirty-seven ee, seven hundred thirty-seven ff, seven hundred thirty-seven gg, seven hundred thirty-seven hh, seven hundred thirty-seven ii, seven hundred thirty-seven jj, seven hundred thirty-seven kk, seven hundred thirty-seven ll, seven hundred thirty-seven mm, seven hundred thirty-seven nn, seven hundred thirty-seven oo, seven hundred thirty-seven pp, seven hundred thirty-seven qq, seven hundred thirty-seven rr, seven hundred thirty-seven ss, seven hundred thirty-seven tt, seven hundred thirty-seven uu, seven hundred thirty-seven vv, seven hundred thirty-seven ww, seven hundred thirty-seven xx, seven hundred thirty-seven yy, seven hundred thirty-seven zz, seven hundred thirty-seven aaa, seven hundred thirty-seven bbb, seven hundred thirty-seven ccc, seven hundred thirty-seven ddd, seven hundred thirty-seven eee, seven hundred thirty-seven fff, and to repeal certain old sections of said code respectively numbered seven hundred thirty-seven, seven hundred thirty-seven a, seven hundred thirty-seven b, seven hundred thirty-seven c, seven hundred thirty-seven d as added by chapter eight hundred seventy-seven of the statutes of 1921, seven hundred thirty-seven d as added by chapter eight hundred sixty-four of the statutes of 1921, seven hundred thirty-seven d as added by chapter eight hundred fifty-one of the statutes of 1921, seven hundred thirty-seven e, seven hundred thirty-seven g, seven hundred thirty-seven h, seven hundred thirty-seven j, seven hundred thirty-seven k, seven

hundred thirty-seven m, seven hundred thirty-seven n, seven hundred thirty-seven o, seven hundred thirty-seven p, seven hundred thirty-seven v, seven hundred thirty-seven w, seven hundred thirty-seven ab, seven hundred thirty-seven ecc, seven hundred thirty-seven vv, seven hundred thirty-eight, seven hundred thirty-eight a, seven hundred thirty-eight b as added by chapter four hundred fifty of the statutes of 1925, seven hundred thirty-eight b as added by chapter four hundred fifty-five of the statutes of 1925, seven hundred thirty-eight c and seven hundred thirty-eight d, all relating to salaries of judges of the superior court.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to the Political Code to be numbered 737*a* and to read as follows: New section

737*a*. The annual salary of each of the judges of the superior court in and for the county of Alameda is nine thousand dollars. Alameda county.

SEC. 2. A new section is hereby added to the Political Code to be numbered 737*b* and to read as follows: New section

737*b*. The annual salary of the judge of the superior court in and for the county of Alpine is three thousand five hundred dollars. Alpine county.

SEC. 3. A new section is hereby added to the Political Code to be numbered 737*c* and to read as follows: New section

737*c*. The annual salary of the judge of the superior court in and for the county of Amador is five thousand dollars. Amador county.

SEC. 4. A new section is hereby added to the Political Code to be numbered 737*d* and to read as follows: New section.

737*d*. The annual salary of the judge of the superior court in and for the county of Butte is six thousand dollars. Butte county.

SEC. 5. A new section is hereby added to the Political Code to be numbered 737*e* and to read as follows: New section

737*e*. The annual salary of the judge of the superior court in and for the county of Calaveras is five thousand dollars. Calaveras county.

SEC. 6. A new section is hereby added to the Political Code to be numbered 737*f* and to read as follows: New section

737*f*. The annual salary of the judge of the superior court in and for the county of Colusa is five thousand dollars. Colusa county

SEC. 7. A new section is hereby added to the Political Code to be numbered 737*g* and to read as follows: New section

737*g*. The annual salary of each of the judges of the superior court in and for the county of Contra Costa is six thousand dollars. Contra Costa county.

SEC. 8. A new section is hereby added to the Political Code to be numbered 737*h* and to read as follows: New section

737*h*. The annual salary of the judge of the superior court in and for the county of Del Norte is four thousand dollars. Del Norte county.

- New section SEC. 9. A new section is hereby added to the Political Code to be numbered 737*i* and to read as follows:
 El Dorado county. 737*i*. The annual salary of the judge of the superior court in and for the county of El Dorado is five thousand dollars.
- New section. SEC. 10. A new section is hereby added to the Political Code to be numbered 737*j* and to read as follows:
 Fresno county. 737*j*. The annual salary of each of the judges of the superior court in and for the county of Fresno is seven thousand dollars.
- New section SEC. 11. A new section is hereby added to the Political Code to be numbered 737*k* and to read as follows:
 Glenn county. 737*k*. The annual salary of the judge of the superior court in and for the county of Glenn is five thousand dollars.
- New section SEC. 12. A new section is hereby added to the Political Code to be numbered 737*l* and to read as follows:
 Humboldt county 737*l*. The annual salary of each of the judges of the superior court in and for the county of Humboldt is five thousand dollars.
- New section SEC. 13. A new section is hereby added to the Political Code to be numbered 737*m* and to read as follows:
 Imperial county. 737*m*. The annual salary of each of the judges of the superior court in and for the county of Imperial is five thousand five hundred dollars.
- New section. SEC. 14. A new section is hereby added to the Political Code to be numbered 737*n* and to read as follows:
 Inyo county. 737*n*. The annual salary of the judge of the superior court in and for the county of Inyo is four thousand five hundred dollars.
- New section SEC. 15. A new section is hereby added to the Political Code to be numbered 737*o* and to read as follows:
 Kern county. 737*o*. The annual salary of each of the judges of the superior court in and for the county of Kern is six thousand dollars.
- New section SEC. 16. A new section is hereby added to the Political Code to be numbered 737*p* and to read as follows:
 Kings county. 737*p*. The annual salary of the judge of the superior court in and for the county of Kings is four thousand five hundred dollars.
- New section SEC. 17. A new section is hereby added to the Political Code to be numbered 737*q* and to read as follows:
 Lake county 737*q*. The annual salary of the judge of the superior court in and for the county of Lake is four thousand dollars.
- New section SEC. 18. A new section is hereby added to the Political Code to be numbered 737*r* and to read as follows:
 Lassen county. 737*r*. The annual salary of the judge of the superior court in and for the county of Lassen is five thousand dollars.
- New section. SEC. 19. A new section is hereby added to the Political Code to be numbered 737*s* and to read as follows:
 Los Angeles county. 737*s*. The annual salary of each of the judges of the superior court in and for the county of Los Angeles is nine thousand dollars.

SEC. 20. A new section is hereby added to the Political New section
Code to be numbered 737t and to read as follows:

737t. The annual salary of the judge of the superior court Madera
county.
in and for the county of Madera is five thousand dollars.

SEC. 21. A new section is hereby added to the Political New section
Code to be numbered 737u and to read as follows:

737u. The annual salary of the judge of the superior court Marin
county
in and for the county of Marin is six thousand dollars.

SEC. 22. A new section is hereby added to the Political New section
Code to be numbered 737v and to read as follows:

737v. The annual salary of the judge of the superior court Mariposa
county.
in and for the county of Mariposa is four thousand dollars.

SEC. 23. A new section is hereby added to the Political New section.
Code to be numbered 737w and to read as follows:

737w. The annual salary of the judge of the superior court Mendocino
county
in and for the county of Mendocino is five thousand five hundred dollars.

SEC. 24. A new section is hereby added to the Political New section
Code to be numbered 737x and to read as follows:

737x. The annual salary of the judge of the superior court Merced
county.
in and for the county of Merced is five thousand five hundred dollars.

SEC. 25. A new section is hereby added to the Political New section
Code to be numbered 737y and to read as follows:

737y. The annual salary of the judge of the superior court Modoc
county.
in and for the county of Modoc is three thousand six hundred dollars.

SEC. 26. A new section is hereby added to the Political New section.
Code to be numbered 737z and to read as follows:

737z. The annual salary of the judge of the superior court Mono county.
in and for the county of Mono is four thousand five hundred dollars.

SEC. 27. A new section is hereby added to the Political New section
Code to be numbered 737aa and to read as follows:

737aa. The annual salary of the judge of the superior court Monterey
county.
in and for the county of Monterey is six thousand dollars.

SEC. 28. A new section is hereby added to the Political New section.
Code to be numbered 737bb and to read as follows:

737bb. The annual salary of the judge of the superior court Napa county
in and for the county of Napa is five thousand dollars.

SEC. 29. A new section is hereby added to the Political New section
Code to be numbered 737cc and to read as follows:

737cc. The annual salary of the judge of the superior Nevada
county
court in and for the county of Nevada is five thousand dollars.

SEC. 30. A new section is hereby added to the Political New section
Code to be numbered 737dd and to read as follows:

737dd. The annual salary of each of the judges of the Orange
county.
superior court in and for the county of Orange is six thousand five hundred dollars.

- New section. SEC. 31. A new section is hereby added to the Political Code to be numbered *737ee* and to read as follows:
 Placer county. *737ee.* The annual salary of the judge of the superior court in and for the county of Placer is five thousand dollars.
- New section. SEC. 32. A new section is hereby added to the Political Code to be numbered *737ff* and to read as follows:
 Plumas county. *737ff.* The annual salary of the judge of the superior court in and for the county of Plumas is five thousand dollars.
- New section. SEC. 33. A new section is hereby added to the Political Code to be numbered *737gg* and to read as follows:
 Riverside county. *737gg.* The annual salary of each of the judges of the superior court in and for the county of Riverside is six thousand dollars.
- New section. SEC. 34. A new section is hereby added to the Political Code to be numbered *737hh* and to read as follows:
 Sacramento county. *737hh.* The annual salary of each of the judges of the superior court in and for the county of Sacramento is six thousand five hundred dollars.
- New section. SEC. 35. A new section is hereby added to the Political Code to be numbered *737ii* and to read as follows:
 San Benito county. *737ii.* The annual salary of the judge of the superior court in and for the county of San Benito is four thousand five hundred dollars.
- New section. SEC. 36. A new section is hereby added to the Political Code to be numbered *737jj* and to read as follows:
 San Bernardino county. *737jj.* The annual salary of each of the judges of the superior court in and for the county of San Bernardino is six thousand dollars.
- New section. SEC. 37. A new section is hereby added to the Political Code to be numbered *737kk* and to read as follows:
 San Diego county. *737kk.* The annual salary of each of the judges of the superior court in and for the county of San Diego is seven thousand dollars.
- New section. SEC. 38. A new section is hereby added to the Political Code to be numbered *737ll* and to read as follows:
 San Francisco county. *737ll.* The annual salary of each of the judges of the superior court in and for the city and county of San Francisco is nine thousand dollars.
- New section. SEC. 39. A new section is hereby added to the Political Code to be numbered *737mm* and to read as follows:
 San Joaquin county. *737mm.* The annual salary of each of the judges of the superior court in and for the county of San Joaquin is six thousand dollars.
- New section. SEC. 40. A new section is hereby added to the Political Code to be numbered *737nn* and to read as follows:
 San Luis Obispo county. *737nn.* The annual salary of the judge of the superior court in and for the county of San Luis Obispo is five thousand five hundred dollars.
- New section. SEC. 41. A new section is hereby added to the Political Code to be numbered *737oo* and to read as follows:
 San Mateo county. *737oo.* The annual salary of the judge of the superior court in and for the county of San Mateo is six thousand dollars.

SEC. 42. A new section is hereby added to the Political Code to be numbered 737pp and to read as follows: New section

737pp. The annual salary of the judge of the superior court in and for the county of Santa Barbara is six thousand dollars. Santa
Barbara
county

SEC. 43. A new section is hereby added to the Political Code to be numbered 737qq and to read as follows: New section

737qq. The annual salary of each of the judges of the superior court in and for the county of Santa Clara is seven thousand dollars. Santa Clara
county.

SEC. 44. A new section is hereby added to the Political Code to be numbered 737rr and to read as follows: New section

737rr. The annual salary of the judge of the superior court in and for the county of Santa Cruz is six thousand dollars. Santa Cruz
county.

SEC. 45. A new section is hereby added to the Political Code to be numbered 737ss and to read as follows: New section

737ss. The annual salary of the judge of the superior court in and for the county of Shasta is five thousand dollars. Shasta
county

SEC. 46. A new section is hereby added to the Political Code to be numbered 737tt and to read as follows: New section.

737tt. The annual salary of the judge of the superior court in and for the county of Sierra is three thousand dollars. Sierra
county.

SEC. 47. A new section is hereby added to the Political Code to be numbered 737uu and to read as follows: New section

737uu. The annual salary of the judge of the superior court in and for the county of Siskiyou is five thousand dollars. Siskiyou
county

SEC. 48. A new section is hereby added to the Political Code to be numbered 737vv and to read as follows: New section

737vv. The annual salary of the judge of the superior court in and for the county of Solano is six thousand dollars. Solano
county

SEC. 49. A new section is hereby added to the Political Code to be numbered 737ww and to read as follows: New section

737ww. The annual salary of each of the judges of the superior court in and for the county of Sonoma is six thousand dollars. Sonoma
county.

SEC. 50. A new section is hereby added to the Political Code to be numbered 737xx and to read as follows: New section

737xx. The annual salary of each of the judges of the superior court in and for the county of Stanislaus is six thousand dollars. Stanislaus
county

SEC. 51. A new section is hereby added to the Political Code to be numbered 737yy and to read as follows: New section

737yy. The annual salary of the judge of the superior court in and for the county of Sutter is five thousand dollars. Sutter
county

SEC. 52. A new section is hereby added to the Political Code to be numbered 737zz and to read as follows: New section

737zz. The annual salary of the judge of the superior court in and for the county of Tehama is five thousand dollars. Tehama
county

- New section. SEC. 53. A new section is hereby added to the Political Code to be numbered 737aaa and to read as follows:
 Trinity county 737aaa. The annual salary of the judge of the superior court in and for the county of Trinity is four thousand dollars.
- New section. SEC. 54. A new section is hereby added to the Political Code to be numbered 737bbb and to read as follows:
 Tulare county 737bbb. The annual salary of each of the judges of the superior court in and for the county of Tulare is six thousand dollars.
- New section. SEC. 55. A new section is hereby added to the Political Code to be numbered 737ccc and to read as follows:
 Tuolumne county. 737ccc. The annual salary of the judge of the superior court in and for the county of Tuolumne is five thousand dollars.
- New section. SEC. 56. A new section is hereby added to the Political Code to be numbered 737ddd and to read as follows:
 Ventura county. 737ddd. The annual salary of the judge of the superior court in and for the county of Ventura is six thousand dollars.
- New section. SEC. 57. A new section is hereby added to the Political Code to be numbered 737eee and to read as follows:
 Yolo county. 737eee. The annual salary of the judge of the superior court in and for the county of Yolo is five thousand dollars.
- New section. SEC. 58. A new section is hereby added to the Political Code to be numbered 737fff and to read as follows:
 Yuba county 737fff. The annual salary of the judge of the superior court in and for the county of Yuba is five thousand dollars.
- Repealed. SEC. 59. Sections 737, 737a, 737b, 737c, 737d as added by chapter 877 of the statutes of 1921, 737d as added by chapter 864 of the statutes of 1921, 737d as added by chapter 851 of the statutes of 1921, 737e, 737g, 737h, 737j, 737k, 737m, 737n, 737o, 737p, 737v, 737w, 737ab, 737eee, 737vv, 738, 738a, 738b as added by chapter 450 of the statutes of 1925, 738b as added by chapter 455 of the statutes of 1925, 738c and 738d, as the same existed immediately prior to the date upon which this act takes effect, are hereby repealed.

 CHAPTER 338.

An act to amend section six hundred fifty-three w of the Civil Code, relating to non-profit cooperative corporations.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

Stats. 1921, SECTION 1. Section 653w of the Civil Code is hereby amended to read as follows:
 p 467, amended
 By-laws.

653w. Each corporation incorporated under this title must, within one month after filing articles of incorporation, adopt a code of by-laws for its government and management not inconsistent with the provisions of this title. A majority vote of the members or the written assent of members representing

a majority of the votes is necessary to adopt such by-laws. The provisions of sections 303 and 304 of this code, which are not inconsistent with the provisions of this title, shall apply to the by-laws of the corporation provided for in this title. Each corporation organized hereunder may also, by its by-laws adopted as aforesaid, provide for the following matters:

1. The manner of removal of any one or more of its directors and of filling any and all vacancies in the board of directors. Removals and vacancies.

2. The conditions upon which and the time when membership of any member in the corporation shall cease; the mode, manner and effect of expulsion of a member, subject to the right of the expelled member to have the board of directors equitably appraise his property interests in the corporation and to fix the amount thereof in money, and to have the money paid to him within sixty days after such expulsion. Termination of membership.

3. The amount of membership fee, if any, and the amount which each member shall be required to pay annually, or from time to time, if at all, to carry on the business of the corporation, and also the compensation, if any, to be paid by each member for any services rendered by the corporation to him, and the time of payment and the manner of collecting the same, and may provide for forfeiture of the interest of the member in the corporation for nonpayment of the same. Membership fees, compensation, etc.

4. The number and qualifications of members of the corporation and the conditions precedent to membership and the method, time and manner of permitting members to withdraw, and providing for the assignment and transfer of the interest of members, and the manner of determining the value of such interest and providing for the purchase of such interest by the corporation upon the death, withdrawal or expulsion of a member or upon the forfeiture of his membership, at the option of the corporation. Membership

5. The division of the territory in which the association has members into districts, and the election of directors by representatives or advisors, who themselves have been elected by the members or stockholders from the several territorial districts. In any such case, the by-laws shall specify the number of representatives or advisors to be elected by each district, the manner and method of reapportioning the representatives or advisors and of redistricting the territory covered by the association. District representation.

The by-laws may provide the number of directors to be elected by each district and that primary elections shall be held to nominate the directors. In such a case the by-laws may also provide that the results of the primary elections in the various districts may be final and must be ratified by the members at the annual meeting of the association.

6. The terms for which the directors shall be elected, which terms shall not be less than one year nor more than five years; and also the number of directors to be elected each year. Terms and number of directors.

CHAPTER 339.

An act to amend section six hundred fifty-three p of the Civil Code, relating to nonprofit cooperative agricultural, viticultural and horticultural associations.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p. 462,
amended.
By-laws

SECTION 1. Section 653p of the Civil Code, is hereby amended to read as follows:

653p. Each association incorporated under this title must, within thirty days after its incorporation, adopt a code of by-laws for its government and management not inconsistent with the provisions of this title. A majority vote or the written assent of members representing a majority of the votes, is necessary to adopt such by-laws. The provisions of sections 303 and 304 of this code, which are not inconsistent with the provisions of this title, shall apply to the by-laws of the corporations provided for in this title. Each association may also, by its by-laws adopted, as aforesaid, provide for the following matters:

Removals and
vacancies.

1. The manner of removal of any one or more of its directors and for filling any and all vacancies in the board of directors.

Quorum.

2. The number of directors and the number of members or votes thereof constituting a quorum.

Termination
of
membership

3. The conditions upon which and the time when membership of any member in the association shall cease; the mode, manner and effect of expulsion of a member, subject to the right of the expelled member to have the board of directors equitably appraise his property interests in the association and to fix the amount thereof in money, and to have the money paid to him within sixty days after such expulsion.

Membership
fees, compen-
sation, etc

4. The amount of membership fee, if any, and the amount which each member shall be required to pay annually, or from time to time if at all, to carry on the business of the association, and also the compensation, if any, to be paid by each member for any services rendered by the association to him, and the time of payment and the manner of collecting the same, and for forfeiture of the interest of the member in the association for nonpayment of the same.

Membership.

5. The number and qualifications of members of the association and the conditions precedent to membership and the method, time and manner of permitting members to withdraw, and providing for the assignment and transfer of the interest of members and the manner of determining the value of such interest and providing for the purchase of such interest by the association upon the death, withdrawal, or expulsion of a member or upon the forfeiture of his membership, at the option of the association.

6. Permitting members to vote by their proxies, and determining the conditions, manner, form and effect thereof. Proxies.

7. That the territory in which the association has members shall be divided into districts, and that the directors shall be elected by representatives or advisors, who themselves have been elected by the members or stockholders from the several territorial districts. In any such case, the by-laws shall specify the number of representatives or advisors to be elected by each district, the manner and method of reapportioning the representatives or advisors and of redistricting the territory covered by the association. District representation

The by-laws may provide the number of directors to be elected by each district and that primary elections shall be held to nominate the directors. In such a case the by-laws may also provide that the results of the primary elections of the various districts may be final and must be ratified by the members at the annual meeting of the association.

8. The terms for which the directors shall be elected, which terms shall not be less than one year nor more than five years; and also the number of directors to be elected each year. Terms and number of directors.

CHAPTER 340.

An act to amend sections six hundred fifty-three ff, six hundred fifty-three kk, and six hundred fifty-three jj of the Civil Code, relating to non-profit cooperative associations with or without capital stock.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 653ff of the Civil Code, is hereby amended to read as follows: Stats. 1923,
p 224,
amended

653ff. Each association incorporated under this act shall have the following powers: Powers

(a) To engage in any activity in connection with the marketing, selling, preserving, harvesting, drying, processing, manufacturing, canning, packing, grading, storing, handling or utilization of any agricultural products produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or any activity in connection with the purchase, hiring, or use by its members of supplies, machinery or equipment; or in the financing of any such activities; or in any one or more of the activities specified in this section. Activities permissible

(b) To borrow without limitation as to amount of corporate indebtedness or liability; and to make advances to members. Borrowing power.

(c) To act as the agent or representative of any member or members in any of the above mentioned activities. Agent of members.

Ownership of subsidiary and related organizations.

(d) To purchase or otherwise acquire; and to hold, own, and exercise all rights of ownership in; and to sell, transfer or pledge, or guarantee the payment of dividends or interest on, or the retirement or redemption of, shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the warehousing or handling or marketing or packing or manufacturing or processing or preparing for market of any of the products handled by the association.

Reserve funds.

(e) To establish reserves and to invest the funds thereof in bonds or in such other property as may be provided in the by-laws.

Property.

(f) To buy, hold and exercise all privileges of ownership, over such real or personal property as may be necessary or convenient for the conduct and operation of any of the business of the association, or incidental thereto.

Assessments.

(g) To levy assessments in the manner and in the amount as may be provided in its by-laws.

Incidental and necessary powers.

(h) To do each and every thing necessary, suitable or proper for the accompaniment of any one of the purposes or the attainment of any one or more of the subjects herein enumerated; or conducive to or expedient for the interest or benefit of the association; and to contract accordingly; and in addition to exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and, in addition, any other rights, powers and privileges granted by the laws of this state to ordinary corporations, except such as are inconsistent with the express provisions of this act; and to do any such thing anywhere.

Additional use of facilities.

(i) To use or employ any of its facilities for any purpose, provided the proceeds arising from such use and employment shall go to reduce the cost of operation for its members; and *provided further* that the products of nonmembers shall not be dealt in to an amount greater in value than such as are handled by it for its members.

Stats 1923, p. 227, amended.

SEC. 2. Section 653kk of the Civil Code, is hereby amended to read as follows:

Directors.

653kk. The affairs of the association shall be managed by a board of not less than five directors, elected by the members or stockholders from their own number.

District representation.

The by-laws may provide that the territory in which the association has members shall be divided into districts and that directors shall be elected from the several districts. In any such case, the by-laws shall specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association. The by-laws may also provide that primary elections shall be held to nominate directors. Where the by-laws provide that the territory in which the association has members shall be divided into districts, the by-laws may also provide that the results of the primary

elections in the various districts shall be final and must be ratified at the annual meeting of the association. The by-laws may also provide that the territory in which the association has members shall be divided into districts, and that the directors shall be elected by representatives or advisors, who themselves have been elected by the members or stockholders from the several territorial districts. In any such case, the by-laws shall specify the number of representatives or advisors to be elected by each district, the manner and method of reapportioning the representatives or advisors and of redistricting the territory covered by the association. The by-laws may also provide that directors shall be elected for terms of from one to five years; *provided*, that at each annual election the same fraction of the total number of directors shall be elected as the year bears to their term of office. The by-laws may also provide that one or more directors may be nominated by any public official or commission or by the other directors selected by the members. Such directors shall represent primarily the interest of the general public in such associations. The directors so nominated need not be members or stockholders of the association; but shall have the same powers and rights as other directors. Such directors shall not number more than one-fifth of the entire number of directors.

Terms.

Representa-
tion of
general
public.

An association may provide a fair remuneration for the time actually spent by its officers and directors in its service and for the service of the members of its executive committee.

Compensa-
tion.

The by-laws may provide for an executive committee and may allot to such committee all the functions and powers of the board of directors, subject to the general direction and control of the board.

Executive
committee.

When a vacancy on the board of directors occurs other than by expiration of term, the remaining members of the board by a majority vote, shall fill the vacancy, unless the by-laws provide for an election of directors by districts. In the latter case the board of directors shall immediately call a special meeting of the members or stockholders in that district to fill the vacancy.

Vacancies.

SEC. 3. Section 653jj of the Civil Code is hereby amended to read as follows:

Stats. 1923,
p 226,
amended

653jj. Each association incorporated under this act must, within thirty days after its incorporation, adopt for its government and management, a code of by-laws, not inconsistent with the powers granted by this act. A majority vote of the members or subscribed capital stock or the written assent, of a majority of the members or of stockholders representing a majority of all the subscribed capital stock is necessary to adopt such by-laws and is effectual to repeal or amend any by-laws, or to adopt additional by-laws. The power to repeal and amend the by-laws, and adopt new by-laws, may, by a similar vote, or similar written assent, be delegated to the board of directors, which authority may, by a similar vote, or

By-laws.

similar written assent, be revoked. Each association, under its by-laws, may provide for any or all of the following matters:

- Meetings.** (a) The time, place and manner of calling and conducting its meetings.
- Quorum of members.** (b) The number of stockholders or members constituting a quorum.
- Proxies.** (c) The right of members or stockholders to vote by proxy or by mail or both; and the conditions, manner, form, and effects of such votes.
- Quorum of directors**
Directors. (d) The number of directors constituting a quorum.
(e) The qualifications, compensation and duties and term of office of directors and officers; time of their election and the mode and manner of giving notice thereof.
- Penalties.** (f) Penalties for violations of the by-laws.
- Membership fees.** (g) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same; and the purposes for which they may be used.
- Additional fees and compensation.** (h) The amount which each member or stockholder shall be required to pay annually or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member or stockholder for services rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign.
- Dividends.** (i) The amount of any dividends which may be declared on the stock or membership capital, which dividends shall not exceed eight (8) per cent per annum and which dividends shall be in the nature of interest and shall not affect the non-profit character of any association organized hereunder.
- Membership.** (j) The number and qualification of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members and of the shares of common stock; the conditions upon which and time when membership of any member shall cease; the automatic suspension of the rights of a member when he ceased to be eligible to membership in the association; and the mode, manner and effect of the expulsion of a member; the manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or upon the expulsion of a member or forfeiture of his membership, or at the option of the association, the purchase at a price fixed by conclusive appraisal by the board of directors; and the conditions and terms for the repurchase by the corporation from its stockholders of their stock upon their disqualification as stockholders. In case of the expulsion of a member, the board of directors shall

equitably and conclusively appraise his property interests in the association and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion.

CHAPTER 341.

An act to amend sections one hundred ninety-nine and two hundred of the Code of Civil Procedure, relating to qualifications and exemptions of jurors.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 199 of the Code of Civil Procedure is hereby amended to read as follows:

199 A person is not competent to act as a juror:

Stats 1909,
p 977,
amended

1. Who does not possess the qualifications prescribed by the preceding section;

Who not
competent to
act as juror.

2. Who has been convicted of malfeasance in office or any felony or other high crime; or

3. Who has been discharged as a juror by any court of record in this state within a year, as provided in section 200 of this code, or who has been drawn as a grand juror in any such court and served as such within a year and been discharged; or who, in a county or city and county containing a population of not less than three hundred thousand as ascertained by the last preceding census taken under the authority of the congress of the United States, or the Legislature of the State of California, during the preceding two years shall have actually served on twenty days as a trial juror in the trial of cases in a court of record in this state; but a juror must in any event complete his service as such juror in the trial of a case in which he may be actually engaged. The clerk shall immediately remove from the jury list the name of any juror who becomes disqualified under this section.

4. A person who is serving as a grand juror in any court of record in this state is not competent to act as a trial juror in any such court. Any person who is serving as a trial juror in any court of this state is not competent to act as a grand juror in any such court.

SEC. 2. Section 200 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1919,
p 287,
amended

200. A person is exempt from liability to act as a juror if he be:

Exemptions
from jury
service.

1. A judicial, civil, or military officer of the United States, or of this state;

2. A person holding a county, city and county, city, town or township office;

Exemptions
from jury
service
(cont'd)

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;
4. A minister of the gospel, or a priest of any denomination following his profession;
5. A teacher in a university, college, academy, or school;
6. A practicing physician, or practicing licensed dentist or druggist, actually engaged in the business of dispensing medicines;
7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;
8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;
9. Employed on board of a vessel navigating the waters of this state;
10. An express agent, mail carrier, or a superintendent employee, or operator of a telegraph or telephone company doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;
11. An active member of the national guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or an exempt member of a duly authorized fire company;
12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad; or,
13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court who has been discharged as a juror within a year as hereinafter provided, or a person who is incompetent under subdivision three of the preceding section; *provided, however,* that in counties having less than five thousand population the exemption provided by this subdivision shall not apply.

CHAPTER 342.

An act to amend section three of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor, approved March 11, 1907, as amended.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

Stats. 1919,
p. 241,
amended.

SECTION 1. Section 3 of an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and

regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor," approved March 11, 1907, as amended, is hereby amended to read as follows:

Sec. 3. The standard of purity of food and liquor shall be that proclaimed by the secretary of the United States Department of Agriculture, the food inspection decisions, and the service and regulatory announcements of the bureau of chemistry, United States Department of Agriculture or such other bureau, department, division or administration of said United States Department of Agriculture as may from time to time hereafter have and exercise the powers, functions and duties heretofore and now vested in and exercised by said bureau of chemistry, United States Department of Agriculture. Nothing in this section contained shall authorize or permit any adulteration of any food or liquor because the standard of purity of such food or liquor has not been proclaimed by the secretary of agriculture, United States Department of Agriculture.

Standard of
purity.

CHAPTER 343.

An act to add a new section to be numbered seven hundred thirty-six c to the Political Code prescribing the payment of salaries of judges of the superior courts.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section to be numbered 736c is hereby added to the Political Code to read as follows:

New section

736c. The annual salary of each of the judges of the superior court of the State of California shall be paid in part by the state and in part by the county or city and county in and for which the judge is elected or appointed, as follows:

Payment of
superior
judges'
salaries.

In and for the counties of Los Angeles, Alameda and the city and county of San Francisco, four thousand dollars by the state and the remainder by the county or city and county;

In and for the counties of Fresno, San Diego and Santa Clara, three thousand five hundred dollars by the state and the remainder by the county;

In and for the counties of Sacramento, San Joaquin, San Bernardino, Orange, Tulare, Kern, Contra Costa, Sonoma, Riverside, Stanislaus, Imperial, Santa Barbara, Solano, Humboldt, San Mateo, Butte, Ventura, Monterey, Marin and Santa Cruz, three thousand dollars by the state and the remainder by the county;

In and for the counties of Merced, Mendocino, Kings, San Luis Obispo, Napa, Placer, Siskiyou, Yolo, Shasta, Tehama, Madera, Glenn, Nevada, Yuba, Sutter, Colusa, San Benito,

Lassen, Amador, Tuolumne, Inyo, El Dorado, Calaveras, Plumas, Lake, and Modoc, two thousand five hundred dollars by the state and the remainder by the county;

In and for the counties of Mariposa, Del Norte, Trinity, Sierra, Mono and Alpine, two thousand dollars by the state and the remainder by the county.

NOTE.—See also chapter 348.

CHAPTER 344.

An act to amend section two of an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, as amended, relating to bridge and highway districts.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

Stats 1923,
p. 452,
amended.

SECTION 1. Section 2 of an act entitled "An act to provide for the incorporation and organization and management of bridge and highway districts and to provide for the acquisition and construction by said districts of highways, bridges and approaches thereto, and for the acquisition of all property necessary therefor, and also to provide for the issuance and payment of bonds by said districts, for the levying of taxes and the collection of tolls by said districts and for the annexation of additional territory thereto," approved May 25, 1923, as amended, is hereby amended to read as follows:

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

Territory.

Sec. 2. A bridge and highway district may be organized consisting of one or more counties or parts of a county or counties, and including a city and county, under the provisions of this act, by proceeding as follows: The several boards of supervisors of said counties, or parts of counties, may adopt an ordinance to the effect that the county, or part of county, intends to unite with such other counties as may adopt like ordinances to form such district, or such ordinance may, in one or more of said counties, be adopted by the electors of the county under the provisions of the law applicable to the passage of ordinances by the initiative. Each of said counties shall be contiguous to another county therein; *provided*, that counties separated by any of the waters of this state are contiguous

Ordinance
proposing
district.

within the meaning of this act. In such ordinance it shall be directed that a petition be circulated therefor, and the board shall, by resolution, name and appoint persons to circulate and secure signatures for the same.

It shall not be necessary to name the particular counties to form the district, but the general statement in the ordinance that the county adopting it intends to unite with such other counties as may adopt like ordinances to form such district, shall be sufficient.

Said ordinance may contain a corporate name for the proposed district, or the board of directors of the district may give to the district a name, or may change its name by resolution, a certified copy of which shall be filed with the secretary of state and with the clerk of the board of supervisors of the several counties comprising the district. Corporate name.

The district may sue and be sued by its corporate name and should any action be pending when this act goes into effect in which the district is a party, or is interested, the said corporate name may be inserted in said action and the same continued under such name. Actions.

Nothing in this act shall in anywise invalidate any proceedings in the formation of districts already formed, or in the process of formation. Effect of act.

CHAPTER 345.

An act to amend section eight hundred sixty-five of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, relating to payments of claims and registration of warrants upon nonpayment of such claims.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 865 of an act entitled "An act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, as amended, is hereby amended to read as follows: Stats. 1883, p. 271, amended.

865. The board of trustees shall not create, audit, allow or permit to accrue, any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes; *provided*, that any city or town during the first year of its existence under this act may incur such indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it in such year; nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as hereinafter provided. When any order or demand is presented to the city clerk or town clerk, Limitations on indebtedness

for approval and is not approved for want of funds and the amount of said order or demand does not exceed the income and revenue provided for the year in which the indebtedness was incurred, for which said order or demand was drawn, such city clerk or town clerk must indorse thereon the words "not approved for want of funds," with the date of presentation and shall, in attestation thereof, affix his signature thereto; and shall number such indorsement and shall register said order or demand in the records of his office and shall thereupon deliver said order or demand to the claimant, or his order. From that time, such order or demand shall bear interest at the rate of six per cent per annum. Such order or demand, so registered, as herein provided, shall be paid in the order in which the same are registered.

CHAPTER 346.

An act to amend section two thousand five hundred twenty-six a of the Political Code, relating to the powers of the board of state harbor commissioners.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

Stats 1923,
p. 940,
amended.
Contract for
use of fire
boats.

SECTION 1. Section 2526a of the Political Code is hereby amended to read as follows:

2526a. The board of state harbor commissioners shall have power to contract with the city and county of San Francisco for the use of the two fire boats, the "Dennis Sullivan" and the "David Scannell," owned by said city and county of San Francisco, as long as such boats remain in commission, for use on San Francisco bay for protection against fires of shipping and for the protection of the property of the state or any political subdivision thereof on the water front of San Francisco; one-half of the expense of maintenance of said fire boats to be paid by the city and county of San Francisco and one-half to be paid out of the San Francisco harbor improvement fund, but in no event shall the total amount so expended out of said San Francisco harbor improvement fund exceed the sum of one hundred eighty-five thousand dollars in any two years or the sum of ninety-two thousand five hundred dollars in any one year.

Monthly
account of
expense.

The board of fire commissioners of the city and county of San Francisco shall each month make an itemized account of the expenses of maintenance of said fire boats, including the salaries of the officers, firemen and crews thereof, and file two copies thereof with the state board of harbor commissioners and one copy thereof with the state board of control. It shall be the duty of the board of state harbor commissioners of San

Francisco to audit such account and certify to the same, whereupon it shall transmit such account so audited and approved to the said board of control.

In addition to the amounts which may be collected for the purposes specified in this article by the board of state harbor commissioners there shall be collected an amount sufficient to carry out the provisions of this section.

Collection of additional amount.

CHAPTER 347.

An act to amend sections one and two of an act entitled "An act to require employers to pay the cost of bonds and photographs required of and furnished by employees or applicants for employment," approved April 20, 1917, so as to prohibit the exaction of cash bonds unless employees are entrusted with goods, money or property under certain restrictions, or unless said cash put up as a bond is deposited in a savings account in a bank under certain restrictions, and providing penalties for violation of the act.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1 of an act entitled "An act to require employers to pay the cost of bonds and photographs required of and furnished by employees or applicants for employment," approved April 20, 1917, is hereby amended to read as follows:

Stats 1917.
p. 151,
amended.

Section 1. Whenever a bond or photograph of an employee or applicant for employment is required by any employer of labor, said employer shall pay the cost of such bond or photograph, and no employer shall demand, exact or accept any cash bond from any employee or applicant for employment unless the said employee or applicant for employment is entrusted with money, goods or other property of an equivalent value, or unless the said employer advances regularly to his or its employee goods, wares or merchandise to be delivered or sold by said employee, for which goods, wares or merchandise the said employer is reimbursed by said employee at regular periodic intervals, and limits said cash bond to an amount sufficient to cover the value of the goods, wares, or merchandise so advanced during the period prior to the payment therefor, or unless that the said cash received as a bond is deposited in a savings account in a bank authorized to do business in this state, to be drawn out only upon the joint signatures of the said employer and the said employee or applicant for employment, and, further, unless the said cash put up as a bond is, in any case, accompanied by an agreement or contract in writing entered into by and between said employer and said employee or applicant for employment setting forth the conditions under which said bond

Bonds and photographs required of employees.

is given. Any money put up as a bond under this section shall be subject to garnishment, attachment or execution by the said employer and employee or applicant for employment, their successors and assigns, only, and must be returned to the said employee or applicant for employment, together with such interest that may have accrued thereon, immediately upon the return of the money, goods or other property entrusted to the said employee or applicant for employment and the fulfillment of the contract or agreement, or the fulfillment of the contract or agreement in cases where no money, goods or other property is entrusted to the employee or applicant for employment, subject only to such deduction as may be necessary to balance accounts between said employer and said employee or applicant for employment.

Stats 1917,
p 151,
amended
Penalties

SEC. 2. Section 2 of the said act, approved April 20, 1917, is hereby amended to read as follows:

Sec. 2. Any person, firm, association or corporation, or agent or officer thereof, violating any provision of this act shall be guilty of a misdemeanor, punishable by fine of not less than twenty-five dollars nor exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment. All fines imposed and collected under the provisions of this act shall be paid into the state treasury and credited to the general fund.

CHAPTER 348.

An act to add a new section to the Political Code, to be numbered seven hundred thirty-six b, prescribing the payment of compensation of judges of the superior court.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 736b and to read as follows:

Payment of
superior
judges'
salaries

736b. The annual salary of each of the judges of the superior court of the State of California shall be paid in part by the state and in part by the county or city and county in and for which the judge is elected or appointed, as follows:

In and for each county or city and county having a population of three hundred thousand or more, four thousand dollars by the state and the remainder by the county or city and county;

In and for each county or city and county having a population of one hundred thousand or more and less than three hundred thousand, three thousand five hundred dollars by the state and the remainder by the county or city and county;

In and for each county or city and county having a population of twenty-five thousand or more and less than one hundred

thousand, three thousand dollars by the state and the remainder by the county or city and county;

In and for each county or city and county having a population of five thousand or more and less than twenty-five thousand, two thousand five hundred dollars by the state and the remainder by the county or city and county;

In and for each county or city and county having a population less than five thousand, two thousand dollars by the state and the remainder by the county or city and county.

For the purposes of this section and at any time and from time to time the population shown and determined by the last preceding census taken under the authority of the Congress of the United States shall be deemed to be the population of the several counties and cities and counties in this state; *provided*, that hereafter whenever a census is taken under such authority the population shown and determined thereby shall be deemed to be the population of said several counties and cities and counties for the purposes of this section beginning on the first day of July in the year next succeeding the year as of which said census is taken, and not before.

NOTE—See also chapter 343.

CHAPTER 349.

An act creating a commission to prepare and submit a report on juvenile delinquency, embodying a plan for the prevention of juvenile delinquency and for the care and training of predelinquent, delinquent, psychopathic and maladjusted children, and providing for the payment of the expenses of the commission.

[Approved by the Governor May 6, 1927. In effect July 29, 1927]

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

SECTION 1. There is hereby created a commission to be known as the "Commission for the study of problem children." The commission shall consist of seven members appointed by the governor. They shall receive no compensation for their services. Problem
children
commission.

SEC. 2. It shall be the duty of said commission, in conjunction with the bureau of juvenile research of the Whittier State School, to make a study of juvenile delinquency in the State of California and to report and recommend to the Legislature of the State of California, at the forty-eighth session thereof, a plan for the prevention of juvenile delinquency and the proper care and training of predelinquent, delinquent, psychopathic and maladjusted children, such as, in the opinion of the commission, will be best calculated to remove the causes of juvenile delinquency and provide for the care and training of such children. Duties of
commission.

Expenses of
commission

SEC. 3. The department of institutions, with the approval of the state department of finance, may provide for the payment of the actual and necessary expenses of the commission out of such funds of the department of institutions as may be available therefor; and there is hereby appropriated from such funds an amount sufficient to pay said actual and necessary expenses.

CHAPTER 350.

An act to amend section four thousand three hundred h of the Political Code, relating to coroners' fees.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

Stats 1907,
p 554,
amended.
Coroners'
fees.

SECTION 1. Section 4300h of the Political Code is hereby amended to read as follows:

4300h. Coroners may, for their use, except as in this title otherwise provided, collect the following fees, and no others:

For general services in holding an inquest before a jury or in investigating the cause of death where such investigation is required by law, ten dollars.

For each witness subpoenaed before the jury of inquest, twenty-five cents.

For each mile necessarily traveled by him in conducting an inquest before a jury or in making an investigation to ascertain the cause of death, fifteen cents.

For directing or attending the interment for each body upon which an inquest before a jury or an investigation by the coroner has been made, two dollars.

When acting as or in place of the sheriff, the same fees as are allowed the sheriff for like services.

Whenever the coroner takes custody of a dead body as required by law, he may embalm the body and charge and collect from the person entitled to custody of the body the sum of fifteen dollars except in those cases in which the body is that of a child not more than fourteen years of age or of a person for whose burial there is available a sum less than seventy-five dollars, in which cases no fee shall be charged and the expense of embalming the body shall be a county charge; *provided* that in any county where the coroner is paid a salary, the fees paid under the terms of this section shall be paid into the county treasury.

CHAPTER 351.

An act to amend section twelve of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a state real estate department and the office of real estate

commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of real estate commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act,' approved May 27, 1919, as amended, relating to the issuance, renewal, supervision and revocation of real estate brokers' and salesmen's licenses.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 12 of an act entitled, "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a state real estate department and the office of real estate commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled, 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of real estate commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, is hereby amended to read as follows:

Stats 1923,
p. 96,
amended.

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

Revocation,
suspension
or refusal
of license.

- (1) Making any substantial misrepresentation, or
- (2) Making any false promises of a character likely to influence, persuade or induce, or
- (3) A continued and flagrant course of misrepresentation or making of false promises through agents or salesmen, or
- (4) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto, or
- (5) Any other conduct, whether of the same or a different character than hereinabove specified, which constitutes dishonest dealing, or
- (6) Having procured his license by fraud, misrepresentation or deceit, or

(7) Having been convicted of a felony subsequent to the procuring of his license.

Notice of charges

Before denying, suspending or revoking any license the said commissioner shall notify, in writing, the applicant or holder of such license of the charges against him and afford an opportunity to be heard in person or by counsel in reference thereto. The decision of the said commissioner in denying, suspending or revoking any license under this act shall be subject to review in accordance with the provisions of chapter 1 of title I of part III of the Code of Civil Procedure; and any party aggrieved by such decision of the commissioner may within ten days from the date of said decision appeal therefrom to the superior court of the State of California, in and for the county in which the person affected by such decision resides or has his place of business under the terms of this act, by serving upon the commissioner a notice of such appeal and a demand in writing for a certified transcript of all the papers on file in his office affecting or relating to such decision and all the evidence taken on the hearing and paying ten cents for each folio of the transcript and one dollar for the certification thereof. Thereupon the commissioner shall, within thirty days, make and certify such transcript, and the appellant shall, within five days after receiving the same, file the same and the notice of appeal with the clerk of said court. Upon the hearing of such appeal, the burden of proof shall lie upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the commissioner from which the appeal is taken, but shall be limited to a consideration and determination of the question whether there has been an abuse of discretion on the part of the commissioner in making such decision. In suspending or revoking any license, the decision of the commissioner shall not take effect until ten days after its date. In the event of said appeal from said decision to the superior court of the State of California, the decision of the commissioner shall remain in effect pending the determination of such appeal, unless the party appealing and aggrieved by such decision of the commissioner shall file with the judge of the superior court a bond in a sum to be fixed by said court, which bond shall be in favor of the people of the State of California and be conditioned upon the faithful performance of all the obligations of such appellant or aggrieved person as a real estate broker. Said bond shall be for the benefit of any person having real estate dealings with such appellant or aggrieved person, and any such person so dealing with the same shall have the right to commence a suit thereon in his own name against said broker and his sureties.

Appeal to superior court

When revocation effective.
Appeal bond

CHAPTER 352.

An act to add a new section, to be numbered nine hundred fifty-six a, to the Code of Civil Procedure, relating to remedial powers of the appellate courts.

[Approved by the Governor May 6, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered 956a, to read as follows: New section.

956a. In all cases where trial by jury is not a matter of right or where trial by jury has been waived, the supreme court or a district court of appeal may make findings of fact contrary to, or in addition to, those made by the trial court. Such findings may be based on the evidence adduced before the trial court either with or without the taking of evidence by the court of appellate jurisdiction, pursuant to such rules as the supreme court may prescribe. Findings of facts by appellate courts

The said courts of appellate jurisdiction may, for the purpose of making such findings or for any other purpose in the interest of justice, take, pursuant to such rules, additional evidence of or concerning facts occurring at any time prior to the decision of the appeal and may give or direct the entry of any judgment or order and make such further or other order as the case may require. This section shall be liberally construed to the end, among others, that wherever possible causes may be finally disposed of by a single appeal and without further proceedings in the trial court, except where the interest of justice requires a new trial.

CHAPTER 353.

An act to amend section one thousand one hundred eighty-eight of the Political Code, relating to independent nominations.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1188 of the Political Code is hereby amended to read as follows: Stats 1917, p 1336, amended

1188. A candidate for any public office including presidential electors either as individuals or by group as provided in section 1197 of this code, for which no nonpartisan candidate has been nominated at any primary election may be nominated subsequent to said primary election, or in lieu of any primary election, in the manner following: A nomination paper containing the name of the candidate to be nominated, Nomination otherwise than at primary

Application
of other
election
laws.

or, in the case of presidential electors the names of the candidates either as individuals or by group, with other information required to be given in the nomination papers provided for in the direct primary law then governing primary elections, shall be signed by electors residing within the district or political subdivision for which the candidate is to be presented, equal in number to at least one per cent of the entire vote cast at the last preceding general election in the state, district or political subdivision for which the nomination is to be made subject to the restrictions contained in said direct primary law. The provisions of said direct primary law as therein applied to nonpartisan offices, when the nomination to be made under this section is for an office for which nominations are made at the August primary election, or for electors of president and vice president of the United States, and the provisions of that law as therein applied to primaries other than the August primary election and the May primary election, when the nomination to be made under this section is for a municipal office or for any office to which that law does not apply, shall substantially govern as to the manner the appointment of verification deputies, the form of nomination papers and the securing of signatures thereto, and fastening together of sections of the nomination paper containing such signatures and the filing thereof with the county clerk and the certification thereto by the county clerk and transmission thereof to the secretary of state or to the city clerk or secretary of the legislative body of any municipality, as the case may be, the filing of the candidate's affidavit, the payment of filing fees and all other things necessary to get the name of the candidate under this section upon the ballot, except that such provisions shall be directed toward getting the candidate's name on the ballot for a general or municipal election or a special election and not on the ballot for nomination at a primary election.

Additional
matter.

In addition to the other matter required to be set forth on the candidate's nomination paper, it must also be set forth that each signer thereof did not vote at the primary election immediately preceding at which a candidate was nominated for the public office mentioned in said nomination paper; *provided*, that this statement shall be omitted in case no candidate was nominated at said primary election for the public office mentioned in said nomination paper. Upon the filing of a sufficient nomination paper and affidavit by any candidate nominated under the provisions of this section and the payment of the filing fees as hereinbefore provided, the name of such candidate shall go upon the ballot at the ensuing general or municipal election according to the provisions of section 1197 of this code.

Name to go
on ballot

CHAPTER 354.

An act to provide for the compilation, printing, binding, publishing, and distribution of a legislative manual and state blue book, or roster, repealing all conflicting acts and making an appropriation to carry out the provisions hereof.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

SECTION 1. The secretary of state is hereby authorized to compile, or cause to be compiled, published and distributed under the direction of the state board of control, ten thousand copies of a legislative manual, state blue book or roster. The volume shall be ready to distribute during the next fiscal year, and at the same time biennially thereafter. Publication of legislative manual.

SEC. 2. The volume shall be distributed as follows: To the governor of the state, fifty copies; to each elective state officer, senator, and member of the assembly, twenty-six copies; to the state library twenty copies; to the governor and secretary of state of every state in the Union, one copy each; to the congressional library at Washington, D. C., five copies. The remainder of the volumes shall be sold by the secretary of state at a price to be fixed by the department of finance and the amount so received shall be deposited to the credit of the general fund. Distribution of manual

SEC. 3. All other acts and parts of acts in conflict with the provision of this act are hereby repealed. Repealed

SEC. 4. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated the sum of fifteen thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act. Appropriation.

CHAPTER 355.

An act to amend section one thousand one hundred twenty-one of the Political Code, relating to registration of electors.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1121 of the Political Code is hereby amended to read as follows: Stats. 1915, p 910, amended.

1121. The register used at each special election or consolidated election precinct, at the elections provided for in section 1044 of this code, provided such elections are not held on or after the first day in April in any even-numbered year, shall consist of the original affidavits of registration for the territory constituting such special election or consolidated election Registers used at certain elections

Registers
used at
certain
elections
(cont'd).

precinct, at the last general state election immediately preceding the holding of the election provided for in said section 1044, together with a supplement or supplements showing the additional names of the persons who by registration have since such general state election become entitled to vote at any of the elections to be held in such precinct, under said section 1044 of this code. In the event that precinct registers were used at the last preceding general state election, then it shall be the duty of the county clerk or registrar of voters, to furnish such original affidavits of registration with the supplements aforesaid, for each of the special election or consolidated precincts, to the boards of election, respectively, in and for each such election precinct, except for all regular school elections. No person shall be entitled to vote at any such election provided for in said section 1044 of this code, unless his name is registered by such original affidavit of registration, in the precinct within the exterior boundaries of the election precinct, or unless, according to the constitution and laws of this state, he is entitled to vote thereat. If any election provided for in section 1044 of this code is held on or after the first day of April in any even-numbered year, the register used at such special or consolidated election precinct at such election shall consist of the original affidavits of registration of those who had registered from the territory constituting such special or consolidated election precinct in said even-numbered year and at least thirty-one days prior to such election.

CHAPTER 356.

An act to amend section one thousand one hundred seventy-four of the Political Code, relating to roster and tally lists, to add a new section one thousand one hundred seventy-four a to the Political Code, relating to roster and tally lists, and to amend section one thousand two hundred twenty-nine of the Political Code.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1174 of the Political Code is hereby amended to read as follows:

1174. The roster and tally list to be kept by each board of election shall be substantially in the following form:

ROSTER AND TALLY LISTS

of the_____election held in the_____precinct_____
district, county of_____, on the_____day of_____
A. D. 19_____.

Code amds
1873-74,
p 23,
amended.
Forms of
roster and
tally lists

Following are the electors of above precinct desiring to vote under provisions of section 1204 of the Political Code:

No.	Signature of elector	Residence of elector
1	-----	-----
2	-----	-----
3	-----	-----
etc.	-----	-----
-----	-----	-----

We hereby certify that all electors whose signatures appear herein voted this day excepting the following:

No.	Name	No.	Name
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

We further certify that the number of electors who voted in this precinct at this election is-----, and that the above list of electors, less those who did not vote as enumerated, constitutes the roster and tally list of this precinct for this election.

-----	Clerk.	-----	Inspector.
-----	Clerk.	-----	Judge.
-----	Clerk.	-----	Judge.

TALLY LIST.

The tally list shall be in such form as may be prepared by the county clerk, registrar of voters, clerk, or secretary of body conducting the election and in particular must set forth the name of each candidate being voted for, the specific office for which each candidate is being voted, and sufficient space to permit the tallying of the full vote cast for each and every candidate, and for and against each question or proposition submitted, and must contain a certificate in substantially the following form: We hereby certify that-----, candidate for the office of-----received----- votes, etc.

-----	Clerk.	-----	Inspector.
-----	Clerk.	-----	Judge.
-----	Clerk.	-----	Judge.

New section

SEC. 2. A new section is hereby added to the Political Code to be numbered section 1174a and to read as follows:

List of voters.

1174a. Wherever in the Political Code reference is made to the poll list it shall be deemed to mean the roster and tally list provided for in section 1174 of the Political Code, and such roster and tally list properly prepared and duly certified by not less than a majority number of members of the board of election shall be the only list of voters of a precinct necessary to be filed with the county clerk, registrar of voters, clerk or secretary of body conducting the election.

Original section amended

SEC. 3. Section 1229 of the Political Code is hereby amended to read as follows:

Duty of ballot clerk

1229. The ballot clerk, who has charge of the precinct index to the register or affidavits of registration, must write in the ruled space in front of the name of the elector the word "voted" for each elector who votes.

CHAPTER 357.

An act to amend section twenty-three of an act entitled "An act creating a state commission on voting machines, defining their powers and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act," approved May 3, 1923, as amended, relating to the use of voting machines.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

Stats 1923, p 192, amended

SECTION 1. Section 23 of an act entitled "An act creating a state commission on voting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act," approved May 3, 1923, as amended, is hereby amended to read as follows:

Precincts

Sec. 23. For any election in any county, city and county, cities or towns in which voting machines are to be used, the election precincts in which such machines are to be used may be created, united, divided or combined by the officers charged with the duty of creating election precincts, at any time on or before the fortieth day preceding any election.

The board of election where voting machines are used shall ^{Boards.} consist of one inspector and two judges who shall be appointed pursuant to the provisions of section 1142 of the Political Code; *provided*, that in the filling of any vacancy that may occur within ten days of the day of election any qualified elector may be appointed without reference to a particular precinct to any such vacancy; *provided*, such elector has been fully instructed in the use and operation of the voting machine and is competent to act in either capacity as inspector or judge of election; the judges shall act as clerks; *provided*, where more than one voting machine is used in any precinct there shall be appointed an additional inspector for each additional machine.

CHAPTER 358.

An act to amend section five hundred fifty-one of the Civil Code, relating to the construction of canals, flumes, and other appliances for conducting water over public highways.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 551 of the Civil Code is hereby amended, to read as follows:

551. No canal, flume, or other appliance for the conducting of water must be so laid, constructed, or maintained as to obstruct any public highway; and every person or corporation owning, maintaining, operating or using any such canal, flume, or appliance, crossing or running along any public highway, must construct, maintain, and keep in repair such bridges across the same as may be necessary to the safe and convenient use of such highway by the public; and on failure so to do, the board of supervisors of the county, after seven days' notice in writing to said person or corporation, may construct or repair such bridge or bridges, and recover of such person or corporation the amount of expenditure made in so doing; *provided, however*, that bridges heretofore or hereafter constructed in a permanent manner and approved by the county engineer, or the county board of supervisors, by irrigation districts, or other quasi municipal corporations, or public corporations, or private corporations or persons, over irrigation ditches or drainage ditches, must, after such construction and acceptance as aforesaid, be maintained and kept in repair by the county in which said bridges are situated and the cost of such maintenance and repair must be borne by such county.

Stats. 1905,
p 580.
amended
Conducting
water across
highways.

CHAPTER 359.

An act to add five new sections to be numbered sixteen a, sixteen b, sixteen c, sixteen d, and sixteen e to an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, as amended, relating to the establishment of an alternative method of procedure for the enforcement thereof by means of the organization and establishment of local food inspection and enforcement divisions of the state board of health.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

Stats 1907,
p 212,
amended.

SECTION 1. Five new sections are hereby added to an act entitled "An act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907, as amended, to be numbered respectively sections 16a, 16b, 16c, 16d, and 16e, and to read as follows:

Local inspec-
tion divisions

16a. The state board of health is hereby authorized to organize and establish local food inspection and enforcement divisions thereof, with headquarters at such points and with jurisdiction over such territory as the said board shall by order specify. For the purposes of this act, the term "local food inspection and enforcement division" shall be construed to mean the local health department headed by the duly appointed, qualified and acting health officer of any county, city or city and county designated by order of said board to act as such division within the territory specified in such order, which territory may include one or more counties, cities or cities and counties.

Powers and
duties of
divisions.

16b. Such local food protection and enforcement divisions shall each have power and it shall be their duty to make, or cause to be made, examinations and analyses of food on sale within the territory over which such local division has jurisdiction and suspected of being adulterated, mislabeled or misbranded, at such times and places and to such extent as the health officer of such local division shall determine. The health officer of any local food protection and enforcement division, together with his deputies, shall have, within the territory over which such local division has jurisdiction, the same powers as are possessed by peace officers of this state.

Notice to
merchant.

16c. When an examination or analysis made pursuant to the provisions of section 16b hereof shows that any provision of

this act has been violated, notice of the fact, together with a copy of the findings thereof, shall be furnished to the party or parties from whom the sample was obtained, or who issued the guarantee, as provided in this act, and a day and place shall be fixed by the health officer of the local food protection and enforcement division, at which said parties may be heard before him. At least fifteen days notice of such hearing shall be served upon the parties interested, which hearing shall be private and confined to questions of fact. Hearing Appearances may be made in person or by attorney and testimony may be taken and evidence introduced as to the correctness of the findings made by the person making the examination or performing the analysis above referred to. If such examination or analysis be found correct, or if the party or parties fail to appear, after notice duly given as above provided, the health officer conducting the hearing shall certify the facts found to the district attorney of the county in which said adulterated, mislabeled or misbranded food was found, sold, or offered or exposed for sale. No publication as in this act provided shall be made until after said act is concluded.

16d. It shall be the duty of the sheriff of any county, in exercising the powers conferred upon him by section 10 hereof, Sheriff to furnish samples to furnish samples of any and all adulterated, misbranded or mislabeled foods seized or purchased by him as in said section 10 provided, to the health officer of the local food protection and enforcement division, if any, having jurisdiction over the territory within which such seizure or purchase is made; and in carrying out the duties prescribed for him by section seventeen hereof, it shall also be his duty to purchase an additional sample and forward the same to such health officer.

16e. The provisions of sections 16a, 16b, 16c and 16d Alternative method of enforcement hereof shall not be construed as repealing, either directly or by implication any of the existing sections of this act, but shall be construed as constituting an alternative method of enforcing the same and of carrying out the intent and purpose thereof.

The state board of health is hereby empowered to prescribe such rules and regulations relating to the operating of the "local inspection and enforcement division" as defined in section 16a as it may deem necessary to carry into effect the full intent and meaning of sections 16a, b, c, and d. Rules and regulations.

CHAPTER 360.

An act to amend section thirteen of an act entitled "An act for the preservation of the public health of the people of the State of California, and empowering the state board of health to enforce its provisions, and providing penalties

for the violation thereof," approved March 23, 1907, as amended, relating to quarantine rules.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

Stats. 1911,
p. 568,
amended.

SECTION 1. Section 13 of an act entitled "An act for the preservation of the public health of the people of the State of California, and empowering the state board of health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907, as amended, is hereby amended to read as follows:

Quarantine
rules.

Sec. 13. The following rules and requirements shall be strictly observed in all cases of quarantine subject, however, to such changes and modifications as the state board of health, or its secretary may otherwise require and direct.

Diseases
quarant-
able.

Rule 1. Every county, city and county, city, or town board of health, or chief executive health officer thereof, upon receiving information of the existence of such diseases within its or his jurisdiction, must immediately quarantine each and every case of Asiatic cholera, yellow fever, typhus fever, plague, smallpox, scarlet fever, diphtheria, (and such other contagious or infectious diseases), as may from time to time be declared quarantinable, and in addition to their local rules and regulations shall follow all general and special rules, regulations, and orders of the state board of health, or its secretary.

Report on
quarantined
cases.

Said health board or officers must, within twenty-four hours after quarantine, report fully, in writing, to the secretary of the state board of health, all of such cases quarantined; *provided, however,* that said health officers shall immediately report by telegraph to said secretary of the state board of health every case discovered or known of plague, Asiatic cholera, yellow fever or typhus fever, and after investigation and within twenty-four hours shall report the cause, source and extent of contagion and infection, and all acts done and measures adopted in each case, and shall make such further reports as the secretary of the state board of health may require.

Other dis-
eases to be
reported

Rule 2. In addition to the list of quarantinable diseases given in rule 1 of this section the following is a partial list of contagious, infectious and communicable diseases, all of which, though not required to be quarantined, must be properly reported in writing to the state board of health, or its secretary, by the said local health boards or chief executive health officers, viz: chicken-pox, erysipelas, pneumonia, uncinariasis or hookworm, epidemic cerebro-spinal meningitis, trachoma, whooping-cough, mumps, dengue, dysentery, tuberculosis, typhoid fever, tetanus, malaria, leprosy, measles, German measles, glanders and anthrax affecting human beings, rabies, pellagra, beri-beri, syphilis, gonococcus infection, and poliomyelitis, and any disease which appears to have become

epidemic. The diseases last above enumerated, and such others as from time to time may be added thereto by the state board of health or its secretary, shall be quarantined whenever in the opinion of the state board of health or its secretary such action is necessary to protect the public health, and shall be isolated whenever in the opinion of the state board of health, its secretary, or the local board of health or health officer, isolation is necessary to protect the public health. This list can be changed at any time by the state board of health or its secretary.

May be
quarantined

Rule 3. When any building, house, structure, or part thereof, or tent or other place, is quarantined because of a contagious, infectious or communicable disease, said local health boards or chief executive health officer shall cause to be firmly fastened, in the most conspicuous place upon such house, building, tent or other place, a yellow placard, upon which shall be printed the following words:

Quarantine
notice.

“Keep out, these premises have been quarantined by order of the ----- Note—Under the provisions of the public health act of the State of California anyone entering or leaving these premises without the permission of the health officer is guilty of a misdemeanor.”

The word “quarantined” as it appears upon such placard shall be printed in plain and legible letters of at least two and one-half inches in length.

Such placard shall not be removed by any person except the health officer or his deputies, nor shall the same be obstructed or obscured in any manner by any person whatever.

Rule 4. When persons quarantined in a house, building, structure, tent, or other place have recovered from the disease for which the quarantine is established, or when the quarantine is for exposure to a contagious, infectious or communicable disease, and the period of incubation designated has elapsed, the quarantine shall not be raised by order of the local board of health or local health officer until every exposed room, together with all bedding, clothing, and all other personal property contained therein, has been thoroughly disinfected, or if necessary, such personal property may be destroyed, by or under the direction of the health officer or his deputy; and until all persons quarantined shall have taken a thorough antiseptic bath and put on clothing free from contagion.

Disinfection
of premises

Rule 5. Whenever quarantine is established by any local board of health or health officer to prevent the spread of any contagious, infectious, or communicable disease, it shall be the duty of all persons to obey the rules, orders and regulations of such health board or health officer.

Obedience
to rules.

Rule 6. No milkman shall take away milk bottles or other receptacles for milk from any building, house, structure, tent, or other place, in which a contagious, infectious or communicable disease exists or has existed, nor from any place within any

Removal of
milk bottles.

quarantined district, nor at any time after such quarantine has been removed, unless with the written permission of the local health officer, and after such milk bottles or receptacles have been disinfected and cleaned to the satisfaction of such officer.

Milkman
with quar-
antinable
disease.

Rule 7. Whenever there exists in the house of any milkman, milk dealer or milk distributor, any case of cholera, typhus fever, plague, scarlet fever, diphtheria, membranous croup, leprosy, anthrax, glanders, cerebro-spinal meningitis, whooping-cough, typhoid fever, dysentery, trachoma or tetanus, then it shall be unlawful for such milkman, milk dealer, or milk distributor, to continue the sale or distribution of milk until the local board of health or chief executive health officer has appointed at the expense of the county where such milkman, dealer or distributor lives a person to superintend his cows, dairy or other place where such milk is sold, or from which it is delivered or distributed, and all cows, bottles, vessels and milk utensils. Such person so appointed by the local board of health, or chief executive officer, shall strictly require that all persons attending to the cows, dairy, sheds, milk cans, bottles, vessels, and milk utensils, shall not have access to the infected house, or any communication with the persons who reside in such infected house, except with the permission and under the inspection of the local health officer.

Intercourse
with quaran-
tined persons.

Rule 8. Every person subject to quarantine, residing or being in a quarantined building, house, structure or tent, shall not go beyond the lot upon which such building, house, structure or tent is situated, nor put himself in immediate communication with any person not subject to quarantine, other than the health officer and physician. The local board of health or local chief executive health officer maintaining a quarantine shall appoint, or cause to be appointed, a suitable person to perform necessary outside services for the necessary wants of the persons quarantined. Such person so appointed shall never enter the building, house, structure, or tent nor come in personal contact with any of the persons quarantined but shall leave at the entrance of the building, house, structure or tent, or at such other place as may be designated by the health officer or deputy, all articles which he may have brought, and he shall strictly observe the orders of the local health officer.

CHAPTER 361.

An act to amend section nine hundred twenty-seven p, of the Code of Civil Procedure, to provide for the payment of fees in the small claims court.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 927p, of the Code of Civil Procedure is hereby amended to read as follows:

927p. A fee of one dollar shall be charged and collected for the filing of the affidavit for the commencement of any action and no other fee or charge shall be collected by any officer for any service rendered under this chapter. All fees collected hereunder shall be deposited with the city, or city and county, or county treasurer of the city, or city and county, or county under whose jurisdiction any such court shall exist.

Stats 1921,
p. 121,
amended.
Fees in
small claims
court.

CHAPTER 362.

An act to amend sections one thousand three hundred fifty-seven and one thousand three hundred fifty-nine of the Political Code, relating to absent voters.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1357 of the Political Code is hereby amended to read as follows:

1357. (a) Any duly registered voter, who, by reason of his occupation is required to travel and who expects to be absent from his election precinct on the day on which any primary or general election is held, or who by reason of his being engaged in the civil, congressional, military or naval service of the United States or of the state may be absent from his election precinct on the day on which any primary or general election is held, or who because of injury or disability are absent from their precincts or unable to go to the polling places; may procure a ballot of his election precinct from the county clerk or registrar of voters of the county or city and county of his residence, and cast said ballot, upon complying with the provisions of this chapter.

Stats. 1923,
p. 587,
amended
Absent voters
may procure
ballots.

(b) Not more than ten days nor less than five days before any of the elections mentioned in this chapter, any such voter may make his application in writing to the county clerk or registrar of voters of the county or city and county of his residence for such ballot, accompanied by his affidavit; which

Application
for ballot

application and affidavit shall be substantially in the following form:

State of California, }
County of ----- } ss.

----- being first duly sworn, deposes and says: I am a resident of ----- county in said state, and a duly registered voter therein. I am by reason of my occupational, military or naval service of the United States or the state), and expect to be absent from my said precinct on the day of the next ensuing (primary or general) election or I will because of injury or disability be absent from my precinct or will be unable to go to the polling place in my precinct on the day of the next ensuing (primary or general) election, I hereby apply for an official ballot of my precinct to be mailed to me at -----

Signature of applicant.

Home address of applicant.

Subscribed and sworn to before me
this ----- day of -----, 19-----

Notary Public (or other officer).

Delivery of
ballot, etc.,
to voter.

(c) Upon receipt of such application and affidavit within the time mentioned, it shall be the duty of the county clerk or registrar of voters receiving same to cause the signature thereon to be compared with the signature upon the original affidavit of registration, and if it shall appear the said signature is by the same person who signed the original affidavit of registration, he shall deliver to said applicant personally, or by registered mail at the mailing address given in said application, an official ballot of the precinct of said applicant, together with an identification envelope and a return envelope, and a small rubber stamp and stamp pad for marking said ballot; *provided, however,* that before delivering or mailing such ballot and supplies, the county clerk or registrar of voters shall satisfy himself from the affidavit of registration of such voter as to the truth of said affidavit, and may refuse in a proper case to deliver or send said ballot. Upon delivering or mailing such ballot the said officer shall enter the number of the ballot and the date of delivering or mailing of same upon the application affidavit of such voter, or upon the affidavit of registration of said voter; and before the election said officer shall send to the inspector of each precinct in his county or city and county a list of the voters in his precinct applying for and receiving ballots under the provisions of this chapter.

Voter at
home on
election day.

(d) Should such voter return to his home precinct on election day, he shall not be allowed to vote until he shall have

surrendered to the inspector of the precinct election board the absent voter's ballot, mailed to him, and other supplies with which he may have been furnished. The inspector of election shall return the unused absent voter's ballot with the unused ballots of his precinct.

(e) In case the election for which such voter applies for a ballot is the May presidential primary election, such voter shall state in his application affidavit, in addition to the statements set forth in the foregoing affidavit, the name of the political party with which he intends to affiliate in voting for candidates for office at the next ensuing November election, and said voter shall be given the ballot of that political party only with which he thus declares himself affiliated, according to the presidential primary law or acts amendatory thereof or supplemental thereto. Presidential
primary

In case such election is the August primary election, the county clerk or registrar of voters shall deliver or mail to said voter a ballot only of such political party with which said voter is registered as intending to affiliate, as shown by his affidavit of registration, if such political party is participating in such election. If said voter is not registered as intending to affiliate with any one of the political parties participating in said primary election, he shall be furnished a nonpartisan ballot, and no other. August
primary

(f) All supplies mentioned in this chapter and necessary for the use of the voter in preparing and returning his ballot shall be prepared and furnished by the county clerk or registrar of voters of the county or city and county of which such voter is a resident, and no officer shall make any charge for services rendered to any voter under the provisions of this chapter. Supplies

SEC. 2. Section 1359 of the Political Code is hereby amended to read as follows: Stats 1923,
p 580,
amended.

1359. (a) Any voter applying for and receiving a ballot as hereinbefore provided, and who has not before voted for said election, may, on any day prior to the day of the election for which such ballot is to be voted, appear at the office of the county clerk or registrar of voters of the county or city and county in which such voter resides, and stamp and seal his ballot under the scrutiny of such officer, and in the following manner: The voter shall first display the ballot to such officer as evidence that the same is unmarked, and shall then proceed to mark the ballot in the presence of such officer, but in such manner that such officer is unable to see how the same is being marked, and shall then fold said ballot and enclose the same in the identification envelope. The voter shall then make out and swear to the affidavit printed on the face of such envelope and deliver the same properly sealed to the officer before whom the ballot was marked. Said officer shall certify to the affidavit printed on the identification envelope and enclose said envelope in the return envelope and Voting prior
to election
day in home
county.

seal same, and after writing or stamping his name across said seal shall deposit said envelope in a safe place in his office, to be kept by him and thereafter delivered to the proper election board as hereinafter provided, and the certificate of such officer on the identification envelope shall state, in the last sentence thereof, such deposit of such envelope in his office, and that it has not been returned to the voter.

Voting on
election day
in other than
home county.

(b) In case said voter is absent from the county or city and county of his residence on election day, or on account of injury or disability he is unable to go to his polling place and has not before voted for said election, he may appear before the clerk, or any notary public or any officer authorized by law to administer oaths within the city, city and county, county or town, within the State of California, in which he may be on said day, and stamp and seal his ballot under the scrutiny of such officer, in the manner hereinabove set forth. Such officer shall then certify to the affidavit printed on the identification envelope, and enclose said envelope in the return envelope and seal same, and, after writing or stamping his name across said seal, shall deliver said envelope to the voter to be by him returned by registered mail to the office of county clerk or registrar of voters, as the case may be from whom such ballot was received.

Voter in
military or
naval service.

(c) In case said voter is engaged in the military or naval service of the United States or of the state and is absent from his county or city and county on election day, and has not before voted for said election, he may appear before the county clerk or registrar of voters, or any notary public of the county or city and county, where he may be, or before any officer authorized to administer oaths, and stamp and seal his ballot in the manner hereinabove set forth. Such officer shall then certify to the affidavit printed on the identification envelope and enclose said envelope in the return envelope and seal same, and, after writing or stamping his name across said seal, shall deliver said envelope to the voter to be by him returned by registered mail to the office of the county clerk or registrar of voters, as the case may be, from whom such ballot was received.

CHAPTER 363.

An act to amend sections one thousand one hundred thirteen and one thousand one hundred fifteen Political Code, relating to the preparation of registration books.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

Stats. 1915,
p. 293,
amended
Registration
book.

SECTION 1. Section 1113 of the Political Code is hereby amended to read as follows:

1113. Within five days after the last day of registration for any election the county clerk or registrar of voters shall arrange the affidavits of registration for each precinct in which

such election is to be held, alphabetically by surnames in each precinct, and bind the same into books with an alphabetical index by fastening the left-hand edges together with a staple, cord or other suitable material. Each book shall have stated on the outside thereof the name or number of a precinct and shall contain all, and only, the affidavits of registration of the electors residing within that precinct. The duplicate affidavits for the whole of each county shall, as fast as the registration progresses, be filed alphabetically without regard to precinct. In the case of duplicate affidavits this alphabetical arrangement shall be exact; and in the case of affidavits having the same surname such arrangement shall extend to the given or Christian name, and, where necessary, to the middle name or initial.

Duplicate
affidavits.

Sec. 2. Section 1115 of the Political Code is hereby amended to read as follows:

Stats 1919,
p. 720,
amended.
Index.

1115. Within five days after the binding of said books by precincts the county clerk or registrar of voters shall prepare an index of each book, for county or city and county elections, said index to contain the names, occupations and addresses, as they appear in said books, and also a ruled space, in front of the name of the elector, within which to write the word "Voted" for each elector who votes. Such names shall include Christian or given names, the middle name or initial, if any; and, if the name be that of a woman, the Christian name shall be preceded by the designation of "Miss" or "Mrs." as the case may be. The county clerk or registrar of voters shall have at least forty copies of said index printed for the use of said county, and he shall at the same time also have printed and shall furnish to the municipalities within said county, such additional number of copies thereof, not exceeding twenty, as the governing body of such municipalities shall by resolution require. The county clerk or registrar of voters shall furnish upon written or oral demand of every candidate, who is to be voted for in said county, city, or city and county or any political subdivision of said county, city, or city and county or upon written demand of his campaign committee, one copy of a printed index of the registration, for such primary and general elections in which said candidate will participate, at a cost of fifty cents per thousand names. All such moneys collected shall be deposited in the county treasury, to the credit of the general fund. The number of copies of said index necessary to be printed shall apply only to the index prepared for use at general elections. In counties where indexes are prepared for primary elections, a smaller number of such indexes may be printed. The county clerk or registrar of voters shall have bound together in one or more volumes, a general index of said books arranged alphabetically by precincts, and shall keep at least one copy of said general index in his office for public reference. He shall also transmit one copy of said general index to the state librarian at Sacramento.

Printed
copies

Copies for
candidates.

Great
register

CHAPTER 364.

An act to add a new section to the Political Code to be numbered one thousand one hundred ninety-seven c, relating to a means of distinguishing between similar names on the ballot.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

New section

Designating
numbers
where names
are similar.

SECTION 1. A new section to be numbered 1197c is hereby added to the Political Code to read as follows:

1197c. 1. Whenever any person who is a candidate for any office believes that some other person with a name which is so similar that it may be confused with his name has filed or will file a nomination paper for the same office, may at the time of filing his nomination paper or within five days after the time for filing nomination papers has expired, file with the county clerk or registrar of voters a statement which shall be in substance as follows:

“I, -----, believe that some other person has filed or will file a nomination paper for the same office for which I have filed a nomination paper whose name is so similar to mine that his name may be confused with mine and I therefore request and direct that number-----be printed with my name on the ballot as a distinguishing mark.

Name

Candidate for the office of-----”

2. The designating mark which may be designated by the candidate and printed on the ballot, shall be a number. The distinguishing number shall be printed in large black face type at the left of the name.

3. In case two or more candidates for the same office designate the same distinguishing number, the candidate or candidates who filed the nomination papers first shall have the number and the other candidate or candidates who designated the same number may file papers designating other distinguishing numbers.

4. The designated number shall be placed upon the ballot by the county clerk, registrar of voters, or other person responsible for the form and arrangement of the ballot, but no distinguishing number shall be printed on the ballot unless there are two or more candidates for the same office with names so similar as to cause probable confusion.

CHAPTER 365.

An act to amend sections one and two of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section fourteen of article one of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the costs thereof, and providing a method for the payment of said bonds," approved April 7, 1911, as amended, is hereby amended to read as follows:

Section 1. All streets, avenues, lanes, alleys, courts, places, public ways, or property, or rights of way, or tidelands, or submerged lands owned by any municipality in this state, now open or dedicated or which may hereafter be opened or dedicated to public use, and any property for the immediate possession and use of which, as rights of way required for public use, an order has been obtained in compliance with the provisions of section 14 of article I of the constitution of the State of California, and all tidelands or submerged lands to which all the right, title and interest of the State of California shall have been or may hereafter be granted to any municipality of this state, shall be deemed and held to be open public streets, avenues, lanes, alleys, courts, places, public ways, or property or rights of way owned by said city, for the purposes of this act, and the legislative body of each municipality is hereby empowered to establish and change the grades of said respective ways, properties, and rights of way hereinbefore enumerated and fix the width thereof and is hereby invested with jurisdiction to order to be done therein,

Stats 1925,
p. 245,
amended.

Public
streets, etc.,
defined.

over or thereon, either singly or in any combination thereof, any of the work mentioned in this act under the proceedings hereinafter described.

Stats. 1923,
p. 105,
amended.
Work that
may be done.

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

Sec. 2. Whenever in the opinion of the city council the public interest or convenience may require, it is hereby authorized and empowered to order the whole or any portion or portions, either in length or in width, of any one or more of the streets, avenues, lanes, alleys, courts, places, public ways, or property, or rights of way, or tidelands, or submerged lands owned by any municipality in this state, now open or dedicated or which may hereafter be opened or dedicated to public use, and any property for the immediate possession and use of which as rights of way required for public use, an order has been obtained in compliance with the provisions of section 14 of article I of the constitution of the State of California, to be improved by or have constructed therein, over or thereon, either singly or in any combination thereof, any of the following, namely:

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

(b) The construction or reconstruction of sidewalks, crosswalks, steps, safety zones, platforms, seats, statuary, fountains, parks and parkways, culverts, bridges, curbs, gutters, tunnels, subways or viaducts.

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

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

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

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

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

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

(i) Mains, services, pipes, fittings, valves, regulators, governors, meters, drips, drains, tanks, ditches, tunnels, conduits, channels, or other appurtenances for supplying or distributing a domestic or industrial gas supply.

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

(k) The planting of trees, shrubs or other ornamental vegetation.

(l) The construction, repairing, or improving of public mooring places for water craft, the building, repairing and improving of wharves, piers, docks, slips, quays, moles, or other utilities, structures, and appliances necessary or convenient for the promotion or accommodation of commerce, navigation and the protection of lands within said city, and for aiding and securing access to the waters of said lands to the people of the State of California, in the exercise of their rights to fish, or for the extension of public streets or places.

(m) All other work which may be deemed necessary to improve the whole or any portion of such streets, avenues, lanes, alleys, courts, places, public ways or property, or rights of way owned by such city.

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

CHAPTER 366.

An act to amend section two hundred ninety-four of the Penal Code, relating to custody of dead bodies.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 294 of the Penal Code is hereby amended to read as follows:

294. The person charged by law with the duty of burying the body of a deceased person is entitled to the custody of such body for the purpose of burying it; except that in the case in which an inquest before a jury is required by law to be held upon a dead body by a coroner, or in a case where the coroner is required by law to investigate the cause of death, the coroner is entitled to its custody until such inquest before a jury or investigation by the coroner has been completed.

Original
section
amended.
Custody of
dead bodies.

CHAPTER 367.

An act to amend section one thousand five hundred thirteen of the Penal Code, relating to compelling jurors and witnesses to attend.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

Stats 1905,
p. 708,
amended
Failure
to attend.

SECTION 1. Section 1513 of the Penal Code is hereby amended to read as follows:

1513. Any juror summoned, who wilfully and without reasonable excuse fails to attend, shall be guilty of a misdemeanor punishable by fine not to exceed ten dollars and any witness served with a subpoena who wilfully and without reasonable excuse fails to attend and testify shall be guilty of a misdemeanor.

CHAPTER 368.

An act to amend section three thousand fifty-two of the Civil Code providing for the sale of property by a lien holder, notice of sale and disposition of the proceeds.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

Stats 1907,
p. 86,
amended
Lien holder
may sell
property.

SECTION 1. Section 3052 of the Civil Code is hereby amended to read as follows:

3052. If the person entitled to the lien provided in section 3051 of this code be not paid the amount due, and for which said lien is given, within ten (10) days after the same shall have become due, then such lien holder may proceed to sell said property, or so much thereof as may be necessary to satisfy said lien and costs of sale at public auction, and by giving at least ten (10) days' previous notice of such sale by advertising in some newspaper published in the county in which said property is situated; or if there be no newspaper printed in such county, then by posting notice of sale in three (3) of the most public places in the town or place where such property is to be sold, for ten (10) days previous to the date of the sale; *provided, however,* that prior to the sale of any automobile to satisfy any such lien, twenty (20) days' notice by registered mail shall be given to the legal owner and to the registered owner of such vehicle, if registered in this state as the same appear in the registration certificate, and also to the division of motor vehicles by registered letter; and the division of motor vehicles shall in like manner immediately notify said legal

Notice
of sale

Sale of
automobile

owner and said registered owner of said proposed sale, but failure on the part of said division to give such notice shall not affect the validity of any such sale; *and provided, further,* ^{Redemption of auto-mobile.} that within twenty (20) days after said sale, the legal owner may redeem any such automobile so sold to satisfy said lien upon the payment of the amount thereof, all costs and expenses of said sale, together with interest on said sum at the rate of twelve per cent per annum from the due date thereof or the date when the same were advanced until the repayment. ^{Proceeds} The proceeds of the sale must be applied to the discharge of the lien and the cost of keeping and selling the property; the remainder, if any, must be paid over to the legal owner thereof.

CHAPTER 369.

An act to amend section four thousand three hundred l of the Political Code, relating to fees of officers, witnesses and jurors in municipal courts.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4300l of the Political Code of the State of California, is hereby amended to read as follows: ^{Stats 1925, p. 951, amended Municipal court fees}

4300l. The clerk of each municipal court, except as otherwise provided by law, shall charge for all services to be performed, the following fees:

For filing the complaint, or other first paper, four dollars, to include all proceedings before trial and all services to be performed in a judgment by default or for the trial of either a question of law or fact, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, entry of judgment, issuance of execution thereon, and supplementary proceedings thereto.

For the appearance of each defendant, to be paid on filing the first paper on his behalf, if a demurrer, two dollars; otherwise, one dollar.

For filing the papers transmitted from another court, and all proceedings thereon, five dollars.

When the venue in a case in a municipal court shall be changed, for making up and transmission of transcript and papers, one dollar, and a further sum equal to the fee for filing in the court to which venue is to be transferred; to be paid by the party making the motion for such change of venue at the time of filing the affidavit therefor.

For receiving and filing an abstract of judgment rendered by a justice or judge of another jurisdiction, and for subsequent services based thereon, five dollars.

For certificate and transmitting transcript and papers on appeal, one dollar.

For issuing a transcript of the docket, one dollar.

For issuing an abstract of judgment, fifty cents.

For taking an acknowledgment of any instrument, for each signature, fifty cents.

For administering an oath and certifying thereto, fifty cents.

For filing any notice of intention to move for a new trial of any cause, two dollars.

For preparing a first copy, other than a carbon copy, of any record, proceeding, or paper on file in his office, per folio, twelve cents.

For preparing a carbon copy of any record, proceeding, or paper on file in his office, made at the time of preparing a first copy thereof, per folio, five cents.

For certifying a copy of any paper, record or proceeding on file in his office, fifty cents.

For comparing with the original on file in his office, the copy of any paper, record or proceeding by another and presented for his certificate, two cents per folio.

Criminal
actions.

No fees shall be charged by the clerk for services rendered in any criminal action except for making or certifying to a copy of any filed paper, record or proceeding when not otherwise specified by law; nor shall any charge be made for any service to the United States of America or any officer thereof acting in his official capacity.

Law library
fee.

On the commencement in or removal to the municipal court of any municipality, of any civil action or proceeding, the clerk shall collect the sum of one dollar for the law library fund, and shall pay the same to the treasurer of his county, who shall keep the same in the law library fund designated in section 4190 of this code.

Marshals'
fees.

Marshals of municipal courts, except as otherwise provided by law, shall charge and collect the fees provided in section 4300*d*, Political Code, except that for keeping property taken under legal process they shall collect the actual amount charged by any reputable warehouse or storage house for safely keeping and storing such property; but if such property shall be placed in the care of a keeper, the fee for such keeper shall be four dollars per day.

Sections 4292 to 4297, inclusive, and section 4305 of this code shall apply to officers of municipal courts and to the disposition of fees collected by such officers.

Witnesses.

Witnesses in municipal courts, except as otherwise provided by law, shall be paid the fees provided to be paid to witnesses in the superior court in the county or city and county in which any such municipal court is situated.

Jurors.

Jurors in municipal courts, except as otherwise provided by law, shall be paid the fees provided to be paid to trial jurors in the superior court in the county or city and county in which any such municipal court is situated.

Witnesses and jurors in criminal cases shall be paid by the county in the manner provided for the payment of such fees in the county or city and county in which any such municipal court is situated.

CHAPTER 370.

An act to amend section seven hundred twenty-nine of the Code of Civil Procedure, relating to the oath and undertaking of commissioner, report and account of sale and compensation of commissioner on foreclosure proceedings.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 729 of the Code of Civil Procedure is hereby amended to read as follows:

Stats. 1893,
p. 119,
amended.

729. The commissioner, before entering upon his duties, must be sworn to perform them faithfully, and the court making the appointment shall require of him an undertaking, with sufficient sureties, to be approved by the court, in an amount to be fixed by the court, to the effect that he will faithfully perform the duties of commissioner, according to law. Within thirty days after such sale, the commissioner must file with the clerk of the court in which the action is pending, a verified report and account of the sale, together with the proper affidavits, showing that the regular and required notice of the time and place of the sale was given, which report and account shall have the same force and effect as the sheriff's return in sales under execution. In all cases of sales made by a commissioner, the court in which the proceedings are pending shall fix a reasonable compensation for the commissioner's services, but in no case to be less than the sum of ten dollars.

Commis-
sioner's oath,
bond, report
and compen-
sation.

CHAPTER 371.

An act to amend section four hundred thirty-nine of the Political Code, relating to employees in controller's office.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 439 of the Political Code is hereby amended to read as follows:

Stats. 1925,
p. 10,
amended

439. The controller may appoint one deputy controller at an annual salary of four thousand dollars, and one deputy controller at an annual salary of three thousand six hundred dollars, such salaries to be paid at the same time and in the same manner as the salaries of other state officers. He

Employees in
controller's
office.

may also appoint and fix the salaries of one bookkeeper, one redemption tax expert, one franchise tax expert, one superintendent franchise tax department and one statistician, all of whom shall be civil executive officers, and such other clerical and expert assistants as may be necessary for the proper conduct of his office.

CHAPTER 372.

An act to amend sections twenty-four and twenty-five of an act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the direct primary law, and also to repeal the act approved December 24, 1911, amending sections one, three, five, seven, ten, twelve, thirteen, twenty-two, twenty-three and twenty-four of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act, approved June 16, 1913, as amended, relating to party conventions and nomination papers.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

Stats 1919,
p. 49,
amended.

SECTION 1. Section 24 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors of President and Vice President of the United States, and providing for the election of party county central committees, and to repeal the act approved April 7, 1911, known as the direct primary law, and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23 and 24 of the said direct primary law, and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act, approved June 16, 1913, as amended, is hereby amended to read as follows:

Party
conventions.

Sec. 24. 1. Party conventions of delegates chosen as hereinafter provided may be held in this state, for the purpose of promulgating platforms and transacting such other business of the party as is not inconsistent with the provisions of the act.

State
conventions

2. The candidates of each political party for congressional offices and for state offices, if any, except judicial and school offices, and such candidates for Senate and Assembly as have been nominated by such political party at the primary election, and in whose behalf nomination papers have been

filed, together with the hold-over senators affiliated with and nominated by such political party at the election at which said hold-over senators were elected and one delegate chosen by such political party from each senatorial district not represented by a hold-over senator affiliated with and nominated by such political party at the election at which the hold-over senator was elected, shall meet in a state convention at the state capitol at two o'clock in the afternoon of the third Tuesday in September after the date on which any primary election is held preliminary to the general November election. They shall forthwith formulate the state platforms of their party, which said state platform of each political party shall be framed at such time that it shall be made public not later than six o'clock in the afternoon of the following day. They shall also proceed to elect a state central committee to consist of at least three members from each congressional district, who shall hold office until a new state central committee shall have been selected. In each year of the general November election at which electors of President and Vice President of the United States are to be chosen, they shall also nominate as the candidates of their party as many electors of President and Vice President of the United States as the state is then entitled to, and it shall be the duty of the secretary of state to issue certificates of nomination to the electors so nominated, and to cause the names of such candidates for elector to be placed upon the ballots at the ensuing November election.

Membership in the state convention shall not be granted to a party nominee for a congressional office, state office, or office of senator or assemblyman who has become such by reason of his name having been written on a ballot, and who has not had his name printed on the primary ballot by having had a nomination paper filed in his behalf, as provided in section 5 of this act; nor shall membership in such convention be granted to the nominee of any party if such nominee has not stated his affiliation with such party in his affidavit of registration used at such primary election; and, in every such case, a vacancy in the membership of such convention shall be deemed to exist; and any such vacancy thereby existing, or existing because no nomination for such office has been made, or for any other cause, shall be filled as hereinafter provided. Each candidate who has received the nomination of more than one party for a congressional, state, or legislative office shall procure from the county clerk of the county in which he resides, a certificate stating the party with which such candidate was affiliated thirty-five days before the date of the primary election, as shown by the affidavit of registration of such candidate in the office of such county clerk; and this certificate shall be the credentials of such candidate to membership in the convention of his party.

Platforms

State central committee.

Presidential electors

Membership in state convention

Affiliation certificate.

Districts
represented
by hold-over
senators

In any senatorial district represented by a hold-over senator there shall be chosen at such primary election by the electors of each political party, other than the party which the hold-over senator was affiliated with and nominated by, one delegate to the state convention, who shall have nomination papers circulated in his behalf, shall have his name placed upon the ballot, and shall be chosen in the same manner as a state senator is nominated from any senatorial district; but no such delegate shall be disqualified by reason of holding any office, nor shall any filing fee be required in order to have his name placed upon the ballot. The term "hold-over senator" as herein used shall apply to a state senator whose term of office extends beyond the first Monday in January of the year next ensuing after the primary election, and the term "hold-over senatorial district" shall apply to the district represented by such hold-over senator.

Vacancies.

In the event that there shall not have been filed any nomination paper for a candidate for any congressional or state office or office of a senator or assemblyman or delegate from a hold-over senatorial district by the electors of any political party, or in the event that the nominee of any party for such office has not declared his affiliation with such party, as herein provided, or in the event of the death of the candidate prior to the convention, the vacancy thus created in the state convention of such party shall be filled as follows:

(a) If the vacancy occurs in a senatorial or assembly district situated wholly within the limits of a single county or city and county, by appointment by the newly elected county central committee of such party in such county or city and county.

(b) If the vacancy occurs in a senatorial or assembly district comprising two or more counties, by appointment by the newly selected chairman of the several newly elected county central committees of such party in such counties.

(c) If the vacancy occurs in a congressional or state office, by appointment by the state central committee of such party.

Credentials.

Such delegate so appointed shall present to the convention credentials signed by the chairman and the secretary of the appointing committee, or by the appointing chairman of the several committees, as the case may be.

Executive
committee.

3. Each state central committee may select an executive committee, to which executive committee it may grant all or any portion of its powers and duties. It shall choose its officers by ballot and each committee and its officers shall have the power usually exercised by such committees and the officers thereof in so far as may be consistent with this act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with the provisions of this act.

Congressional
committees.

4. The executive committee of the state central committee of each political party shall, in conjunction with each nominee

for congress affiliated with such party, select a congressional committee for the district in which such nominee is a candidate. Such committee shall consist of not less than fifteen nor more than thirty-five members, and shall have charge and conduct of the campaign of such nominee, subject to the supervision of the state central committee of such party.

5. At each August primary election there shall be elected in each county or city and county a county central committee for each political party, which shall have charge of the party campaign under general direction of the state central committee or of the executive committee selected by such state central committee. In any city and county containing more than ten assembly districts the county central committee of such party shall be elected by each assembly district and shall consist of five members from each assembly district in such city and county. Said county committee in such city and county shall have the power to increase its membership by a majority vote of the committee. In all counties containing five or more assembly districts the county central committee of such party shall be elected by assembly districts and shall consist of one member for each seven hundred votes or fraction thereof in each such assembly district cast for such party's candidate for governor at the last general election at which a governor was elected. In all counties containing less than five assembly districts the county central committee shall be elected by supervisor districts, and the number to be elected from any supervisor district shall be determined as follows: The number of votes cast in such supervisor district for such party's candidate for governor at the last general election at which such governor was elected shall be divided by one-twentieth of the number of votes cast for such governor in such county; and the integer next larger than the quotient obtained by such division shall constitute the number of members of the county central committee to be elected by such party in said supervisor district. The county clerk or registrar of voters in each county or city and county shall, between the first Monday and the second Monday of June next preceding the primary election, compute the number of members of the county central committee allotted to each assembly district or supervisor district, as the case may be, by the provisions of this subdivision. Each candidate for member of a county central committee shall appear upon the ballot upon the filing of a nomination paper according to the provisions of section 5 of this act, signed in his behalf by the electors of the political subdivision in which he is a candidate, as above provided; and the number of candidates to which each party is entitled, as hereinbefore provided, in each political subdivision, receiving the highest number of votes shall be declared elected; but no candidate for county committeeman shall be declared elected unless he shall have received votes equal in number to the minimum of signatures to the nomination paper which

County
central
committees.

would have been required to place his name on the primary ballot as a candidate for member of the county committee. Each county central committee shall meet in the courthouse at its county seat on the second Tuesday in September following the August primary election, and shall organize by selecting a chairman, a secretary and such other officers and committees as it shall deem necessary for carrying on the campaign of the party.

Ineligible
persons.

6. No person shall be eligible for appointment or election to the state, county or district committee of any party who is not registered as affiliated with such party at the time of such appointment or election. In the event of the appointment or election to any party committee of an ineligible person, or whenever any member of any such committee dies, resigns or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of such committee's party, a vacancy shall exist, which shall be filled by appointment by the chairman of the committee in which such ineligibility or vacancy occurs.

Stats 1919,
p 53,
amended

SEC. 2. Section 25 of said act is hereby amended to read as follows:

Withdrawal
of
candidates

Sec. 25. No candidate whose nomination papers have been filed for any primary election can withdraw as a candidate at such primary election. No candidate nominated at any primary election can withdraw as a candidate at the ensuing general election except such as are permitted to withdraw by this section. In case as a result of any primary election a person has received a nomination to any office without first having nomination papers filed, and having his name printed on the primary election ballot, he may at least thirty-one days before the day of election cause his name to be withdrawn from nomination by filing in the office where he would have filed his nomination papers had he been a candidate for nomination, his request therefor in writing, signed by him and acknowledged before the county clerk of the county in which he resides; and no name so withdrawn shall be printed on the election ballot for the ensuing general election. The vacancy created by the withdrawal of such person as aforesaid, or on account of the ineligibility of such person to qualify as a candidate because of the inhibitions of subdivision nine of section 5 of this act, or by reason of the failure of a party to nominate any candidate for the office at the primary election, or for any other cause shall not be filled except in the following cases:

Vacancies.

1. By reason of the death of a candidate occurring at least twenty-five days before the date of the next ensuing November election.

2. By reason of the disqualification of a candidate occurring on account of the failure of such candidate to secure the nomination in his own party as required by section 23 of this act.

Vacancies occurring by reason of such death of any candidate, or because of such disqualification imposed by section 23 of this act, may, in the case of legislative offices, be filled by the newly elected county central committee or committees of the party in which such vacancy occurs, in the county or counties comprising the legislative district of such deceased or disqualified candidate; and in the case of all other district or state offices requiring party nomination, by the newly selected state central committee of such party.

Death or
disquali-
fication.

If such vacancy occurs among candidates chosen at the primary election to go on the ballot for the succeeding general election for a judicial, school, county, township, or municipal office according to the provisions of section 23 of this act, in which case that candidate receiving at said primary election the highest vote among all the candidates for said office who have failed to receive a sufficient number of votes to get upon said ballot according to the provisions of said section 23, shall go upon said ballot to fill said vacancy; *provided, however,* that if the vacancy occurs in a case where, by reason of having received a majority vote at the primary election, only one person is entitled to have his name printed upon the ballot at the ensuing November election, the names of the two candidates receiving the next highest vote at the primary election, if there were such number, shall be placed upon the ballot for the November election; *and provided, further,* that a vacancy authorized to be filled by the provisions of subdivision one of this section shall be filled and certified to the officer charged with the duty of printing the ballots twenty-five days before the day of election; *and provided, further,* that a vacancy authorized to be filled by the provisions of subdivision two of this section shall be filled with the officer with whom a nomination paper for such office may be filed at least thirty-three days before the day of election.

Candidates
receiving next
highest vote.

Whenever a nomination paper containing a sufficient number of signatures has been filed for any person as a candidate to be voted for at a primary election, the name of such person must be printed upon the ballot or ballots of such primary election as hereinbefore provided in section 12 of this act, unless such person has died and such fact has been ascertained, by the officer charged with the duty of printing the ballot, at least twenty-five days before the day of election.

Names to go
on ballots.

Whenever a candidate has been nominated at any primary election after having nomination papers filed, the name of such candidate must be printed upon the ballot at the ensuing general election unless such candidate has died and such fact has been ascertained by the officer charged with the duty of printing the ballots, at least twenty-five days before the day of election.

Same.

Whenever, upon the death or disqualification of any candidate, the vacancy thereby created is filled by a party committee, a certificate to that effect shall be filed with the officer with

Vacancy
filled by
party
committee.

whom a nomination paper for such office may be filed and shall be accepted and acted upon by him as in the case of such nomination paper.

CHAPTER 373.

An act to amend the California irrigation district act, approved March 31, 1897, by adding a new section to be numbered forty-one c, relating to payment of assessments in two installments, and repealing an act inconsistent herewith.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

Stats 1897,
p 268,
amended

SECTION 1. A new section to be numbered 41c is hereby added to the "California irrigation district act" and to read as follows:

Payment of
assessments
in install-
ments.

Sec. 41c. The board of directors may, whenever they shall so determine, and must upon a petition in writing, signed by a majority of the assessment payers within the district, pass a resolution providing that thereafter all assessments, except special assessments provided for by section 34 of this act, shall be payable in two installments, and in said resolution shall specify when such payments may be made, and the percentage of said assessments to be paid in each installment. Such resolution must be passed before the first Monday in August, and can not be rescinded to take effect during any year after the first Monday of March in that year. Whenever the board of directors have so determined, thereafter the first installment of the assessments levied shall become delinquent at six o'clock p.m. on the last Monday of December, and the second installment thereof shall become delinquent at six o'clock p.m. on the last Monday of June next thereafter; *provided*, that where an assessment has been levied as provided in section 34 of this act the whole of such assessment shall become delinquent on the last Monday in December. When provision is made, as herein provided, for the payment of said assessments in two installments, the publication of the delinquent list provided for in this act, shall not be made before the first day of July, but must be made on or before the first day of August, and except as otherwise in this section provided all the provisions of this act relative to the assessment, payment and collection of assessments, notice of assessments, publication of delinquent list, and sale for delinquent assessment, and all other provisions relative to such assessments shall be applicable.

Stats 1909,
p. 415,
repealed.

SEC. 2. That certain act entitled "An act to permit boards of directors of irrigation districts organized or existing under and by virtue of an act of the Legislature, entitled 'An act

to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes,' approved March 31, 1897; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of said act," approved March 19, 1909, is hereby repealed.

CHAPTER 374.

An act to increase the number of judges of the superior court of the State of California, in and for the county of San Diego; to provide for the appointment of an additional judge and the manner of payment of his compensation.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

SECTION 1. The number of judges of the superior court of the State of California, in and for the county of San Diego, is hereby increased from four to five. Superior judges San Diego county

SEC. 2. Within ten days after the taking effect of this act, the governor shall appoint one additional judge of the superior court of the State of California, in and for the county of San Diego, who shall hold office until the first Monday after the first day of January, A. D. 1929. At the general election to be held in November, A. D. 1928, one judge of the superior court of said county shall be elected in said county who shall be the successor to the judge appointed hereunder to hold office for the term prescribed by the constitution and by law.

SEC. 3. The salary of said additional judge shall be the same in amount and shall be paid at the same time and in the same manner as the salary of the other judges of said superior court now or hereafter authorized by law.

CHAPTER 375.

An act to amend section six of an act approved April 30, 1919, to amend an act entitled "An act to amend section six of an act entitled 'An act concerning the waterfront of the city and county of San Francisco,'" approved May 17, 1917.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 6 of an act approved April 30, 1919, to amend an act entitled "An act to amend section 6 of an act entitled 'An act concerning the waterfront of the city and Stats 1919, p 252, amended

county of San Francisco,' ' approved May 17, 1917, is hereby amended to read as follows:

Control of
certain
blocks.

Sec. 6. (a) The said commissioners shall have the possession, jurisdiction and control over the blocks and parts of blocks formed by the change of the water front and the extensions of the streets to the thoroughfare aforesaid, and remove any obstructions placed thereon in the same manner as provided for the removal of obstructions from the piers, wharves and thoroughfares. The commissioners are authorized to keep and maintain said blocks and parts of blocks as open spaces for the use of the public, or they may, in their discretion, inclose them. The commissioners are also authorized to assign the use of such portion thereof as they may deem expedient for such purposes solely as will be most advantageous to the commerce of the port, and upon such terms and conditions as they may determine. All such assignments shall terminate at the pleasure of the commissioners.

Lease of
seawall lots.

(b) The commissioners are also authorized to lease such portions or portion of seawall lots, numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, "a", "b", "c" and "d", and such portions of that certain land described as follows, to wit: Commencing at a point formed by the intersection of the southerly line of Islais street and the easterly line of Third (formerly Kentucky) street, and running thence easterly and along said southerly line of Islais street eighteen hundred eighty feet; thence at a right angle southerly to the northeasterly line of Arthur avenue; thence northwesterly along the northeasterly line of Arthur avenue to a point on the easterly line of Third (formerly Kentucky) street two hundred nineteen feet and five inches southerly from the southerly line of Islais street; thence northerly along said line of Third street two hundred nineteen feet and five inches to the southerly line of Islais street and the point of beginning; as they may deem expedient for such purposes solely as will be most advantageous to the commerce of the port, save and excepting, however, such portions of the last described piece of property as may be within two hundred feet of the southerly line of Islais street, and save and excepting such portions thereof as may be within two hundred feet of any portion of any pier, wharf or slip which may now exist fronting on Islais street or hereafter be constructed on any portion of said land; *provided*, that before the execution of any lease notice of the letting or leasing of any of the lots or property hereinabove mentioned, or parts thereof, shall be given by publication in three of the daily papers published in the city of San Francisco for at least ten days; such notice shall state the property or lot or portion thereof to be leased and that bids will be received by the commissioners at a place and time designated in such notice; and that said lots and

Notice of
letting.

property shall be let to the highest and best bidder; *provided*, ^{Use of property.} *further*, that all bids for lease of property or lots or portions thereof, herein mentioned, shall set forth the purposes for which said property or lots or portions thereof shall be used, and that the statement of such bid shall be embodied in the lease given by the board of state harbor commissioners with the condition that the property or lot shall be used for such purposes only; *provided, further*, that said board shall have the power to reject any and all bids; *and provided, further*, ^{Term of lease} that in no event shall any such lease or leases be made for a term exceeding twenty-five years; *provided, however*, that all leases made and executed within two years preceding February 15, 1901, and on file in the office of the secretary of state, of land belonging to the state less than fifty acres in area, and which lease has been made to any corporation incorporated in this state, or to any person or persons, for terminal facilities, is hereby recognized, approved and ratified, and the conditions, covenants and agreements of the parties thereto are made binding on the said parties and on their successors and assigns and on the State of California; *provided, further*, ^{Establishment of free zone.} that all such leases shall contain a provision providing that in the event of the establishment by the United States of a free zone in the port of San Francisco, and in the event that said leased land is necessary to said free zone that then the state board of harbor commissioners for that purpose, shall have the right to declare such leases cancelled and terminated upon payment to the lessees of the actual physical value of all improvements erected by said lessees on said leased land.

(c) The commissioners are further authorized to lease such ^{Bridge terminals} lands, or portions of lands, under their jurisdiction for the purpose of providing terminals for bridges, approaches thereto and lands necessary for the placement of said bridge terminals and lands crossed over or to be crossed over by any such bridge or built over in the preparation for and the placement of bridge terminals, as they may deem expedient for such purposes and most advantageous to the commerce of the port of San Francisco, for a term not exceeding fifty years; *provided*, ^{Notice of letting.} that before the execution of any lease of such land or lands for the aforesaid purposes, notice of the letting or leasing of any of the lots or property or lands hereinabove last mentioned, or parts thereof, shall be given by publication in three of the daily papers published in the city and county of San Francisco for at least ten days; such notice shall state the property, or lot or portion thereof, or land to be leased, and that bids will be received by the commissioners at a place and time designated in such notice; and that said lots and property shall be let to the highest and best bidder; *provided, further*, that all bids for lease of property or lots or portions thereof hereinbefore last mentioned shall set forth the purposes for which said property or lots or portions thereof shall be used, and that the statement of such bid shall be embodied in the

lease given by the board of state harbor commissioners with the condition that the property shall be used for such purposes only; *provided, further*, that said board shall have the power to reject any and all bids; *and provided, further*, that the words "bridge terminal" for the purposes of this act shall mean the end or resting point of any trans-bay railroad, vehicular, passenger or other bridge; the word "approaches" as used in this act shall be held to mean any land or space upon land submerged or otherwise adjacent to, surrounding, or in front of the terminal of any bridge in this act referred to.

Repealed.

SEC. 2. All acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER 376.

An act to amend section five hundred eighty-nine of the Political Code, relative to salaries in the insurance commissioner's office.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

Stats 1917,
p. 1667,
amended.
Salaries

SECTION 1.

589. The annual salary of the insurance commissioner is six thousand dollars. The annual salary of the deputies of the insurance commissioner shall be fixed by the commissioner with the approval of the board of control and shall not exceed four thousand five hundred dollars for any such deputy.

CHAPTER 377.

An act to increase the number of judges of the superior court of the county of Alameda, and for the appointment of such additional judge.

[Approved by the Governor May 7, 1927. In effect July 29, 1927.]

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

Superior
judges,
Alameda
county.

SECTION 1. The number of judges of the superior court in the county of Alameda, State of California, is hereby increased from eight to nine.

SEC. 2. Within thirty days after this act becomes a law the governor shall appoint one additional judge of the superior court in the county of Alameda, State of California, who shall hold office until the first Monday after the first day of January, A. D. 1929. At the next general election, to be held in November, A. D. 1928, one additional judge of said superior court shall be elected in the said county, who shall be the successor to the judge appointed hereunder, to hold office for the term prescribed by the constitution and by law.

SEC. 3. The salary of such additional judge shall be the same in amount and be paid in the same manner and at the same time as the salaries of the other judges of the superior court of said county now authorized by law.

CHAPTER 378.

An act to amend sections two and four of an act entitled "An act declaring property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents; providing for the inspection of property by boards of health and health officers; authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination; authorizing state and local health authorities to prosecute such work in certain cases; providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien and declaring any violation of the provisions thereof to be a misdemeanor," approved March 13, 1909, relating to the extermination of certain rodents.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2 of an act entitled "An act declar-
ing property infested with certain rodents to be a public nuisance; requiring owners, occupants, and persons having possession of or dominion over such property to endeavor to exterminate and destroy such rodents; providing for the inspection of property by boards of health and health officers; authorizing boards of supervisors and other governing bodies to purchase materials and employ inspectors to prosecute such work of extermination; authorizing state and local health authorities to prosecute such work in certain cases; providing for the payment of the expense thereof; making the amount of such expense a lien on the property; providing for the collection of such amount by foreclosure of such lien, and declaring any violation of the provisions thereof to be a misdemeanor," is hereby amended to read as follows:

Sec. 2. The state board of health and inspectors appointed by such board, the board of supervisors of each county and inspectors appointed by such board, and local health officers and inspectors appointed for the purpose, as hereinafter provided, shall have authority and shall be permitted to enter into and upon any and all lands, places, buildings, structures, wharves, piers, docks, vessels and water craft, for the purpose

Stats 1909,
p. 311,
amended.

Authority
to inspect
premises.

of ascertaining whether the same are infested with such rodents and whether the requirements of this act as to the extermination and destruction thereof are being complied with; *provided, however*, that no building occupied as a dwelling, hotel or rooming house, shall be entered for such purpose except between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of any day.

Stats 1909,
p 312,
amended.
Extermina-
tion at pub-
lic expense.

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

Sec. 4. Whenever any person, firm, copartnership, company or corporation, owning, leasing, occupying, possessing or having charge of or dominion over, any land, place, building, structure, wharf, pier, dock, vessel or water craft, which is infested with such rodents, shall fail, neglect or refuse to proceed and to continue to endeavor to exterminate and destroy such rodents, as herein required, it shall be the duty of the state board of health, its inspectors, the board of supervisors of each county and inspectors appointed by such boards, and the local board of health and health officer, at once to cause such nuisance to be abated by exterminating and destroying such rodents. The expense thereof shall be a charge against the county, city and county, city or town, wherein the work is done, and the board of supervisors or other governing body shall allow and pay the same. Thereupon, the clerk of such board shall file in the office of the county recorder a notice of such payment, claiming a lien on such property for the amount of such payment. Any and all sums so paid by such county, city and county, city or town, shall be a lien on the property on which said nuisance shall have been abated, and may be recovered in an action against such property, which action to foreclose such lien shall be brought within ninety days after such payment, and be prosecuted by the district, city or town attorney, in the name of such county, city and county, city or town, and for its benefit. When the property is sold, enough of the proceeds shall be paid into the treasury of such county, city and county, city or town, to satisfy such lien and the costs, and the overplus, if any there be, shall be paid to the owner of the property, if known, and if not known shall be paid into the court for the use of such owner when ascertained. When it appears from the complaint in such action that the property on which such lien is to be foreclosed is likely to be removed from the jurisdiction of the court, the court may appoint a receiver to take possession of the property and hold the same while the action may be pending or until the defendant shall execute and file a bond, with sufficient sureties, conditioned for the payment of any judgment that may be recovered against him in the action and all costs.

Lien for
expense.

Receiver

CHAPTER 379.

An act to amend section eight hundred seventeen of the Penal Code, relating to peace officers.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 817 of the Penal Code is hereby amended to read as follows: Stats 1921, p. 98, amended

817. A peace officer is a sheriff of a county, marshal of a municipal court, or a constable of a township, marshal, or policeman of a city or town, or inspectors of the California state board of pharmacy, not exceeding ten in number, or special agents, not exceeding two in number, or assistant special agents, not exceeding two in number, of the board of medical examiners of the State of California. Who are peace officers

CHAPTER 380.

An act to amend section four thousand fifty-six b of the Political Code, relating to the creation of a fund for making exhibitions of products and the assistance of local fair associations.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4056b of the Political Code is hereby amended to read as follows: Stats 1911, p. 942, amended

4056b. The boards of supervisors of the several counties within the State of California, or any of them, are hereby authorized and empowered to levy a special tax on the taxable property within their respective counties, for the purpose of creating a fund to be used for collecting, preparing, and maintaining an exhibition of the products and industries of the county at any domestic or foreign exposition; for contribution to the support of any local fair or exhibition of industrial, agricultural, horticultural, viticultural or pastoral products maintained by public agency, county agricultural associations, county fair associations, or chambers of commerce in said county, or if none such, in any group of counties of which said county is one, such contributions to be used by such agency for the general conduct of such fair or exhibition, including the giving of premiums for competitive excellence in industrial, agricultural, live stock, horticultural, viticultural and pastoral products at such local fairs or exhibitions as defined in this section, in the name of said county; all of said acts to be for the purpose of encouraging immigration, increasing trade in the products of the State of California and of said Exhibition and fair assistance fund.

county and promoting the industrial, live stock, agricultural, horticultural, viticultural and pastoral pursuits of such county; *provided*, the total tax levied for such purposes in any one year shall not exceed four cents on each one hundred dollars of taxable property in the county, according to the assessment roll; *provided, however*, that no such levy shall be made by such board of supervisors except by a two-thirds vote of the members of the board.

CHAPTER 381.

An act to amend sections one, three and eight and add a new section to be known as 3a of an act entitled "An act to define commercial feeding stuffs and to establish a standard therefor, providing for the branding and labeling of same, empowering the state board of health to enforce the provisions of the act and providing penalties for the violation of same," approved May 16, 1919, as amended.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

Stats 1919,
p. 551,
amended

SECTION 1. Section 1 of an act entitled "An act to define commercial feeding stuffs and to establish a standard therefore, providing for the branding and labeling of same, empowering the state board of health to enforce the provisions of the act and providing penalties for the violation of same" approved May 16, 1919, is hereby amended to read as follows:

"Commercial
feeding
stuffs"
defined.

Section 1. The term "commercial feeding stuffs" shall be held to include all feeding stuffs used for feeding live stock and poultry, except the following:

(a) Whole seeds or grains.

(b) Fresh green roughage, milk, skimmed milk, whey and buttermilk, the unmixed meals made directly from and consisting of the entire grains of corn, wheat, rye, barley, oats, buckwheat, flaxseed, kaffir, milo and light rice; *provided*, that light rice shall be labeled "light rice" when ground; and not excepting ground barley exceeding nine per cent in fiber and/or five per cent ash, ground oats exceeding fourteen per cent fiber and/or five per cent ash, ground corn exceeding four per cent fiber and/or three per cent ash, milo exceeding five per cent fiber and/or four per cent ash and kaffir exceeding five per cent fiber and/or four per cent ash.

(c) Whole hays, straws, cottonseed hulls and corn stover, when unmixed with other materials.

Stats 1919,
p. 551,
amended.
Labeling
of parcels.

SEC. 2. Section 3 of said act approved May 16, 1919, is hereby amended to read as follows:

Sec. 3. Every lot or parcel of commercial feeding stuffs sold, offered or exposed for sale or distributed within this

state shall have affixed thereto a tag or label, in a conspicuous place on the outside thereof, containing a legible and plainly printed statement in the English language, clearly and truly certifying:

(a) The net weight of the contents of the package, lot or parcel;

(b) The name, brand or trade-mark;

(c) The name and principal address of the manufacturer or person responsible for placing the commodity on the market;

(d) The minimum per centum of crude protein;

(e) The minimum per centum of crude fat;

(f) The maximum per centum of crude fiber;

(g) The maximum per centum of ash;

(h) The specific name of each ingredient used in its manufacture;

(i) The per centum of such ingredients as corn cobs, corn bran, oat hulls, barley hulls, rice hulls, ground light rice, or similar materials, when such constitute a portion of the package, lot or parcel;

(j) The per centum of grit or mineral matter they contain.

The crude protein, crude fat, crude fiber and ash shall be determined by the methods in force at the time by the association of official agricultural chemists of North America.

3a. Any importer, jobber, firm, association, corporation or person who shall manufacture or mix any commercial feeding stuffs, for another, shall, when such commercial feeding stuffs are not to be resold, furnish those for whom said commercial feeding stuffs are manufactured or mixed a numbered invoice which shall have written or printed thereon the date of sale and the name and the number of pounds of each ingredient entering into such commercial feeding stuffs so mixed for another. Each package of such commercial feeding stuffs mixture shall have attached thereto a written or printed tag showing the number and date of said invoice and the name of the mixer or manufacturer. All such invoices shall remain on file for six months, subject to inspection under the provisions of this act. No two invoices issued in one calendar year shall bear the same number.

Feeding
stuffs for use
of another.

Sec. 3. Section 8 of said act approved May 16, 1919, is hereby amended to read as follows:

Stats 1919,
p 552,
amended

Sec. 8. Any manufacturer, importer, jobber, firm, association, corporation or person who shall sell, offer or expose for sale, or distribute in this state, any commercial feeding stuffs without having attached thereto or furnished therewith such labels or tags as required by the provisions of this act, or who shall impede, obstruct, hinder or otherwise prevent or attempt to prevent said state board of health or its authorized agent in the performance of its duty in connection with the provisions of this act, or who shall sell, offer or expose for sale or distribute in this state any commercial feeding stuffs as defined

Offenses and
penalties

in section 1, without complying with the requirements of the provisions of this act, or who shall sell, offer or expose for sale or distribute in this state any commercial feeding stuffs which contain a smaller per centum of crude protein or crude fat or a larger per centum of crude fiber or ash than is certified to be contained therein, or who shall fail to properly state the specific name of each and every ingredient used in its manufacture or who shall fail to properly state the per centum of such ingredients as corn cobs, corn bran, oat hulls, barley hulls, rice hulls, ground light rice, or similar materials, when such constitute a portion of the package, lot or parcel or the per centum of grit or mineral matter shall be deemed guilty of a violation of the provisions of this act and upon conviction thereof shall be fined not more than one hundred dollars for the first violation and not less than one hundred dollars for each subsequent violation. Any manufacturer, jobber, importer, firm, association, corporation or person who shall mix or adulterate any feeding stuffs with any substance or substances injurious to the health of live stock or poultry shall be deemed guilty of a violation of the provisions of this act, and in addition to the penalty provided in this section, the lot of feeding stuffs shall be subject to seizure, condemnation and sale as the court may direct. The court may in its discretion release the feeding stuffs so seized when the requirements of the provisions of this act have been complied with, and upon payment of all costs and expenses incurred by the state in any proceedings connected with such seizure. One-half of all fines, and the proceeds from condemned foodstuffs collected by any court or judge for the violations of the provisions of this act shall be paid to the state treasurer, and the state treasurer shall deposit such money to the credit of the fund for the maintenance of the state laboratory, to be drawn against by warrants of the state controller upon claims which shall be approved by the state board of health and the state board of control. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party, residing in the United States, from whom he purchased such commercial feeding stuffs to the effect that the same are not adulterated, mislabeled or misbranded within the meaning of this act, and can also establish by satisfactory evidence that the commercial feeding stuffs sold, offered or exposed for sale or distributed in this state were mislabeled or did not conform to the analysis declared on the label or tag affixed thereto, and that at the time of selling, offering or exposing for sale or distributing in this state such commercial feeding stuffs the dealer was not aware of that fact; such guaranty may be either general or special. A general guaranty shall guarantee without conditions or restriction all of the commercial feeding stuffs purchased, prepared, compounded, packed, distributed or sold by

Injurious
substances.

State lab-
oratory main-
tenance fund

Guaranty of
wholesaler

the guarantor as not mislabeled or adulterated within the meaning of this act. A special guaranty shall guarantee in the same manner the particular commercial feeding stuffs listed in an invoice of the same and shall be attached to or shall fully identify such invoice. Both said guaranties to afford protection must contain the name and address of the party or parties making the sales of such commercial feeding stuffs to said dealer. If the guaranty be to the effect that such commercial feeding stuffs are not adulterated, mislabeled or misbranded within the meaning of the national pure food act, approved June 30, 1906, it shall be sufficient for the purposes of this act and have the same force and effect as though it referred to this act, except that a guaranty referring to the said national pure food act alone shall not be sufficient for the purposes of this act in any case where at any time the standard for the commercial feeding stuffs concerned under this act is higher than the standard for like commercial feeding stuffs under said national pure food act. In case the wholesaler, jobber, manufacturer or other party making such guaranty to said dealer resides without this state and it appears from the certificate of the director of the state laboratory that such commercial feeding stuffs were adulterated, mislabeled or misbranded, within the meaning of this act or the national pure food act approved June 30, 1906, the district attorney must forthwith notify the attorney general of the United States of such violation.

Higher state
standard

Notice to
U S attor-
ney general

CHAPTER 382.

An act to amend section two thousand six hundred forty-six of the Political Code, relating to the maintenance and repair of county highways.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2646 of the Political Code of the State of California is hereby amended to read as follows:

2646. Whenever any of the highways of a county have been constructed or improved under the provisions of an act entitled "An act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907, and all acts amendatory

Stats 1917,
p. 137,
amended

Maintenance
and repair
of county
highways

thereof or supplementary thereto, the board of supervisors of said county shall have the charge of the maintenance and repair of said highways and may employ a superintendent or inspector to have charge of the repairing and maintenance of all of said roads under the orders and direction of said board, and may employ such workmen and purchase such materials, equipment, tools and appliances as may be necessary to maintain said roads and keep them in repair, the cost of such maintenance and repair to be paid out of the general fund of the county. Nothing herein contained shall prevent the board from having any such work of repair or maintenance done in accordance with the provisions of section 2640 of this code.

CHAPTER 383.

An act to amend sections two and three of the "Building and loan commission act," approved April 5, 1911, as amended, relating to the salaries and expenses of the building and loan commission and the building and loan inspection fund.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

Stats 1925,
p. 254,
amended.

SECTION 1. Section 2 of the "Building and loan commission act," approved April 5, 1911, as amended, is hereby amended to read as follows:

Building and
loan commis-
sioner

Sec. 2. The administration of said bureau shall be vested in a commissioner, to be known and designated as the "building and loan commissioner," who shall be appointed by the governor and commissioned to hold office at the pleasure of the governor. He must be a citizen of the state; and he must not be in any way connected with any association or corporation or society coming under his supervision. He shall appoint a chief deputy building and loan commissioner with full power as such, who must be a practical, skilled accountant, fully conversant with the building and loan systems and accounts; he may appoint an appraiser and such other examiners, deputies, assistants, clerks and stenographers as shall be found necessary for the proper conduct of the business of his office and the making of examinations of associations.

Stats 1925,
p. 255,
amended

SEC. 2. Section 3 of the "Building and loan commission act," approved April 5, 1911, as amended, is hereby amended to read as follows:

Salaries,
office and
expenses

Sec. 3. The commissioner shall receive a salary of six thousand dollars per annum. He shall, subject to the approval of the board of control, have power to fix the salaries and compensation of an appraiser, examiners, deputies, assistants and employees. There shall also be allowed and paid the necessary traveling expenses of the commissioner and his

deputies incurred while traveling in the line of their duties. The commissioner shall procure and have an office in the city of San Francisco. Said commissioner shall also provide for such stationery, printing, postage and all other necessary expenditures as may be necessary for the proper conduct of his office. All said salaries and expenses shall be audited and paid in the same manner as the salaries and expenses of other state offices. Said salaries and expenses shall be paid from the "building and loan inspection fund."

CHAPTER 384.

An act to amend the title and section one of an act entitled "An act to provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903, as amended.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

SECTION 1. The title of an act entitled "An act to provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903, as amended, is hereby amended to read as follows:

Stats. 1903,
p. 476,
amended

An act to provide for the payment by the state or counties or school districts, or other special districts, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

Title

SEC. 2. Section 1 of said act is hereby amended to read as follows:

Stats. 1921,
p. 782,
amended

Section 1. The premium or charge for bonds given by surety companies for state officials, county officials, township officials, school district officials, other special district officials, city officials, or city and county officials, or the deputies of said officials, shall be paid by the state, county, school district, other special district, city, or city and county, respectively; *provided*, that no premium or charge shall exceed one-half of one per cent per annum on the amount of such bond; *and provided, further*, that this act shall not apply to notaries public; *and provided, further*, that in case of township officials the premium shall be paid by the county in which the township is situate.

Payment of
premiums on
official bonds.

CHAPTER 385.

An act to amend sections four thousand thirty-nine and four thousand seventy-six of the Political Code, relating to claims against the county and records thereof.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

Stats 1907, p 366, amended, Supervisors' records, Minute book

SECTION 1. Section 4039 of the Political Code is hereby amended to read as follows:

4039. The board must cause to be kept:

1. A "minute book" in which shall be entered the daily proceedings had at all regular and special meetings, and all orders and decisions made by them, except such as are required to be recorded in the "ordinance" book.

Allowance book

2. An "allowance book," in which must be recorded all orders for the allowance of money from the county treasury, to whom made, and on what account, dating, numbering, and indexing the same through each year; provided, that in any county using certified duplicate lists of claims allowed, as permitted by section 4076 of this code, one such list shall constitute the "allowance book" within the meaning of this section; and provided, further, that when in any county the auditor maintains an index of claims allowed, the index required by this section may be dispensed with.

Warrant book.

3. A "warrant book," to be kept by the county auditor, in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number and reference to the order on the minute book, with the date, amount, on what account, and name of payee; provided, that in any county using a list of claims allowed for an allowance book, as permitted in subdivision two of this section and in section 4076 of this code, the list filed in the office of the auditor shall constitute the warrant book, within the meaning of this section.

Ordinance book.

4. An "ordinance book," in which must be entered all ordinances duly passed by the board.

Stats 1915, p 1186, amended, Filing of claims

SEC. 2. Section 4076 of the Political Code is hereby amended to read as follows:

4076. No account shall be passed upon by the board, unless made out as prescribed in this and the preceding section and filed with the clerk, or with the auditor as prescribed in the preceding sections, three days prior to the time of the meeting of the board at which it is asked to be allowed. Such demand shall be made in form substantially as follows:

Form for claims.

Clerk's memoranda, No. _____ fund.

Demand of _____, dated _____, in the sum of \$_____ for _____.

Allowed by the board of supervisors, _____, 19____ in the sum of \$_____.

Attest: _____

Clerk of the board.

Demand of _____
 No. _____ Fund _____
 Demand on the treasury of the county of _____,
 State of California, for the sum of _____
 dollars, being for _____

Date	Items	Dollars	Cents
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
		\$-----	-----

Expenditures authorized and approved by me.

State of California, }
 County of _____ } ss.

The undersigned, being duly sworn, says: That the above claim and the items as therein set out are true and correct; that no part thereof has been heretofore paid, and that the amount therein is justly due this claimant, and that the same is presented within one year after the last item thereof has accrued.

Subscribed and sworn to before me this _____ day
 of _____

County Clerk.

Allowed by the board of supervisors, _____,
 19____, in the sum of \$_____, payable out of _____
 fund.

Attest:

Clerk of board of supervisors.

Countersigned:

Chairman board of supervisors.

Warrant No. _____

Approved, _____, 19____.

County Auditor.

No. _____ Registered _____, 19____.

County Treasurer.

Said demand shall be approved before filing by the officer ^{Approval} who directed such expenditure. If said demand be allowed by the board, the clerk of the board shall detach and file the memorandum, and shall indorse on such demand "allowed by the board of supervisors," together with the date of such allowance, the amount of such allowance, and from what fund; shall attest the same with his signature, and, when countersigned by the chairman, shall transmit the same to the auditor,

who shall, in case he approves said demand, indorse upon it "approved," date, and number of the warrant, and shall, in attestation thereof, affix his signature thereto and deliver the same to the claimant; and said demand, when so approved and signed by the auditor, shall constitute the warrant on the treasury within the meaning of this chapter, except as hereinafter provided; *provided, however*, that whenever a county causes its accounts to be reorganized in a manner which will enable said county to determine by its accounts the correctness of claims presented for payment, the board of supervisors of said county may modify the form hereinabove prescribed for the submission of claims by eliminating therefrom the affidavit of claimant and may dispense with the necessity of such or any affidavit; *provided, further*, that the board of supervisors of any county may in their discretion adopt such other form or forms for the submission and payment of claims and may prescribe and adopt warrant forms separate from demand forms, to the end that the approved demands may be permanently retained in the auditor's office as vouchers supporting the warrants issued, and may prescribe such other procedure for the allowance and payment of claims as may better meet the needs of the particular county, but in such form of claim so adopted shall provide:

Modification
of form.

Other forms
and
procedure

Provisions to
be included.

First—For the approval of the officer directing the expenditure.

Second—For the approval of the purchasing agent or other officer issuing purchase orders or having charge of contracts or schedules of salaries under which claims may arise.

Third—For the certificate of the clerk of the board of supervisors or of the county auditor as to the correctness of the computations.

Fourth—For the approval of at least one member of the board of supervisors; *provided*, that in lieu of a supervisor's approval on each claim there may be substituted duplicate lists of claims allowed, showing date, fund, warrant number, name of claimant and amount allowed, such lists to be signed by one supervisor, certified by the clerk of the board and filed, one in the office of the board of supervisors in lieu of the "allowance book" required by section 4039 of this code and one in the office of the auditor where it shall constitute the warrant book, as prescribed in section 4039 of this code.

Fifth—For the certificate of the clerk of the board of supervisors as to the date and amount of allowance of such claim by the board.

Sixth—For the county auditor's certificate of approval.

Such form of warrant, if separate from the demand, shall provide for the statement "ordered paid, by board of supervisors, (date)" or words of similar import, to be signed by the clerk of the board, before being signed and issued by the

Separate
warrants.

county auditor; *provided, further*, that demand and warrant forms and records and the procedure for allowance and payment of claims shall be subject to the approval of the state board of control.

Approval by
board of
control

CHAPTER 386.

An act to amend section three hundred seventy-eight of the Code of Civil Procedure.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 378 of the Code of Civil Procedure is hereby amended to read as follows:

Original
section
amended

378. All persons may be joined in one action as plaintiffs who have an interest in the subject of the action or in whom any right to relief in respect to or arising out of the same transaction or series of transactions is alleged to exist, whether jointly, severally or in the alternative, where if such persons brought separate actions any question of law or fact would arise which are common to all the parties to the action; *provided*, that if upon the application of any party it shall appear that such joinder may embarrass or delay the trial of the action, the court may order separate trials or make such other order as may be expedient, and judgment may be given for such one or more of the plaintiffs as may be found to be entitled to relief, for the relief to which he or they may be entitled.

Who may be
joined as
plaintiffs.

CHAPTER 387.

An act to add a new section to the Code of Civil Procedure to be numbered three hundred seventy-nine c, relating to the joinder of parties defendant.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered 379c, and to read as follows:

New section

379c. Where the plaintiff is in doubt as to the person from whom he is entitled to redress, he may join two or more defendants, with the intent that the question as to which, if any, of the defendants is liable, and to what extent, may be determined between the parties.

Doubt as to
defendant
liable.

CHAPTER 388.

An act to amend sections nineteen, seventy-nine and seventy-nine a, of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section fourteen of article one of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, and to add new sections to said act, which said new sections shall be designated sections seventy-nine b, seventy-nine c, seventy-nine d, seventy-nine e, seventy-nine f, seventy-nine g, seventy-nine h, seventy-nine i, seventy-nine j, seventy-nine k, and seventy-nine l, relating to bonds of contractors and definition of terms used in said act, and to proceedings thereunder.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

Stats 1919,
p. 480,
amended

SECTION 1. Section 19 of the act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds," approved April 7, 1911, as amended, is hereby amended to read as follows:

Bond for
labor and
materials

Sec. 19. Every contractor, person, company or corporation, including contracting owners, to whom is awarded any contract for street work under this act, shall at the time of signing and executing said contract, file with the superintendent of streets a good and sufficient bond to the satisfaction and approval of said street superintendent, in a sum not less than one-half of the total amount payable by the terms of said contract. Such bonds shall be executed by either two or more good and sufficient sureties, or by corporate surety, as provided by law, in an amount not less than the sum specified in the bond, and must provide that if the contractors, person, company or corporation, or his or its subcontractors fail to pay

for any materials, provisions, provender or other supplies or the use of implements or machinery used in, upon, for or about the performance of the work contracted to be done, or for any work or labor thereon of any kind, that the sureties will pay for the same in an amount not exceeding the sum specified in the bond, and also, in case suit is brought upon such bond, a reasonable attorney's fee to be fixed by the court. Such bond must, by its terms, inure to the benefit of any and all persons, companies and corporations entitled to file claims under this act, so as to give a right of action to them or their assigns in any suit brought upon said bond.

Any materialman, person, company or corporation furnishing materials, provisions, provender or other supplies used in, upon, for or about the performance of the work contracted to be executed or performed, or any person, company or corporation renting or hiring teams or implements, or machinery for, or contributing to, said work to be done, or any person who performs work or labor upon the same, or any person who supplies both work and materials and whose claim has not been paid by the contractor, company or corporation to whom the contract has been awarded, or by the subcontractors of said contractor, company or corporation, may at any time prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by section 1187 of the Code of Civil Procedure, file with the superintendent of streets, a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. It shall be lawful for the superintendent of streets, within ten days after the completion of any such contract or work of improvement provided for in this act, or within ten days after there has been a cessation from labor thereon for a period of thirty days, to file for record in the office of the county recorder of the county where the property is situated, a notice, setting forth the date when the same was completed, or on which cessation from labor occurred, together with the name of the municipality and description of the property or public work or improvement, sufficient for identification, and the name of the contractor or contractors, and the name of the surety, which notice shall be verified by such superintendent of streets, and in case such notice be not so filed, the failure to so file shall have the same effect as provided in section 1187 of the Code of Civil Procedure, with reference to the "owner." Any laborer, materialman, person, company or corporation entitled to the benefit of this act as hereinbefore set forth, whose claim has not been paid by the said contractor, company or corporation, or his or its subcontractors, shall severally have a first lien upon and against the assessment, any partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment. And actions against the said municipality or superintendent of streets to establish such liens brought by any claimant who has filed

Lien for
labor and
materials

claims under this act, or by his assigns, shall be governed by the provisions of sections 1184, 1184a, 1184b and 1184c of the Code of Civil Procedure, and the verified notice provided for in the said section shall be equivalent for all purposes to the verified claim provided for herein.

Effect of
assignments
by contractor.

No assignment by the contractor of the whole or any part of the money, assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment, due him or to be due him under the contract, or for "extras" in connection therewith, whether made before a verified claim is filed as provided for herein or after said claim is filed, shall be held to take priority over claims filed under this section, and such assignment shall have no binding force in so far as the rights of the claimants who file claims hereunder, or their assigns, are concerned; *provided*, that nothing in this section shall be construed to prohibit payment to the contractor or his assigns, so long as no verified claim is on file before the disbursing officer shall have actually surrendered possession of the assessment, partial assessment, any reassessment, and any bonds which may be issued to represent any assessment or reassessment, or the payment to said contractor or his assigns of any assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment, due him or his assigns over and above the total amount of the claims filed at that time plus such interest and court costs as might be reasonably anticipated in connection with said claims.

Action
against
surety.

Suit against the surety or sureties on the bond of the contractor required hereunder may be brought by any claimant, or his assign, at any time after the claimant has ceased to perform labor or furnish material or both and until the expiration of six months after the period in which verified claims may be filed as provided herein. The filing of a verified claim shall not be a condition precedent to the maintenance of such action against the surety or sureties on the bond and an action on such bond may be maintained separately from and without the filing of an action against the municipality and/or officer by whom such contract was awarded. And upon the trial of any such action, the court shall award to the prevailing party a reasonable attorney's fee, to be taxed as costs, and to be included in the judgment therein rendered.

Bond to
guarantee
payment
of judgment.

If the contractor, subcontractor or other person against whom any claim is filed as provided in this act shall dispute the correctness or validity of any claim so filed, it shall be lawful for the municipality or superintendent of streets by whom the contract for the improvement was awarded, in its or his discretion, to permit the contractor to whom said contract was awarded to deliver to such municipality or superintendent of streets a bond executed by some corporation authorized to issue surety bonds in the State of California, in

a penal sum equal to one and one-fourth times the amount of said claim, which said bond shall guarantee the payment of any sum which said claimant may recover on said claim together with his costs of suit in said action, if he shall recover therein, and upon filing of said bond by and with the consent of such municipality or superintendent of streets, then such municipality or superintendent of streets, shall not withhold any funds, assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment from said contractor on account of said claim. The sureties upon said bond shall be jointly and severally liable to said claimant with the sureties upon the original bond inuring to the benefit of person entitled to file claim under this act and given in accordance with the provisions of this act.

SEC. 2. Section 79 of said act is hereby amended to read as follows: Stats 1911, p. 766, amended

Sec. 79. The person owning the fee, or the person in whom, on the day the action is commenced, appears the legal title to the lots and lands, by deeds duly recorded in the county recorder's office of the county in which said lots or lands are situate, or the person in possession of land, lots, or portions of lots or buildings under claim, or exercising acts of ownership over the same for himself, or as the executor, administrator, or guardian of the owner, shall be regarded, treated, and deemed to be the "owner" (for the purpose of this law), according to the intent and meaning of that word as used in this act. And in case of property leased, the possession of the tenant or lessee holding and occupying such persons shall be deemed to be the possession of such owner. "Owner" defined

SEC. 3. Section 79a of said act is hereby amended to read as follows: Stats. 1913, p. 57, amended.

Sec. 79a. The words "work," "improve," "improved," and "improvement," as used in this act, shall include all work mentioned in this act, and also the construction, reconstruction and repairs, of all or any portion of said work. "Work," "improve," etc., defined

SEC. 4. A new section to be known as section 79b is hereby added to said act, and to read as follows: Stats 1911, p. 768, amended.

Sec. 79b. The term "incidental expenses," as used in this act, shall include the compensation of the city engineer for work done by him; also, the cost of printing and advertising as provided in this act; also the compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work mentioned in this act; also the expenses of making the assessment and of typing and preparing the resolutions, notices and other papers and proceedings for any work authorized by this act. All demands for incidental expenses mentioned in this subdivision shall be presented to the street superintendent, by an itemized bill, duly verified by oath of the demandant. Incidental expenses

Stats. 1911,
p. 768,
amended
Publication
of notices,
etc.

SEC. 5. A new section to be known as section 79c is hereby added to said act, and to read as follows:

Sec. 79c. The notices, resolutions, orders or other matter required to be published by the provisions of this act, shall be published in a daily newspaper, in cities where such there is, and where there is no daily newspaper, in some newspaper published less often than daily, to be selected by the council of such city, or by the city clerk or other officer issuing the notice or giving the publication where the council has not selected any newspaper therefor, as often as the same is issued, and no other statute shall govern or be applicable to the publications herein provided for; *provided, however*, that in case there is no newspaper printed and circulated in any such city, then such notices, resolutions, orders or other matters as are herein required to be published in a newspaper, shall be posted and kept posted for the same length of time as required herein for the publication of the same in a newspaper, in three of the most public places in such city, except where otherwise required by or where specific provision therefor is made in this act. Proof of the publication of posting of any notice provided for herein shall be made by affidavit of the owner, publisher, printer, foreman or clerk of the newspaper, or of the poster of the notice or of a person having knowledge of the facts. No publication, or notice, other than that provided for in this act, shall be necessary to give validity to any of the proceedings provided for therein. The word "twice" as used in this act, referring to the number of times notices, resolutions or other matter shall be published, shall be held to mean the publication of the same in two entire issues of a newspaper, one being on one day and the other issue being on a subsequent day of the same or a subsequent week.

Stats 1911,
p. 768,
amended
"Municipal-
ity" and
"city"
defined

SEC. 6. A new section to be known as section 79d is hereby added to said act, and to read as follows:

Sec. 79d. The word "municipality" and the word "city" as used in this act, shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing, and those hereafter organized, for municipal purposes.

Stats 1911,
p. 768,
amended.
"Paved" and
"repaved"
defined

SEC. 7. A new section to be known as section 79e is hereby added to said act, and to read as follows:

Sec. 79e. The words "paved," or "repaved," as used in this act, shall be held to mean and include pavement of stone, whether paving blocks or macadamizing, or of bituminous rock or asphalt, or of iron, wood or other material, whether patented, or not, which the city council shall by ordinance or resolution adopt.

SEC. 8. A new section to be known as section 79*f* is hereby added to said act, and to read as follows:

Sec. 79*f*. The word "street," as used in this act shall be deemed to, and is hereby declared to, include avenues, highways, lanes, alleys, crossings, or intersections, courts and places, which have been dedicated and accepted according to law or in common and undisputed use by the public for a period of not less than five years next preceding, and the term "main street" means such actually opened street or streets as bound a block; and the word "blocks," whether regular or irregular, shall mean such blocks as are bounded by main streets, or partially by a boundary line of the city. The word "places" as used in this act, shall be deemed to, and is hereby declared to include any public park or pleasure ground and common which has been dedicated and accepted according to law, and this act shall include the improvement of a park, public pleasure ground and common.

SEC. 9. A new section to be known as section 79*g* is hereby added to said act, and to read as follows:

Sec. 79*g*. The terms "street superintendent" and "superintendent of streets," as used in this act, shall be understood and so construed as to include, and are hereby declared to include, any person or officer whose duty it is, under the law, to have the care or charge of the streets, or the improvement thereof in any city. In all those cities where there is no street superintendent or superintendent of streets, the city council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of street superintendent or superintendent of streets; and all provisions hereof applicable to the street superintendent or superintendent of streets shall apply to such person so appointed.

SEC. 10. A new section to be known as section 79*h* is hereby added to said act, and to read as follows:

Sec. 79*h*. The term "city council" is hereby declared to include any body or board which, under the law, is the legislative department of the government of any city.

SEC. 11. A new section to be known as section 79*i* is hereby added to said act, and to read as follows:

Sec. 79*i*. In municipalities in which there is no mayor, then the duties imposed upon said officer by the provisions of this act shall be performed by the president of the board of trustees, or other chief executive officer, or by the city manager, of the municipality.

SEC. 12. A new section to be known as section 79*j* is hereby added to said act, and to read as follows:

Sec. 79*j*. The terms "clerk" and "city clerk," as used in this act, are hereby declared to include any person or officer who shall be clerk of the said city council.

SEC. 13. A new section to be known as section 79*k* is hereby added to said act, and to read as follows:

Sec. 79*k*. The term "quarter block," as used in this act, as to irregular blocks, shall be deemed to include all lots or

Stats 1911,
p 768,
amended

"Street,"
"main
street,"
"blocks" and
"places"
defined

Stats 1911,
p 768,
amended.

"Street
superintend-
ent" defined

Stats 1911,
p 768,
amended

"City coun-
cil" defined

Stats 1911,
p 768,
amended

Duties im-
posed upon
mayor

Stats 1911,
p 768,
amended.

"Clerk"
defined.

Stats. 1911,
p 768,
amended

"Quarter
block"
defined.

portions of lots having any frontage on either intersecting streets half way from such intersection to the next main street, or, where no main street intervenes, all the way to a boundary line of the city.

Stats 1911,
p 768,
amended
"City
treasurer"
defined.

SEC. 14. A new section to be known as section 79l is hereby added to said act, and to read as follows:

Sec. 79l. The term "city treasurer" as used in this act shall be held to mean and include any person who, under whatever name or title, is the custodian of the funds of the municipality.

CHAPTER 389.

An act to amend section four thousand forty-one of the Political Code, relating to the general powers of boards of supervisors.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

Stats 1921,
p 164,
amended
Powers of
supervisors.

SECTION 1. Section 4041 of the Political Code be and the same is hereby amended to read as follows:

4041. The boards of supervisors, in their respective counties shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law:

Supervise
work of
county
officers.

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county and particularly those charged with the assessing, collecting, safekeeping, management, or disbursement of the public revenues; to see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bond, make reports and present their books and accounts for inspection.

Districts.

2. To divide the counties into townships, election, school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires.

Elections

3. To establish, abolish, and change election precincts, and to appoint inspectors, clerks and judges of election, canvass all election returns, declare the result and order the county clerk to issue certificates thereof; *provided*, that no election precinct shall be established or abolished, or the boundaries of any election precinct changes within ninety days prior to any election.

Highways.

4. To acquire and take by purchase, condemnation or otherwise land for the uses and purposes of public roads, highways, boulevards, turnpikes and other public ways, and to lay out, maintain, control, construct, repair, and manage public roads, boulevards, highways, turnpikes and other public ways, and to incur a bonded indebtedness for any such purposes; *provided*, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of

the county, at a special election called for that purpose, and two-thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds; said election to be called and held and said bonds, if authorized, to be issued, sold and made payable in the manner and form prescribed by section 4088 of this code. Said board shall also have power to make and enforce rules and regulations for the protection, management, control and use of such public boulevards, roads, highways, turnpikes and other public ways. Such boards shall also have power to expend from the general fund of the county such moneys as may be necessary to pay the whole or any part of the cost of the improvement of that portion of any street, highway, lane, alley, court, or other public place within any incorporated city of the county, upon which abuts any real property of the county used for public purposes, not exceeding the amount, however, which, but for such public ownership and use, would be properly chargeable to and assessed against such real property under the provisions of the law governing such work or improvement; *provided*, no liability shall be created against the county in connection with any such work or improvement unless, prior to the commencement thereof, or to the letting of any contract therefor, the board shall, by resolution, determine and declare the amount to be so expended and direct that such sum be set apart and reserved out of any moneys in the general fund available for such purpose, to be used exclusively for paying the cost of such work or improvement.

4a. To construct, operate, manage or maintain summer bridges or ferries under such rules and regulations and at such times and places as they may deem necessary; such bridges or ferries to be paid for out of the county general fund. Summer bridges

5. To lay out, maintain, control, construct, repair and manage public ferries, wharves, chutes, and other shipping facilities and bridges within the county, unless otherwise provided by law, and to grant franchises and licenses to collect tolls thereon. Ferries

6. To purchase, receive by donation, lease or otherwise acquire water rights or real or personal property necessary for the use of the county, for a courthouse, jail, hospital, historical museum, art gallery, art institute, stadium and almshouse, and an exposition building or buildings, public pleasure ground, public parks, botanical gardens, and other public purposes, and also property upon which to sink wells to obtain water for sprinkling roads and other county purposes, and to improve, preserve, take care of, manage and control the same; *provided*, that no purchase of real property shall be made unless a notice of the intention of the board of supervisors to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the board will meet to consummate such purchase, has been published for at least three Water rights, and real and personal property.

weeks in some newspaper of general circulation published in the county; or if none be published in the county, then that has been posted at least three weeks prior to the time when the board meets to consummate such purchase, in at least three public places in each supervisorial district.

County
buildings.

7. To construct or lease, build or rebuild, furnish or refurbish or repair hospital and almshouse, courthouse, jail, historical museum, county free library building, branch library building, art gallery, art institute, exposition building or buildings for exhibiting and advertising farming, mining, manufacturing, live stock raising, and other resources of the county, stadium and such other public buildings as may be necessary to carry out the work of the county government, and to provide all necessary officers, employees, attendants, and supplies for the proper maintenance of the same; *provided*, that a suitable graduate or graduates in medicine shall be appointed to attend to the indigent sick or dependent

Physician

poor, or to the patients in such hospitals and almshouses provided with respect to county free libraries that are now or may be hereafter maintained either under the provisions of this section or under the provisions of an act of the Legislature of the State of California entitled "An act to provide for the establishment and the maintenance of county free libraries," approved February 16, 1911, the provisions of said act shall control except as to section 12 thereof and said libraries shall be maintained under either the provisions of this section or said section 12 at the option of the board of supervisors; *provided, further*, that the board shall not let the care, maintenance, or attendance of such indigent sick or dependent

Library.

poor by contract to any person; except that the board shall be authorized and empowered to secure by agreement for the needy sick and dependent and partially dependent citizens in cases of emergency, hospital care including medical, surgical, X-ray, laboratory, nursing and general hospital service at cost from persons, firms and corporations then and there maintaining and operating hospitals in the county or city and county. Such hospitals shall be only those whose organization and management show that they are qualified to render and are actually rendering services to the sick, economically and efficiently and the books for the operation and conduct of which reflect accurately in monthly statements the per diem cost of medical, surgical, X-ray, laboratory, nursing and general hospital service to patients. Whenever the cost of construction of any bridge, wharf, chute, or other shipping facilities, or of any hospital, almshouse, courthouse, jail, historical museum, county free library building, branch library building, art gallery, art institute, exposition building or buildings, stadium or other public buildings, or the cost of any repairs thereto or furnishing thereof shall exceed the sum of five hundred dollars, such work shall be done by contract, and any contract therefor shall be void unless the

Hospital.

Work costing
over \$500.

Work costing over \$500.

same shall be let as hereinafter provided. The board of supervisors shall adopt plans and specifications, strain sheets and working details therefor, and must advertise for bids for the performance of the said work in a newspaper of general circulation published in the county for at least twenty days. In case there is no newspaper published in said county, then such notice shall be given by posting in three public places for at least twenty days. All bidders shall be afforded opportunity to examine such plans and specifications, strain sheets and working details, and said board shall award the contract to the lowest responsible bidder, and the person, firm or corporation to whom the contract shall be awarded must perform the work in accordance with the said plans and specifications, strain sheets and working details, unless the same be modified by a unanimous vote of the members of the board of supervisors; and in every such case if the cost of the work be reduced by reason of the modification, compensation must be made to the county therefor, and the person, firm, or corporation, to whom the contract shall be awarded must execute a bond to be approved by the said board for the faithful performance of such contract; *provided*, that for the construction of any bridge, wharf, chute, or other shipping facilities, or any repairs thereto if the board of supervisors shall be advised by the county surveyor or engineer that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done or structure built by day's work, under the supervision and direction of the said surveyor or engineer; *provided*, that the road commissioners or road overseers in their respective districts shall employ all labor required, and direct the conduct of work of any kind upon any and all public roads; *provided, further*, that in case of great emergency, Emergencies. caused by flood, fire, earthquake, or act of God, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without adopting the plans and specifications, strain sheets, or working details or giving notice for bids to let contract; the work to be done by day labor under the direction of the board, or by contract, or by a combination of the two; if wholly or in part by contract, the contractor to be paid the actual cost of material and labor expended by him in doing the work, plus fifteen per cent to cover all profits, supervision, use of machinery, and tools, and other expenses; *provided*, that no more than the lowest current market prices shall be paid for material; *provided, however*, that in counties employing a purchasing agent Purchasing agent. that furnishings, materials and supplies used in the work mentioned in this subdivision costing not more than one thousand dollars, may be purchased by said purchasing agent in accordance with the provisions of subdivision twenty-one of this section without the formality of obtaining bids, letting contracts, preparing specifications and doing the other things

required by this section for purchases costing more than five hundred dollars.

Poor farm

8. To provide a farm in connection with the county hospital or almshouse and make regulations for working the same.

Machinery

9. To purchase, acquire, construct, equip and maintain all necessary tanks, reservoirs, pumps, apparatus, motor vehicles and other machinery necessary or proper to facilitate the performance of the work in the county.

Cement plants.

9a. To purchase, lease, construct or otherwise acquire, own, operate, manage and control, in any county in the state, cement manufacturing plant; and to sell the products of the same in such manner and upon such terms and conditions as to them shall be deemed proper; *provided*, that the State of California and municipal or public corporations of the state shall have a preferred right at the same price as the products are offered to private persons to purchase the same; and to purchase, lease, or otherwise acquire real or personal property to be used in connection with such plant; *provided, however*, that no such plant shall be purchased, leased, or otherwise acquired, neither shall said works be constructed on real or personal property purchased or acquired until notice of the intention to make such purchase or construct such works shall have been given for a period of thirty days by publication in a newspaper of general circulation published within the county or, if there be none, then by posting a notice for said period in a conspicuous place in three public places in the county; such notice shall contain a description of the property to be purchased or works to be constructed, a statement of the amount of money to be invested, the terms upon which it is to be invested and the time when the proposition will come before the board of supervisors to be acted upon.

Property no longer needed.

10. To sell at public auction, at the courthouse door or at such other place within the county as the board may, by four-fifths vote, order, after five days' notice, given either by publication in a newspaper published in the county or by posting in three public places in the county, and convey to the highest bidder for cash any property belonging to the county not required for public use, paying the proceeds into the county treasury for the use of the county; *provided*, if in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars, or if it be the product of the county farm, the same may be sold at private sale without advertising, by any member of the board empowered for that purpose by a majority vote of the board, such sale to be reported to and confirmed by such board of supervisors.

Audit of accounts

11. To examine and audit, at least every twelve months the accounts of all officers having the care, management, collection or disbursements of moneys belonging to the county or moneys received or disbursed by them under authority of law.

Claims.

12. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and such

demands as are authorized by law to be allowed by some other person or tribunal, and order warrants to be drawn on the county treasurer therefor.

13. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes; *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district and received a majority of all the legal votes cast upon such proposition. Taxes.

14. To maintain, regulate and govern public pounds, fix the limits within which animals shall not run at large, and appoint pound-keepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source. Pounds.

15. To equalize assessments. Assessments

16. To direct and control the prosecution and defense of all suits to which the county is a party and by a two-thirds vote of all the members, may employ counsel to assist the district attorney in conducting the same. Law suits

17. To insure the county buildings and other property in the name and for the benefit of the county. Insurance.

18. To establish a salary fund, and such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require. Funds

19. To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the board of supervisors and elective county or township officers, except in those of judge of the superior court and supervisor, the appointee to hold office for the unexpired term, or until the next general election. Vacancies

20. To employ the copyists necessary to reproduce any of the county records and indices thereto that may have been lost or destroyed by conflagration, public calamity or otherwise, or that may be in danger of destruction by age, obliteration, or constant use in any of the county offices. Copyists.

21. To employ a purchasing agent, whose duty shall be to purchase for the county and the offices thereof all stationery, clothing, bedding, groceries, provisions, drugs, medicines, and all other supplies, to purchase machinery, implements, material and all other personal property, material, or supplies, the same to be purchased only upon a proper requisition therefor; also employ for said purchasing agent such assistants as may be necessary for him to properly fulfill his duty; *provided*, that the purchasing agent may engage independent contractors to perform sundry services for the county with or without furnishing material where the aggregate cost does not exceed fifty dollars, such services to be ordered upon proper requisition as herein provided. Purchasing agent

Bids for
supplies

22. Whenever a board of supervisors shall employ a purchasing agent as herein provided for it shall not be necessary for them to advertise for bids for furnishing county supplies as provided in section 4048 of the Political Code, with the exception of advertising.

Regulations.

23. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary and the supervisors may attend annual state meetings of the state supervisors association and shall be allowed their actual expenses in going to, attendance upon and returning from any such state association meetings and their actual and necessary traveling expenses when traveling outside their counties on official business.

State
meetings.

Seal.

24. To adopt a seal for the board, a description and impression of which must be filed in the office of the county clerk and of the secretary of state.

Business
licenses.

25. To license, in the exercise of their police powers, and for the purpose of regulation, as herein provided, and not otherwise, all and every kind of business not prohibited by law, and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions, and lawful games carried on therein, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that every soldier, sailor or marine of the United States who has received an honorable discharge or a release from active duty under honorable conditions from such service shall have the right to hawk, peddle and vend any goods, wares or merchandise, except spirituous, malt, vinous or other intoxicating liquor, without payment of any license, tax or fee whatsoever, whether municipal, county or state, and the board of supervisors or legislative body shall issue to such soldier, sailor or marine without cost, a license therefor; *provided, however*, no license can be collected, or any penalty for the nonpayment thereof enforced against any commercial traveler whose business is limited to the goods, wares and merchandise sold or dealt in in this state at wholesale.

Pests

26. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

Dogs

27. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.

Fish and
game.

28. To provide, by ordinances, not in conflict with the general laws of the state, for the protection of fish and game, and may shorten the season for taking or killing of fish and game, within the dates fixed by the general state laws, but shall not lengthen the same.

Working of
prisoners

29. To provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanors, under the direction of some responsible person, to be appointed

by the sheriff whose compensation shall not exceed one hundred twenty-five dollars per month, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the county.

29a. To provide for the care and maintenance of the indigent sick or dependent poor of the county, and for such purpose to levy the necessary property or poll taxes, or both. Poor.

30. To provide for the burying or cremation of the indigent dead. Burials

31. To make and enforce, within the limits of their county, all such local police, sanitary and other regulations as are not in conflict with general laws. Ordinances.

32. To adopt such rules and regulations within their respective counties, with regard to keeping and storing of every description of gunpowder, Hercules powder, giant powder or other explosives or combustible material, as the safety and protection of the lives and property of individuals may require. Explosives

33. To levy a special tax not to exceed four cents on the one hundred dollars of the assessed valuation of all property within the county to be used for advertising, exploiting and making known the resources of the county for the purpose of inducing immigration to, and increasing the trade and commerce of, said county, or for exhibiting or advertising, for said purposes, the agricultural, horticultural, viticultural, mineral, industrial, commercial, climatic, educational, recreational, artistic, musical, cultural and other resources or advantages of the county; *and provided, however,* that if said rate of four cents will not raise five thousand dollars in any one year the boards of supervisors may appropriate from the general fund of the county an amount sufficient to make up the deficiency existing between the amount raised as the result of the four cent levy and five thousand dollars; *and provided, further,* that such tax shall be in addition to any tax which may now or hereafter be authorized to be levied for the purpose of creating a fund to be used as authorized under the provisions of section 4056b of this code; *and provided, further,* that nothing herein contained shall prevent any county from creating a bonded indebtedness under the provisions of section 4088 of the Political Code of California for the purpose of obtaining funds with which to build, construct or furnish an exposition building or buildings for exhibiting and advertising its resources. Advertising tax.

33a. To levy a special tax not to exceed five cents on the one hundred dollars of the assessed valuation of all property within the county, to be used for the erection of public comfort stations. Comfort stations.

34. To enforce, by ordinance, within the limits of their counties all such regulation concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as are not in conflict with general laws. Vehicles.

Franchises

35. To grant licenses and franchises for the construction, keeping and taking of tolls on roads, bridges, ferries, wharves, chutes, booms and piers, and to grant franchises along and over the public roads and highways for all lawful purposes, upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to prevent the least possible obstruction and inconvenience to the traveling public.

Tolls on public roads.

36. To grant, on such terms, conditions and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in their judgment the expense necessary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them. It shall always be a condition attached to the granting of such licenses and franchises, that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted; *provided*, that the provisions of any general law applicable to the granting of franchises by municipal corporations and counties throughout the state shall be complied with in the granting of any franchise by the board of supervisors.

Road building.

37. To enact ordinances and regulations for the construction, alteration, repair and control of all public roads and highways in the county, unless otherwise provided by law.

Road fund tax

38. To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the main public roads or county highways in the several road districts, in proportion to the amount collected from such districts; *provided*, that in addition to the tax mentioned in this subdivision the board of supervisors shall have the power and it shall be their duty, upon the petition of a majority of the property owners of any road district, to levy a special road fund tax not to exceed two mills on the one dollar of assessed valuation on all the property in such road district, to be expended in the maintenance of the public roads of such district. To levy a special sanitary tax, not to exceed one-half ($\frac{1}{2}$) mill on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be used to prevent the introduction of dangerous, infectious or communicable diseases and to eradicate them if introduced, and for the purpose of general sanitation.

Sanitary tax.

Tree planting

39. To encourage, under such regulations as they may adopt, the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living

tree thus planted, at the age of four years, a sum not exceeding one dollar.

39a. To assume and discharge such municipal functions of the cities and towns within the county as may be authorized by any county charter framed under the provisions of section 7½ of article XI of the constitution of the State of California. Municipal functions

40. To provide by ordinance for the organization and government of districts, to protect and preserve the banks of rivers and streams and lands lying contiguous thereto from injury by overflow or the washing thereof, and to provide for the improvement of said rivers and streams, and prevent the obstruction thereof, and to provide for the assessment, levy and collection within such districts of a tax therefor. Rivers.
To appropriate a sum not exceeding two cents per one hundred dollars of the assessed valuation of their county in any one year, in addition to any sum which may be chargeable to the county for the repayment of money expended by the state for protection against fire in such county, for the purpose of protecting forest, brush and grass lands therein, against fire or other injury, and of aiding the state and federal authorities in forestry work. Fire protection

40a. To provide for the sale, at not less than cost, of copies of such maps as may be prepared by the surveyor or engineer for the use of the assessor under the provisions of section 4218 of the Political Code of California, as may be deemed desirable by the board of supervisors. Maps.

40b. To appropriate and expend money from the general fund of the county for the construction of works, improvements, levees or checkdams to prevent the overflow and flooding of streams and rivers in the county, and to construct such works, improvements, levees or checkdams outside the county for said purposes upon streams or rivers which flow in or through more than one county. Levees.

40c. To levy a special tax which shall produce not to exceed two thousand five hundred dollars to be used for the purpose of compiling a war history of the county. War history

40d. To appropriate and expend money from the general fund of the county for the following purposes: Flood control.

(a) The construction of works, improvements, levees or check dams to prevent the overflow and flooding of streams and rivers in the county;

(b) The protection and reforestation of the water sheds of such streams and rivers;

(c) The conservation of the flood waters of such streams and rivers;

(d) The making of all surveys, maps and plats necessary to carry out any work, construction or improvement authorized by this subdivision;

(e) The carrying out of any work, construction or improvement authorized by this subdivision outside the county where such rivers or streams flow in or through more than one county.

Other acts

41. To do and to perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government.

Tree planting.

42. To plant shade and ornamental trees on the public roads and highways, and on or about the public grounds and buildings of the county and providing for the care of the same. The cost of the planting and caring for such trees to be paid for out of the county general fund.

Historical records, etc

43. To place in the custody and control of the county historical society or the trustees or other directors thereof, any records, landmarks or other property, real or personal of the county, having only historical value. Such trustees and directors shall at all times be appointed by such historical society with the consent and approval of the board of supervisors and shall receive no compensation from such county and such board of supervisors may prescribe whatever suitable or reasonable conditions that they see fit as a condition to the delivering of such property.

CHAPTER 390.

An act appropriating money to pay the claim of the cashier of the board of state harbor commissioners of San Francisco against the State of California.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

Appropriation: claim of cashier of harbor commissioners

SECTION 1. The sum of two thousand thirty-nine dollars and ninety-eight cents (\$2,039.98), is hereby appropriated out of any money in the San Francisco harbor improvement fund to pay the claim of the cashier of the board of state harbor commissioners of San Francisco against the State of California.

CHAPTER 391.

An act appropriating money to pay the claim of Earl Gates as executor of the last will and testament of P. H. Kerrigan deceased against the State of California.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

Appropriation claim of Earl Gates.

SECTION 1. The sum of six hundred thirty dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Earl Gates as executor of the last will and testament of P. H. Kerrigan deceased against the State of California.

CHAPTER 392.

An act appropriating money to pay the claim of H. Mortimer Smith against the State of California.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of four hundred ninety-six dollars and ninety-one cents is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of H. Mortimer Smith against the State of California.

Appropriation: claim of H. M. Smith.

CHAPTER 393.

An act appropriating money to pay the claim of W. W. Sharp, treasurer of the county of Lassen, against the State of California.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of two hundred thirty dollars is hereby appropriated out of any money in the state school land fund, to pay the claim of W. W. Sharp, treasurer of the county of Lassen, against the State of California.

Appropriation: claim of W. W. Sharp

CHAPTER 394.

An act to amend section two thousand three hundred twenty-two x sixteen of the Political Code, relating to the salaries of the county horticultural commissioner, deputies and inspectors in counties of the sixteenth class.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2322x16 of the Political Code is hereby amended to read as follows:

Stats 1925, p. 203, amended.

2322x16. In counties of the sixteenth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of 16th class: horticultural commissioner.

(a) Eight inspectors at a salary of one hundred and fifty dollars per month.

(b) Six inspectors at a compensation of six dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed eighteen thousand seven hundred and twenty dollars.

(c) One clerk at a monthly salary of one hundred twenty-five dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand five hundred dollars.

CHAPTER 395.

An act to amend section two thousand three hundred twenty-two x six of the Political Code, relating to salaries of the county horticultural commissioner, his deputies, inspectors, and clerks of the counties of the sixth class.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

Stats 1925,
p 198,
amended
Counties of
6th class
horticultural
commis-
sioner

SECTION 1. Section 2322x6 of the Political Code is hereby amended to read as follows:

2322x6. In counties of the sixth class, the commissioner shall receive a compensation of three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputies and inspectors to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) Two deputy county horticultural commissioners at a compensation of twenty-four hundred dollars each per annum.

(b) One clerk at a monthly salary of one hundred dollars during the time actually employed, but the aggregate amount which may be expended in one year for such clerk shall not exceed one thousand two hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one inspector at a monthly salary of one hundred sixty dollars, during the time actually employed, three inspectors at a monthly salary of one hundred fifty dollars each, during the time actually employed, but the aggregate amount which may be expended in one year for all such inspectors shall not exceed seven thousand three hundred twenty dollars.

CHAPTER 396.

An act making an appropriation to pay the claim of the county of Sacramento against the State of California.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of three thousand nine hundred twenty dollars and seventy-six cents to pay the claim of the county of Sacramento against the State of California.

Appropriation: claim of Sacramento county.

CHAPTER 397.

An act to amend section two thousand three hundred twenty-two x thirty-one of the Political Code, relating to the creation of deputies of the horticultural commissioner for the counties of the thirty-first class and the fixing of their salaries.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2322x31 of the Political Code is hereby amended to read as follows:

Stats 1925, p 209, amended.

2322x31. In counties of the thirty-first class, the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of 31st class: horticultural commissioner.

(a) Four inspectors at a compensation of five dollars per diem, each, during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand dollars per year.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of seventy-five dollars, during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed nine hundred dollars per year.

CHAPTER 398.

An act to amend section two thousand three hundred twenty-two x fifteen of the Political Code, relating to salary and compensation of horticultural commissioner in counties of the fifteenth class.

[Approved by the Governor May 9, 1927. In effect July 29, 1927.]

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

Stats 1925,
p 202,
amended
Counties of
15th class
horticultural
commis-
sioner.

SECTION 1. Section 2322x15 of the Political Code is hereby amended to read as follows:

2322x15. In counties of the fifteenth class the commissioner shall receive a salary of three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner, the following deputies, inspectors, bookkeepers and stenographers to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One superintendent of rodent control at a salary of two thousand one hundred dollars per annum.

(b) One deputy county horticultural commissioner at a salary of two thousand four hundred dollars per annum.

(c) The commissioner is also authorized and empowered to appoint not to exceed thirteen inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed and three inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be spent in any year for all such inspectors shall not exceed thirty thousand.

(d) The commissioner is also authorized and empowered to appoint not to exceed one bookkeeper at a monthly salary of one hundred fifty dollars per month during the time actually employed, but the aggregate amount which may be expended in any year for such bookkeeper shall not exceed one thousand eight hundred dollars.

(e) The commissioner is also authorized and empowered to appoint not to exceed one stenographer at a monthly salary of one hundred ten dollars per month during the time actually employed but the aggregate amount which may be expended in any year for such stenographer shall not exceed one thousand three hundred twenty dollars.

CHAPTER 399.

An act to amend section three of an act entitled "An act defining mattresses; regulating the making, remaking, and sale thereof; prohibiting the use of unsanitary and unhealthy materials therein; requiring that materials used

shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act," approved June 7, 1915, as amended, and to add two new sections thereto to be numbered three a and three b respectively, relating to licenses.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 3 of an act entitled "An act defining mattresses; regulating the making, remaking, and sale thereof; prohibiting the use of unsanitary and unhealthy materials therein; requiring that materials used shall be accurately described, and the percentage of materials used in each mattress stated, and prescribing the manner in which mattresses shall be labeled; and making the violation of any of the provisions of this act a misdemeanor, and repealing legislation inconsistent with this act," approved June 7, 1915, as amended, is hereby amended to read as follows:

Stats 1921,
p 1044,
amended.

Sec. 3. No person or corporation, by himself, or his agents, servants, or employees, shall directly or indirectly, at wholesale or retail, or otherwise, sell, offer for sale, deliver or consign, or have in his possession with intent to sell, deliver or consign, any mattress that shall not be plainly and indelibly stamped or printed thereon, or upon a muslin or linen tag, not smaller than three inches square, securely sewed to the covering thereof a statement, in the English language, setting forth the kind or kinds of materials used in filling the said mattress, and whether the materials are in whole or in part, new or old, or second-hand, or shoddy, and the name and address of the vendor or of the manufacturer, or the serial number of the manufacturer, which serial number shall be assigned by the state department of agriculture; also the quantity of such materials used, expressed in terms of avoirdupois weight; also size of same, expressed in linear measure, clearly indicating the length and breadth thereof, except that tags attached to comforters need state only the percentage of new material and (or) shoddy material, and that no sizes need be marked on same.

Labels on
mattresses.

SEC. 2. A new section is hereby added to said act approved June 7, 1915, as amended, to be numbered 3a and to read as follows:

Stats 1915,
p 1269,
amended.

Sec. 3a. Every person, firm or corporation manufacturing or selling at wholesale any of the above articles shall obtain annually from the state department of agriculture a license for which the annual fee shall be thirty dollars.

Licenses

Every person, firm or corporation renovating, making over, or sterilizing any of the above articles, unless licensed under

the preceding paragraph of this section, shall obtain annually from the state department of agriculture a license for which the annual fee shall be twenty dollars.

Every person, firm or corporation selling or offering for sale at retail any of the above articles, unless licensed under one of the preceding paragraphs of this section, shall obtain annually from the state department of agriculture a license for which the annual fee shall be five dollars.

Stats 1915,
p. 1269,
amended.

SEC. 3. A new section is hereby added to said act approved June 7, 1915, as amended, to be numbered 3*b* and to read as follows:

Disposition
of receipts.

Sec. 3*b*. All moneys collected under the provisions of this act shall be credited to the "division of weights and measures fund," which fund is hereby created, and shall be held subject to the uses of the department of agriculture for the purpose of carrying out the provisions of this act.

CHAPTER 400.

An act to create a commission to codify laws relating to the public schools of the State of California and making an appropriation therefor.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

School code
commission

SECTION 1. A commission is hereby created to be known as the California school code commission. Said commission shall consist of the superintendent of public instruction, the attorney general, the chief of the legislative counsel bureau, and (a) a county superintendent of schools, and (b) a city superintendent of schools, appointed by the governor.

The members of such commission shall serve without compensation.

Code to be
submitted

SEC. 2. It shall be the duty of the commission hereby created to recommend to the California Legislature within ten days after the convening of the forty-eighth session in the year 1929 an act codifying the laws of the State of California then in effect relating to the establishment, control, administration, support and all other concerns of the public school system of the state.

Organization
meeting.

SEC. 3. Within ten days after this act becomes effective the commission hereby created shall hold its first meeting and organize by the election of a chairman from among its members.

Appropriation.

SEC. 4. The sum of four thousand dollars, or as much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended in accordance with law, for the employment of expert

and other assistants, clerical help and the payment of actual and necessary expenses incurred to accomplish the purposes hereinbefore set forth.

CHAPTER 401.

An act to add a new section to the Political Code to be numbered one thousand six hundred seven f, relating to the powers and duties of boards of trustees and city boards of education and authorizing such boards to establish, equip and maintain buildings to house employees of the school district.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section numbered 1607f is hereby New section. added to the Political Code, to read as follows:

1607f. Boards of school trustees and city boards of education shall have power and it shall be their duty, whenever in their judgment it is advisable to do so, to construct or purchase, equip and maintain a building or buildings for housing employees of the district. The use of such buildings for housing employees of the district shall be on a rental basis or as a part of the compensation allowed to such employees. Housing of employees.

CHAPTER 402.

An act to amend section seven hundred fifty-eight of the Political Code, relating to salaries of employees of the district courts of appeal.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 758 of the Political Code is hereby Stats. 1921, p. 1661, amended amended to read as follows:

758. The third district court of appeal may employ and appoint the following officers of the court, whose salaries shall be as follows: One clerk at four thousand dollars per annum; one deputy clerk at three thousand dollars per annum; one phonographic reporter as provided in section 759, and one bailiff at two thousand four hundred dollars per annum. Employees of courts of appeal

Each of the first and second district courts of appeal may appoint the following officers of their respective courts whose salaries shall be as follows: One clerk at four thousand dollars per annum; two deputy clerks at three thousand dollars each per annum; two phonographic reporters as provided in

section 759; and two bailiffs at two thousand four hundred dollars each per annum; one deputy clerk, one phonographic reporter and one bailiff to be assigned to each division of this court.

CHAPTER 403.

An act to amend sections two thousand one hundred forty-five, two thousand one hundred fifty-three a, two thousand one hundred eighty-seven, two thousand one hundred eighty-nine, two thousand ninety, two thousand one hundred ninety-one, and two thousand one hundred ninety-two of the Political Code, relating to the department of institutions.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

Stats. 1915,
p 64,
amended.
State
hospitals
for insane.

SECTION 1. Section 2145 of the Political Code is hereby amended to read as follows:

2145. There are established the following state hospitals, which are declared to be corporations:

1. The Stockton State Hospital at the city of Stockton, formerly known as the Stockton State Insane Asylum at Stockton;

2. Napa State Hospital, near the city of Napa, hitherto known as the Napa State Asylum for the Insane at Napa;

3. Agnews State Hospital, near the city of San Jose, formerly known as the State Insane Asylum at Agnews;

4. Mendocino State Hospital, near the city of Ukiah, hitherto known as the Mendocino State Insane Asylum at Ukiah;

5. Patton State Hospital, near the city of San Bernardino, hitherto known as the Southern California State Hospital.

6. Norwalk State Hospital, near Norwalk, Los Angeles county. Said state hospitals being for the care and treatment of the insane.

Feeble-
minded
children

7. The California Home for the Care and Training of Feeble-minded children, at Eldridge, Sonoma county, which shall hereafter be known and designated as the Sonoma State Home. The object of said home is such care, training and education of those received, as will render them more comfortable and happy and better fitted to care for and support themselves. To this end the home must furnish them with such agricultural and mechanical education as they may be capable of receiving and all that the facilities offered by the state will allow, including farm work, shops, and the employment of trade teachers. The hospital must, on the conditions in this act prescribed, receive and care for feeble-minded persons, imbeciles, idiots, and epileptics who are not insane.

SEC. 2. Section 2153a of the Political Code is hereby amended to read as follows:

Stats 1925
p 27,
amended
Appoint-
ments by
medical
superin-
tendents.

2153a. The medical superintendent of each hospital must appoint, in accordance with law, the following persons:

1. A supervisor, matron, business manager, and all employees, who shall be subject to such examination as he deems for the best interest of the hospital;

2. Such assistant physicians and internes as may be determined by the commission. Such assistant physicians and internes must be graduates of incorporated medical colleges, well educated in their profession, who have received a certificate from the state board of medical examiners, and of good moral character;

3. The first assistant physician must have had two years' actual experience in the care and treatment of the insane;

4. Whenever an additional assistant physician is appointed in any state hospital for the care and treatment of the insane or in the Sonoma State Home, the appointment of such additional assistant shall be so made that at least one physician in each of said hospitals and said home shall be a woman;

Women
physicians

5. No appointment of any person as first, second, or other assistant physician or interne shall be effective for any purpose unless such person shall pass or has passed an examination touching his qualifications for such position in all the different branches of medicine and surgery, and especially of diseases affecting the mind and nervous system. The passing of an examination for a given position in any state hospital shall qualify any person for a similar position in any other state hospital;

Examina-
tions.

6. The medical superintendent must: Give such orders and instructions as he may deem best calculated to insure good conduct, fidelity, and economy in every department of labor and expenses;

Orders

7. Maintain salutary discipline among all who are employed in the institution, and enforce strict compliance with his instructions and uniform obedience to all rules and regulations of the hospital;

Discipline

8. Cause full and fair accounts and records of the entire business and operations of the hospital to be kept regularly, from day to day, in books or form provided for that purpose;

Records.

9. See that all such accounts and records are fully up to the last day of June in each year, and that the principal facts and results, with his report thereon, are presented to the managers within thirty days thereafter, who must incorporate them in their report to the commission;

10. Keep a book, in which he must cause to be entered at the time of reception of any patient, his name, residence, and occupation, and the date of such reception, by whom brought and by what authority, and on whose petition committed, and an abstract of all orders, warrants, requests, petitions, certificates, and other papers accompanying such person.

Stats 1917,
p 275,
amended
Transfer of
patients to
another state
hospital

SEC. 3. Section 2187 of the Political Code is hereby amended to read as follows:

2187. 1. When the building of any state hospital becomes overcrowded with patients or inmates, or the number of buildings is reduced by fire, or other casualties, or for other sufficient cause, the department of institutions may, in its discretion, cause the transfer of patients or inmates therefrom or direct that patients or inmates required to be sent thereto, be transferred to another state hospital, where they can be conveniently received, or make, in emergencies, temporary provision for their care, preference to be given in such transfer to a hospital in an adjoining rather than a remote district. The expense of such transfer is chargeable to the state, and the bills for the same, when approved by the director of institutions, must be paid by the treasurer of state on the warrant of the controller, out of any moneys provided for the care or support of the insane.

Transfer at
request of
relatives.

2. Patients may be transferred at the request of relatives or friends; *provided*, there is room in the hospital to which transfer is sought, but in case of transfers made as last provided the expense of such transfers shall be paid by such relatives or friends; *provided, further*, that transfers as last provided, shall not be made unless the consent of the department of institutions and the medical superintendents of the hospitals from which and to which said transfer is to be made be obtained.

Transfer
from home
for feeble-
minded to
hospital

3. The department of institutions, when it deems it necessary, may transfer any inmate of the home for feeble-minded for care and treatment to a state hospital for the insane for care and treatment therein and the counties, guardian, relatives or friends of such inmate shall be liable for his care, support and maintenance in said hospital for the insane to the same extent as if the said patient were still an inmate of said home, and payment for such care, support and maintenance shall be paid direct to such state hospital for the insane. The department of institutions, when it deems it necessary, may transfer any patient in any state hospital for the insane to the said home for care and treatment therein. The estate, relatives or friends of such patient, or the county from which such patient was originally committed, shall be liable for the care, support, and maintenance of such patient at the said home in the same manner and to the same extent as if the said patient had been originally committed to the said home at the date of such transfer.

Stats 1915,
p 568,
amended.
Discharge
of patients

SEC. 4. Section 2189 of the Political Code is hereby amended to read as follows:

2189. The superintendent of a state hospital on filing his written certificate with the director of institutions may discharge any patient, except one held upon an order of a court or judge having criminal jurisdiction in an action or

proceeding arising out of a criminal action or proceeding arising out of a criminal offense, at any time, as follows:

1. A patient who, in his judgment, has recovered.

2. Any patient who is not recovered, but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient. The medical superintendent may, when he deems it advisable, refuse to discharge any patient as improved, unless the guardian, friends or relatives of such patient shall satisfy such medical superintendent that they are financially able and willing to properly care for such patient after his discharge. When the superintendent is unwilling to certify to the discharge of an unrecovered patient, upon request, and so certifies in writing, giving his reasons therefor, any superior judge of the county in which the hospital is situated may, upon such certificate, and an opportunity of a hearing thereon being accorded the superintendent, and upon other proofs as may be produced before him, direct, by order, the discharge of such patient, upon such security to the people of the state as he may require for the good behavior and maintenance of the patient. The certificate and the proof, and the order granted thereon, must be filed in the clerk's office of the county in which the hospital is situated, and a certified copy of the order in the hospital from which the patient is discharged.

3. The superintendent may grant a parole to a patient Parole. under general conditions prescribed by the department of institutions.

4. A patient committed to a hospital under the provisions of chapter 6, title X, part II, of the Penal Code, must, upon the certificate of the superintendent that such person has recovered, approved by the superior judge of the county from which the patient was committed, be redelivered to the sheriff of such county, and dealt with as provided for by said chapter 6 of the Penal Code. Patient charged with crime

5. The medical superintendent of a state hospital may on his own motion and must on the order of the department of institutions discharge any patient who is not insane, or because he is not a proper case for treatment therein, or because such patient is a case of idiocy, imbecility, chronic harmless mental unsoundness or acute mania a potu. Such person, when discharged, shall be returned to the county from which he was committed at the expense of said county. When such person is a poor and indigent person he shall be delivered to the sheriff of the county who must take the necessary steps for the care of such person. When such person is a poor and indigent person he shall be cared for by such county as are other indigent poor. When any person is discharged from any state hospital as is last herein provided he shall not be again committed to any state hospital for the insane unless permission for such recommitment be first obtained from the Patients not insane
Poor persons

medical superintendent thereof. Such medical superintendent shall refuse to receive such person on such recommitment unless such permission is obtained as herein provided.

Certificate
of discharge

6. When any person is discharged as recovered from a state hospital a copy of the certificate of discharge duly certified by the director of institutions may be filed for record with the clerk of the superior court of the county from which said person was committed. The clerk shall record the same in a book kept for that purpose and shall keep an index thereof. No fees shall be charged by the clerk for performing such duties. Such certified copy of such certificate and the record of the same shall have the same legal effect as the original, and if no guardian has been appointed for such person as provided by sections 1763 and 1764 of the Code of Civil Procedure, such certificate, duly certified copies thereof and such record thereof shall have the same legal force and effect as a judgment of restoration to capacity made under the provisions of section 1766 of the Code of Civil Procedure. The term patient as used in this section shall be regarded as referring to and including inmates of the home for the feeble-minded.

Application
to be de-
clared sane

7. Whenever any person duly adjudged to be insane has been duly committed to a state hospital for the insane under the provisions of any law of this state, and for whom no guardian has been appointed, and who is absent from the hospital to which he was committed or transferred under the order of commitment, on parole or leave of absence granted by the medical superintendent thereof, or who has been discharged therefrom as improved by said superintendent as provided by this section, is desirous of being declared sane and restored to legal capacity, said insane person or a relative or friend on his behalf may make application in writing to said medical superintendent to be declared sane. On receiving such application, said medical superintendent may make such examination of such person and require such proof as he may reasonably deem necessary to determine whether or not such person is sane. For the purpose of making such examination said superintendent may also require said person to present himself at the hospital for examination. If on making such examination and receiving such proofs as he deems reasonably necessary said medical superintendent shall be satisfied that said person is sane and has recovered his reason, said medical superintendent shall issue to said person his certificate that such person is sane, and recovered and restored to reason. Two copies thereof, duly certified, shall be immediately forwarded to the department of institutions, who shall file one copy in their office and a duly certified copy with the county clerk of the county from whence said person was committed and such certified copy and the record thereof shall have the same legal effect as provided in subdivision 6 of this section. A

copy thereof shall also be filed at said hospital and a proper record made thereof.

8. If said medical superintendent is unwilling or refuses, however, to issue a certificate of recovery upon application as in this section provided, he shall so certify in writing, giving his reasons therefor, and said insane person or a relative or friend in his behalf may make application by petition duly verified to a judge of the superior court of the county where such insane person resides to be declared sane. Notice of the hearing of said application shall be given in the manner directed by a judge of said court, to said medical superintendent, and to such relative or relatives of such insane person residing in the county as the judge may direct, who may have opportunity to appear and be heard on the hearing of said application. Such hearing shall be conducted as are civil cases, and on demand of the petitioner the question of the insanity of such person may be tried by a jury, as in civil cases. If on the hearing of said application the court is satisfied from the proofs produced or if a jury trial is had, and the jury shall render a verdict that such person is sane, the court shall by order adjudge such person to be sane. Said order shall be filed and recorded in the office of the county clerk and certified copies thereof shall be sent by said clerk and filed with the state commission in lunacy and also with the superintendent of the hospital from which said insane person was paroled, granted leave of absence or discharged as improved. If said matter is tried by a jury the cause against said insane person shall be represented by the district attorney of the county. From a decision of the court or verdict of the jury finding the said person insane an appeal may be taken as in civil cases. If three-fourths of the jury fail to declare said person sane, or the court or the jury shall find such person to be insane, said proceeding shall be dismissed and no new application to declare such person sane shall be made for six months thereafter.

9. Whenever any person who has been adjudged to be insane, who has not been committed to a state hospital for the insane, and who has no guardian, is desirous of being declared sane and restored to legal capacity, said insane person or a relative or friend on his behalf may, by petition duly verified, make application to a judge of the superior court where he resides to be declared sane; said judge shall fix a time for the hearing of said application, and he may, by order, direct that notice of said hearing be given in the manner and to such relative or relatives of said person residing in the county where such application is made, as the judge may direct, who shall have opportunity to appear and be heard at said hearing. Such hearing shall be conducted as are civil cases, and on demand by the petitioner may be tried before a jury as are civil cases. If on said hearing the decision of the court or the verdict of the jury is that such person is insane, an appeal

Superintendent unwilling to issue certificate

Hearing by superior court

may be taken to the supreme court as in civil cases. If the court shall decide or the jury shall render a verdict declaring said person to be sane, the court shall make an order declaring said person to be sane. If three-fourths of the jury fail to unite in a verdict, or the court or jury shall decide that such person is insane, such proceeding shall be dismissed, and no new application to have such person declared sane shall be made for six months thereafter.

Bond covering costs.

10. Before any order is made or any proceedings are taken for a trial by jury, the person demanding the same shall make a deposit, or give a bond, to be approved by a judge of the superior court where proceedings are had for the payment of all costs of such trial, unless, in the opinion of said judge, the insane person in whose behalf said trial is demanded is a poor or indigent person.

Certificate of recovery.

The certificate of recovery by the medical superintendent, the order of the judge or the verdict of a jury and the order of the judge as in this section provided, shall have the same legal effect as a discharge as recovered, and shall be prima facie evidence of the sanity of such person.

SEC. 5. Section 2190 of the Political Code is hereby amended to read as follows:

2190. No patient or inmate must be discharged or paroled from a state hospital without suitable clothing adapted to the season in which he is discharged; and, if it can not otherwise be obtained, the superintendent with the approval of the director of institutions shall furnish the same and money, not exceeding twenty-five dollars, to defray his necessary expenses until he can reach his relatives or friends, or find employment to earn a subsistence.

Stats 1923,
p. 160,
amended

Deportation
of alien
and non-
resident
public
charges.

SEC. 6. Section 2191 of the Political Code is hereby amended to read as follows:

2191. It shall be the duty of the department of institutions to cooperate with the United States bureau of immigration in arranging for the deportation of all aliens who are now confined in or may be hereafter admitted or committed to any state hospital, Whittier State School, Preston School of Industry or Ventura School for Girls.

The department of institutions shall also return all non-resident persons who are now confined in or may be hereafter admitted or committed to any state hospital. Whittier State School, Preston School of Industry or Ventura School for Girls, to the state or states in which they may have a legal residence. For the purpose of facilitating the return of such persons the said department of institutions may enter into reciprocal agreements with the proper boards, commissions, or officers of other states for the mutual exchange of such persons now confined in or hereafter admitted or committed to any state hospital in one state whose legal residence is in the other, and it is authorized and empowered to give written permission for the return of any resident or residents of

California now confined in a public institution in another state, corresponding to any institution coming within the definition of state hospitals for the insane.

A person shall be deemed to be a resident of this state within ^{"Resident."} the meaning of this act who shall have lived continuously in the state for a period of one year and who has not acquired a residence in another state by living continuously therein for at least one year subsequent to his residence in this state; *provided, however*, that the time spent in a public institution or on parole therefrom shall not be counted in determining the matter of residence in this or another state. In determining the residence of a minor inmate of the Whittier State School, Preston School of Industry and Ventura School for Girls, due consideration shall be given to the residence of the parents of said inmate, and if either one or both parents of said minor inmate are residents of California the inmate shall also be deemed a resident of California.

All expenses incurred in returning such persons to another state shall be paid by the State of California, but the expense of returning residents of this state shall be borne by the state making the return. ^{Expense of deportation}

The cost and expense incurred in effecting the transportation of such persons shall be paid from the funds appropriated for that purpose, or from the money appropriated for the care of the insane, or incompetent and delinquent, as may be necessary, upon vouchers approved by the state board of control.

SEC. 7. Section 2192 of the Political Code is hereby amended to read as follows:

2192. Whenever any parent, guardian, or other person charged with the support of an imbecile or feeble-minded person, or any idiot, or epileptic who is not insane, desires him to be admitted into the home for feeble-minded, he may petition the superior court of the county in which he resides, for an order admitting such person to such hospital; *provided*, that any probation officer or district attorney may petition said court for an order admitting such a person to such hospital. Whenever such petition is filed by a probation officer or district attorney, the court shall require such notice of the hearing of said petition to be given to any parent, guardian, or other person charged with the support of said imbecile, or feeble-minded person, or idiot, or epileptic mentioned in said petition, as the court may deem proper; *provided, however*, that in all cases the court shall require due notice of the hearing to be given to the alleged incompetent. ^{Stats 1923, p 84, amended. Commitment of incompetents other than insane persons}

The judge must inquire into the condition or status of such person, and if he finds him to be an imbecile, feeble-minded person, idiot or epileptic, and that he has been a resident of the state for one year next preceding the presentation of the petition, such judge must make an order that he be received, maintained, and educated in such hospital, and on the presentation of such order the superintendent must receive him

therein, if the hospital is not already full, or the fund available for its support exhausted; but the imbecile, feeble-minded person, idiot, or epileptic, need not be received if, in the judgment of the management of the hospital or the department of institutions, he is not a suitable subject for admission thereto.

Financial
condition
of parent
or guardian.

The judge must inquire into the financial condition of the parent, guardian, or other person charged with the support of any such person, and if he finds him able, in whole or in part, to pay his expenses at such hospital, he must make a further order requiring such parent, guardian, or other person charged with the support of such person to pay to the hospital at stated periods such sums as, in the opinion of the judge, are proper during such time as the person may remain in such hospital. This order may be enforced by such further orders as the judge deems necessary, and may be varied, altered, or revoked in his discretion, and the superintendent may, with the approval of the department of institutions, cause the peremptory discharge of any person who has been an inmate or patient for the period of one month. For each child or other person committed to such home there shall be paid by the county from which he is committed to the state treasury the sum of twenty dollars monthly for and during each month, or part of month, such person so committed remains an inmate of the hospital, in case the payments herein provided to be made by the parent, guardian, or other person charged with the support of any such person shall not be made.

Peremptory
discharge.

Payments
by county.

CHAPTER 404.

An act to add a new section to the Political Code, to be numbered section four thousand fifty-six c, relating to the power of boards of supervisors to establish and maintain public airports within their respective counties.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

New section

SECTION 1. A new section is hereby added to the Political Code, to be numbered 4056c and to read as follows:

Airports.

4056c. The boards of supervisors of the several counties are hereby authorized and empowered, as a necessary adjunct to aerial transportation and the use of aerial highways, to provide and maintain public airports and landing places for aerial traffic for the use of the public. In furtherance of such purposes such boards of supervisors shall have jurisdiction and power:

(a) To acquire, by purchase, condemnation, donation, lease or otherwise, real or personal property, either within or without the incorporated territory of municipalities, necessary for such purposes, and to improve, construct or reconstruct, lease,

furnish or refurnish, use, repair, maintain and control the same, including any and all buildings, structures, lighting equipment, and all other equipment and facilities necessary to such use.

(b) To provide all necessary custodians, employees, attendants and supplies for the proper maintenance of the said property for the purposes specified herein.

(c) To levy in any year a special tax not to exceed three mills on the one dollar of assessed valuation on all the taxable property in the county, such tax to be in addition to all other taxes provided for and the fund so created to be expended for the purposes specified herein.

(d) To establish a fund or funds for such purposes, and to appropriate and transfer from the general fund to such fund or funds, from time to time, such moneys as the board may deem necessary.

(e) To incur, in the manner provided by law, a bonded indebtedness on behalf of the county for any of the purposes herein specified.

CHAPTER 405.

An act to regulate the manufacture and sale of upholstered furniture; providing for the labeling of the same, providing for the licensing of persons manufacturing, selling, or repairing upholstered furniture; and creating the upholstered furniture inspection fund.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. No person shall, at wholesale, or retail, or otherwise, directly or indirectly, make, sell, offer or expose for sale, deliver, rent, consign, lease or otherwise dispose of commercially, or have in his possession with such intent, any article of new upholstered furniture, for use in any household or place of abode, or which can be used by human beings, that is made of any new material which is hidden or concealed by fabric or any other covering, unless such article is plainly and indelibly stamped or tagged with a tag prescribed and approved by the state department of agriculture, which tag shall be securely attached to the article at the factory setting forth in the English language the name of the vendor together with the serial number of the manufacturer, which serial number shall be assigned by the department of agriculture, together with a statement that the concealed materials are in whole new materials, with the words as a heading on the tag "All new material" with blank space to stamp or write that pillows or cushions belonging to or forming part of said article are included; *provided*, that nothing in this act shall apply to pillows as defined by section 402^f

of the Penal Code, and provided also that nothing in this act shall apply to mattresses as defined by an act approved June 7, 1915, as amended, chapter 641, statutes 1915.

Use of
second-hand
material
to be
indicated

SEC. 2. No person shall, at wholesale, or retail or otherwise, directly or indirectly, make, sell, offer for sale, deliver, rent, consign, lease or otherwise dispose of commercially, or have in his possession with such intent, any article of new upholstered furniture that contains in whole or in part any used or second-hand materials, cast off clothing, rags, jute, burlap, sweepings, shoddy, webbing, refuse, or any material previously used for any purpose whatsoever, that is hidden or concealed by fabric or any other covering unless such article is plainly and indelibly stamped or tagged with a tag prescribed and approved by the state department of agriculture, which tag shall be securely attached to the article at the factory, setting forth in the English language the name of the vendor together with the serial number of the manufacturer, which serial number shall be assigned by the department of agriculture, and setting forth description of the kind or kinds of used or second-hand materials concealed therein, with the words as a heading on the tag "Second-hand material" and a statement that said used or second-hand materials have been sterilized in accordance with the requirements of the state board of health.

Furniture
manufactured
out
of state

SEC. 3. No person shall sell, or offer for sale in this state, any article of upholstered furniture manufactured out of this state unless a label is affixed thereto setting forth that such article complies with the laws of this state.

Removal or
defacement
of tags

SEC. 4. Any person who shall remove, deface, alter, or in any manner attempt the same or shall cause to be removed, defaced, or altered, any mark or statement placed upon any upholstered furniture under the provisions of this act shall be guilty of a violation of this act.

Licenses

SEC. 5. Every person, firm or corporation manufacturing or selling at wholesale upholstered furniture shall obtain annually from the state department of agriculture a license for which the annual fee shall be thirty dollars.

Every person, firm or corporation repairing upholstered furniture, unless licensed under the preceding paragraph of this section, shall obtain annually from the state department of agriculture a license for which the annual fee shall be twenty dollars.

Every person, firm or corporation selling or offering for sale at retail any upholstered furniture, unless licensed under one of the preceding paragraphs of this section, shall obtain annually from the state department of agriculture a license for which the annual fee shall be five dollars.

Fund

SEC. 6. All moneys collected under the provisions of this act shall be credited to the upholstered furniture inspection fund, which fund is hereby created, and shall be held subject

to the uses of the department of agriculture for the purpose of carrying out the provisions of this act.

SEC. 7. The director of the department of agriculture, or his authorized deputy or inspector, shall have access to any records held by any person containing any information pertaining to the article or material in question. Access to records.

SEC. 8. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished for each separate offense by a fine of not less than fifty dollars or more than five hundred dollars or by imprisonment in the county jail of not more than six months, or by both such fine and imprisonment. The unit for a separate and distinct offense in violation of this act shall be each and every article of upholstered furniture manufactured or sold in violation of this act. Penalties

SEC. 9. The word "person." as used in this act, shall be deemed to include person, firm or corporation. "Person"

SEC. 10. All acts or parts of acts inconsistent herewith are hereby repealed. Repealed

CHAPTER 406.

An act to add a new section to article two of chapter three of title one of part three of the Political Code to be numbered three hundred sixty-two g, relating to the establishment of a division of school planning in the state department of education and making an appropriation therefor.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section, to be numbered 362g, is hereby added to article II of chapter III of title I of part III of the Political Code, to read as follows: New section

362g. First—The department of education shall have power and it shall be its duty: Planning of school buildings.

(a) To establish standards for schools buildings.

(b) To review plans and specifications for all school buildings to be erected outside of incorporated cities which have building codes.

(c) To approve plans and specifications submitted by governing boards of school districts, and to return without approval and with recommendation for changes any plans not conforming to established standards.

(d) To make all necessary provisions whereby governing boards of school districts or architects engaged by them may procure by purchase or otherwise copies of standard specifications, plans, and building codes prepared by the department.

(e) To make upon request of the governing board of any school district, except a city board of education, a survey of the buildings of the district, to advise such governing board

concerning such building needs, and to suggest plans for financing a building program to meet such needs.

(f) To employ such experts, and such clerical and stenographic assistants as may be required for expediting and checking and approving of plans and specifications.

(g) To establish and make all rules and regulations needed for expeditious handling of the work of a division of school-house planning, which is hereby created to carry out the purposes of this section.

Submission
and approval
of plans.

Second—It shall be the duty of the governing board of each school district, subject to the provisions of this section, before letting any contract involving five thousand dollars or more for the erection of any new school buildings, or for any addition to, or alteration of, an existing school building to submit plans therefor to the state department of education and to obtain the written approval of such plans by the state department of education. No contract for building made by any governing board of a school district contrary to the provisions of this section shall be valid, nor shall any public moneys be paid for erecting, adding to, or altering any school building in contravention of the provisions of this section.

Appropriation

SEC. 2. The sum of twenty thousand dollars is hereby appropriated out of any moneys belonging to the state not otherwise appropriated to defray the expenses of the state department of education in carrying out the provisions of this act during the seventy-ninth and eightieth fiscal years.

CHAPTER 407.

An act creating the California crime commission, defining its duties, and making appropriation for its expenses.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

Crime
commission.

SECTION 1. There is hereby created a commission to be known as the California crime commission.

Members

SEC. 2. Said commission shall consist of a chairman and six other members, all to be appointed by the governor of California, and to hold office at his pleasure.

Duties.

SEC. 3. It shall be the duty of the California crime commission to make a study of the entire subject of crime, with particular reference to conditions in the State of California, including causes of crime, possible methods of prevention of crime, methods of detection of crime and apprehension of criminals, methods of prosecution of persons accused of crime, the entire subject of penology, and, generally, to make a survey of the entire field of crime, and to report its findings, its conclusions and recommendations to the governor and the Legislature of California, which will convene in the year 1929.

SEC. 4. The salary of the chairman and the salary of the secretary of said commission shall be fixed by the commission with the approval of the department of finance. The other members of such commission shall serve without salary, but all members of said commission shall be entitled to their expenses incurred in the performance of their duties. Compensation

SEC. 5. Said commission shall have power and authority to employ such expert and other assistance as in its judgment shall be necessary to the proper performance of its duties. Employees

SEC. 6. There is hereby appropriated out of the general funds in the treasury of the State of California the sum of twenty thousand dollars for the expenses of said commission. Appropriation.

CHAPTER 408.

An act to amend section one thousand seven hundred thirty-four c of the Political Code, relating to schools.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1734c of the Political Code is hereby amended to read as follows: Stats 1923,
p 265,
amended

1734c. Except as otherwise provided by law, the boundaries of a high school district shall be changed only between the first day of October and the tenth day of February in any year. Boundary changes.

When two-thirds of the heads of families residing in any elementary school district which is a part of any high school district and the nearest part of which is more than six miles by traveled road from the high school building of said high school district, as shown by the affidavit of one or more of the petitioners, shall present to the county superintendent of schools having jurisdiction over such high school district, a petition asking that such elementary school district be excluded from such high school district and annexed to a contiguous high school district, accompanied by an agreement signed by the high school board of the high school district to which annexation is sought, agreeing to such annexation; such superintendent of schools shall, after verification of the signatures thereto and finding them sufficient, transmit such petition and agreement with or without his recommendation thereon, to the board of supervisors of the county in which such elementary school district is situated. Transfer of elementary school district to another high school district

If, by the exclusion of the elementary school district, the assessed valuation of the property of the high school district would be less than five million dollars, except, where an elementary school district has become severed from the other districts comprising the high school district, or if by the exclusion of the elementary school district the outstanding bonded indebtedness of the district would exceed five per cent Election.

of the value of the taxable property remaining in the district, said board of supervisors shall refuse to call an election for the purpose of determining whether said elementary school district shall be excluded. Otherwise, said board of supervisors may, in its discretion, within thirty days after receipt of the petition and agreement, call an election in the district so petitioning, and shall appoint three qualified electors of the district to conduct the election. Said election shall be held at the public schoolhouse of the district petitioning and shall be called by posting notice at least fifteen days before the election in three public places in the district, one of which shall be at the public schoolhouse, if there be such in the district; said board shall also publish the notice once a week for two weeks in a newspaper published in the district, or, if there be none such, in a newspaper in general circulation in the district.

Conduct of
election

Said election shall be conducted by officers appointed for that purpose in the manner provided by law for conducting school elections; the ballots at such election shall contain the words "For exclusion from ----- high school district and annexation to ----- high school district"; the name of the high school district from which exclusion is sought and the name of the high school district to which annexation is desired must be printed on the ballot, whereon the elector shall stamp or make a cross after the word "yes" or the word "no," also printed on said ballot.

Canvass
of vote

It shall be the duty of said election officers to canvass the vote of said election and report the result to the said board of supervisors within five days subsequent to the holding of said election.

Transfer
unless
protested

If two-thirds of the votes cast at such election shall be in favor of such exclusion and annexation, said board of supervisors shall, within fifteen days after receiving such notice, notify the high school board of the high school district of the result of such election, and if said high school board does not protest the exclusion of such district from the high school district, within thirty days after receiving notice, the board of supervisors shall exclude said territory from said high school district and annex it to the contiguous high school district, as provided in said election; however, should the high school board of said high school district protest such exclusion and annexation, the board of supervisors shall notify the superintendent of public instruction of the election and its result, and of the protest of the high school board, whereupon the superintendent of public instruction shall create a board of review composed of three county superintendents of schools of counties not contiguous to the county or counties in which is located the high school district from which the elementary school desires separation.

Hearing
of protest

Said board of review shall, upon a date set by the superintendent of public instruction, survey the situation and conduct a public hearing on the question as to whether or not the

elementary school district shall be excluded from the local high school district and annexed to a contiguous high school district. Said hearing shall be held at the high school building of the high school district to which the territory desiring exclusion at the time belongs; and said hearing shall be conducted under such rules of procedure as may be prescribed by such board of review, which may, in its discretion, require any or all evidence and information to be submitted under oath administered by a member of the board.

The superintendent of public instruction shall notify the county superintendents concerned and said county superintendents shall notify the interested high and elementary school boards, of the date of the inspection and the date and place of the public hearing, and shall give publicity to said meeting by printing an announcement of the same in a newspaper published in the high school district, or, if there be none such, in a newspaper in general circulation in said district. Notice of hearing.

In arriving at its conclusion, the board of review shall take into consideration the present and future effect on public welfare only, and said board shall, before it adjourns, recommend in writing to the board of supervisors either that the petition of the elementary school district be granted, or, if it so decrees, that it shall be denied. Recommendation.

The board of supervisors must, within fifteen days thereafter, act in accordance with the recommendations contained therein, entering upon its minutes an order excluding the territory of said elementary school district from the high school district and annexing it to the contiguous high school district, if such be the recommendation of the board of review; or an order denying exclusion and annexation of said elementary school district, if such be the recommendation of the board of review. Supervisors to act

A certified copy of the order of the board of supervisors shall be entered by its clerk in his record of high school districts, and he shall also send copies thereof to the county clerks of each county in which any part of such elementary school district or high school district is situated; and they shall also enter it in their records of high school districts; *provided, however,* that the district so withdrawing shall not be released from responsibility for any of the bonded indebtedness incurred while it was a part of the high school district from which it has withdrawn. Record

Superintendents of schools are hereby authorized and required by law to perform the duties prescribed herein. The high school board of any high school district wherein the superintendent of public instruction has ordered a review of the petition of an elementary school district to be excluded from said high school district and annexed to a contiguous high school district, is hereby authorized and required to pay the actual and necessary traveling expenses of the members of the board of review, provided for in this section. Duties of school officers.

CHAPTER 409.

An act to provide for the maintenance of schools for the children of migratory laborers engaged in seasonal industries in the rural districts of the state and making an appropriation therefor, and creating a revolving fund and providing for the apportionment of school funds.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

Classes for
children of
migratory
laborers.

SECTION 1. It shall be the duty of the superintendent of public instruction to encourage and superintend the organization of special classes of elementary grade for the education of children of migratory laborers engaged in seasonal industries in the rural districts of this state. Out of funds hereinafter appropriated the superintendent of public instruction is authorized to apportion, to such counties of the state, as in his judgment require the maintenance of special classes for the children of migratory laborers engaged in seasonal industries, such sums of money as may be necessary, not to exceed seventy-five dollars a month for each teacher employed in teaching such children of migratory laborers; *provided*, that no such apportionment shall be made unless the county superintendent of schools of the county in which such teaching is being conducted shall have set aside for the maintenance of such teaching, out of the unapportioned school funds of such county, an amount equal to that apportioned therefor by the state. The superintendent of public instruction shall make such regulations and establish such conditions as he may deem necessary for the apportionment of such funds to the several districts maintaining such classes. The county superintendent of schools is authorized to apportion out of the unapportioned county school funds to the districts maintaining such classes, an amount not to exceed seventy-five dollars a month for each teacher employed in such work, such apportionment to be in addition to other apportionments to said district.

Appropriation.

SEC. 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of ten thousand dollars which shall constitute a revolving fund to be known as the "migratory school revolving fund," which fund is hereby created, and which shall be used in carrying out the provisions of this act and shall not revert to the state treasury.

The average daily attendance of pupils in such schools for children of migratory laborers as are provided for in section 1 of this act shall be reported separately to the superintendent of public instruction and he shall apportion money from the state school fund to the migratory school revolving fund on the same basis, in the same manner and to the same amount

as if the apportionment were made from the state school fund to the elementary schools.

CHAPTER 410.

An act to repeal section one thousand six hundred seventeen and one-half of the Political Code and to add a new section to said Political Code, to be numbered one thousand six hundred seventeen a, relating to the sale or lease of real property by school districts, high school districts, and junior college districts.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1617½ of the Political Code is hereby repealed. Stats 1919, p. 399, repealed

SEC. 2. A new section, to be numbered 1617a, is hereby added to the Political Code, to read as follows: New section

1617a. The governing body of any school district of any kind or class, or of any high school district, of any kind or class, or of any junior college district of any kind or class, is hereby authorized to sell or to lease for a term not exceeding ninety-nine years, without a vote of the electors of such district first being taken, any real property belonging to their respective school districts, high school districts, or junior college districts and which is not or will not at the time of delivery of title or possession be longer needed for public use by the district owning the same; *provided, however*, that the funds derived from such sale shall be used for capital outlay. Any such sale may be made for cash or for part cash and upon such terms of deferred payments secured by purchase money, mortgage or deed of trust, and any such lease may be made upon such consideration or for such rental, as may be authorized by the action of said governing body; and every such sale or lease shall be made in the following manner: Sale or lease of real property

Before ordering the sale or lease of any such property such governing body shall, in a regular open meeting, by a two-thirds vote of all of its members, adopt a resolution, declaring its intention to sell the same, or a resolution, declaring its intention to lease the same, as the case may be, which said resolution shall describe the property proposed to be sold, or leased, in such manner as to identify it and shall specify the minimum price, or rental, and the terms upon which it will be sold, or leased, and shall fix a time, not less than three weeks thereafter for a public meeting of said governing body to be held at its regular place of meeting, at which meeting sealed proposals to purchase or lease, as the case may be, will be received and considered. Notice of adoption of said resolution and of the time and place of holding said meeting shall be given by posting copies of said resolution signed by Declaration of intention.

Notice.

such board or by a majority thereof, in three public places in the district, not less than fifteen days before the date of said meeting, and by publishing such notice not less than once a week for three successive weeks before the meeting in a newspaper of general circulation published in the county in which such district or any part thereof is situated, if any such newspaper is published therein; *provided*, that whenever it is proposed to lease real property and such governing body unanimously determines in said resolution that, in its opinion, the monthly rental value of such property does not exceed the sum of fifty dollars, such resolution may, before the date of such meeting, be published in two successive issues of a weekly newspaper of general circulation, or in five successive issues of a newspaper of general circulation published daily. At the time and place fixed in said resolution for the meeting of said governing body, all sealed proposals which have been received shall, in public session, be opened, examined and declared by said board, and of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the one which is highest shall be finally accepted; *provided*, that if, upon a call for oral bidding, at such session, any responsible person shall offer to purchase such property or to lease such property, as the case may be, upon the terms and conditions specified in the said resolution, for a price or rental exceeding, by at least five per cent, the highest of said written proposals, then the highest of any of the oral bids which shall be made by a responsible person shall be finally accepted; *provided, however*, that such final acceptance by said governing body may be made either at said session or at any adjourned session of the same meeting held within the ten days next following; *and provided, further*, that said governing body may at any such session, if it deem such action to be for the best public interest, reject any and all bids, either written or oral, and withdraw such property from sale or lease. Any resolution of acceptance of any such bid made by said governing body shall authorize and direct the president of said governing body, or other presiding officer, or the members thereof, to execute a deed or lease and to deliver the same upon performance and compliance by the purchaser or lessee, as the case may be, of all the terms or conditions of his contract to be performed concurrently therewith.

Receipt of
bids and
action
thereon.

Resolution
of
acceptance

Effect
of section.

The provisions of this section shall be deemed to supersede any other provision of law relating to powers and duties of boards of trustees and boards of education or other governing body insofar as its terms are in conflict therewith, but shall not be deemed to repeal any such other provision of law not conflicting with the terms of this section.

CHAPTER 411.

An act to amend section one thousand five hundred seventy-six of the Political Code, relating to the organization of school districts in incorporated cities.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1576 of the Political Code is hereby amended to read as follows:

1576. Every city or incorporated town, except cities and towns of the sixth class, unless subdivided by the legislative authority thereof, shall constitute a separate school district which shall be governed by the board of education or board of school trustees of such city or incorporated town; *provided*, that whenever a city or town shall be incorporated, except a city or town of the sixth class, the board of supervisors of the county may annex thereto, for school purposes only, the remainder, or any part of the remainder, of the district or districts from which such city or incorporated town was organized, whenever a majority of the heads of families residing therein shall petition for such annexation; *and provided, further*, that the board of supervisors may include more territory than the remainder of the district or districts from which the city or incorporated town was organized, whenever a petition for such purpose is presented to them, signed by a majority of the heads of families residing in such additional territory. When said remainder or part thereof, or said additional outside territory, has been annexed to said city or incorporated town, it shall be deemed a part of said city or incorporated town for the purpose of holding the general municipal election, and shall form one or more election precincts, as may be determined by the legislative authority of said city or incorporated town, the qualified electors of which shall vote only for the board of education, or the board of school trustees; and such outside territory shall be deemed to be a part of said city or incorporated town for all matters connected with the school department thereof, for the annual levying and collecting of the property tax for the school fund of said city or incorporated town; and for all purposes specified in sections 1880 to 1888, inclusive, of this code; *provided, however*, that the last assessment roll made by the county assessor shall be the only basis of taxation for such school district on the property outside the corporate limits so annexed for school purposes.

Stats. 1917,
p. 208,
amended.
City school
districts.

Annexation
of territory

Deemed part
of city.

CHAPTER 412.

An act to amend section one thousand seven hundred forty-one of the Political Code, relating to the powers and duties of high school boards.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

Stats 1915,
p 769,
amended.

Powers and
duties of
high school
boards

SECTION 1. Section 1741 of the Political Code of the State of California is hereby amended to read as follows:

1741. Except as in this article, or in article XV of this chapter, otherwise provided, the powers and duties of high school boards shall be such as are now or may hereafter be assigned by law to boards of education or boards of school trustees in school districts. The high school board shall, at any time after its organization, have power to make arrangements for the temporary location of the high school, and if satisfactory quarters in a suitable location are offered or can be procured for a consideration, or at a rental which would make it advisable to accept the same, they shall have the power to secure or lease such quarters for a period not to exceed three years. At the expiration of such lease or other arrangement, they shall have the same power to make another lease or other arrangement for the same or different quarters, for a period not exceeding three years. If rooms can be obtained in a public school building in the place where the high school is temporarily located, on reasonable terms, such rooms shall be given the preference. The high school board of any high school district may provide, in such manner as they deem best, for the transportation to and from the high school of such pupils thereof, except pupils living within the limits of any city, as such board find to be in need of such transportation; and the cost of such transportation shall be deemed a part of the cost of maintaining the high school and paid accordingly; *provided*, that all contracts or other provision for such transportation shall, before the same become effective, be approved by the superintendent of schools who has jurisdiction over such high school district. The high school board of any high school district lying wholly or partly within a county maintaining a county free library, shall have power to enter into a contract or agreement with the board of supervisors of said county, whereby said high school district may secure the advantages of said county free library upon such terms and conditions as may be fixed in said contract or agreement.

Transporta-
tion of
pupils.

Library
service

CHAPTER 413.

An act to amend section four hundred fifty-six of the Political Code, relating to employees in the office of the state treasurer and fixing their salaries.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 456 of the Political Code is hereby amended to read as follows: Stats 1925,
p 455,
amended,
Employees.

456. The state treasurer may appoint one deputy state treasurer at an annual salary of four thousand dollars, and one cashier at an annual salary of three thousand three hundred dollars, both salaries to be paid at the same time and in the same manner as the salaries of other state officers. He may also appoint and fix the salaries, with the approval of the state board of control, of such other officers and employees as are necessary for the proper administration of his office.

CHAPTER 414.

An act to amend section four hundred twelve of the Political Code, relating to appointees of the secretary of state.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 412 of the Political Code is hereby amended to read as follows: Stats 1925,
p 464,
amended,
Employees.

412. The secretary of state, to assist him in the discharge of the duties of his office, may appoint two deputies at an annual salary of four thousand five hundred dollars each, and one deputy at an annual salary of three thousand six hundred dollars, who shall be civil executive officers; said salaries to be paid at the same time and in the same manner as the salaries of other state officers; and may also appoint and fix the salaries, subject to the approval of the state board of control and state civil service commission, of all such clerical expert and technical assistants as may be necessary for the proper conduct of his office.

CHAPTER 415.

An act to amend section three of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a state real estate department and the office of real estate commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing

an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of real estate commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act,' approved May 27, 1919, as amended, relating to the creation of the state real estate department and the powers and duties of the state commissioner thereof.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

Stats 1923,
p. 94,
amended

SECTION 1. Section 3 of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a state real estate department and the office of real estate commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of real estate commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, is hereby amended to read as follows:

State
real estate
department
created.

Sec. 3. There is hereby created a state real estate department. The chief officer of such department shall be the real estate commissioner. He shall be appointed by the governor and hold office at the pleasure of the governor. He shall receive an annual salary of six thousand dollars, to be paid monthly out of the state treasury upon a warrant of the controller. He shall within fifteen days from the time of notice of his appointment take and subscribe to the constitutional oath of office, and file the same in the office of the secretary of state and execute to the people of the State of California a bond in the penal sum of ten thousand dollars executed by two or more sureties, or by a surety company duly authorized to do business in this state, to be approved by the governor of the state, for the faithful discharge of the duties of his office. The real estate commissioner shall have full power to regulate and control the issuance and revocation, both temporary and permanent, of the licenses to be issued under the provisions of this act, and to perform all other acts and duties provided in this act and necessary for its enforcement. The real estate commissioner shall publish or cause to be published on or about March first and November first of each year a directory or list of licensed brokers and salesmen and may publish therewith such matter as he may deem pertinent to the act, and shall mail one copy of such directory to each licensed broker without charge. The real estate commissioner shall employ such deputies, clerks and assistants as

Directory of
brokers and
salesmen.

Employees

he may need to discharge in proper manner the duties imposed upon him by law. After qualifying as such, neither the real estate commissioner, nor any of his deputies, clerks or assistants shall be interested in any real estate company or any real estate brokerage firm, as director, stockholder, officer, member, agent or employee, or act as a broker or salesman within the meaning of this statute or act as a copartner or agent for any other such broker or brokers, salesman or salesmen. Such deputies, clerks and assistants shall perform such duties as the real estate commissioner shall assign to them. The real estate commissioner shall fix the compensation of such deputies, clerks and assistants, which compensation shall be paid monthly on a certificate of the real estate commissioner and on the warrant of the controller out of the state treasury. Each deputy shall, after his appointment, take and subscribe to the constitutional oath of office and file the same in the office of the secretary of state.

CHAPTER 416.

An act to amend section sixty-seven a of the Code of Civil Procedure, relating to the superior court of Los Angeles county, increasing the number of judges thereof.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 67a of the Code of Civil Procedure is hereby amended to read as follows:

67a. In counties of the first class there shall be thirty-eight judges of the superior court, any one or more of whom may hold court, and there may be as many sessions of said court at the same time as there are judges thereof. The said judges shall choose from their own number, a presiding judge, who may at any time be removed as presiding judge and another judge chosen in his place by a vote of any twenty of them. The presiding judge shall distribute the business of the court among the judges thereof, and prescribe the order of business and perform such other duties as the judges of the said court may by rule provide. The judgments, orders, and proceedings of any session of the superior court held by any one or more of the judges of the said court shall be equally as effective as if all the said judges of said court presided at such session. Within thirty days after this act goes into effect, the governor shall appoint ten additional judges of the superior court in counties of the first class, in addition to the twenty-eight superior court judges already provided by law in and for the said counties of the first class, who shall hold office until the first Monday after the first day of January, 1929. At the next general election to be held in November, A. D. 1928, ten additional judges of the superior

Stats 1923,
p 1007,
amended

Judges in
counties of
first class
[Los
Angeles
county].

court shall be elected in counties of the first class who shall be successors of the judges appointed hereunder, to hold office for the term prescribed by the constitution and by law. The salaries of the other judges shall be the same in amount and be paid in the same manner and at the same time as the salaries of the other judges of the said counties of the first class now authorized by law.

CHAPTER 417.

An act to amend section thirty-four of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examination and surveys, and creating a reclamation board, and defining its powers," approved December 24, 1911, as amended, relating to the abolishing of "Sacramento-San Joaquin drainage district fund, Sutter-Butte by-pass assessment number six emergency fund" and providing that the moneys in said fund shall be used, expended and disbursed in accordance with, pursuant to and for the purpose set forth in chapter five hundred fifty-six of the statutes of the State of California for the legislative session of the year 1919, directing the state controller to draw his warrant and make all necessary transfers and entries concerning the moneys in said fund, directing the state treasurer to pay the warrant and repealing all acts and parts of acts in conflict therewith.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

Stats 1923,
p. 640,
amended.

SECTION 1. Section 34 of an act entitled "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make report thereof, making an appropriation to pay the expenses of such examination and surveys, and creating a reclamation board, and defining its powers," approved December 24, 1911, as amended, is hereby amended to read as follows:

Sec. 34. All moneys which may be hereafter paid to the said reclamation board by the State of California under and by virtue of the provisions of an act entitled "An act to appropriate money to be expended under the direction of and by the reclamation board to aid in carrying out the project adopted by the reclamation board for the Sutter-Butte by-pass assessment number six with such modifications and amendments as may hereafter be adopted by the reclamation board, and to aid in carrying out any work prescribed in the plans of said Sutter-Butte by-pass assessment number six, in conformity with the report of the California debris commission transmitted to the speaker of the house of representatives of the United States by the secretary of war on the twenty-seventh day of June, 1911, and such modifications and amendments as have been, or may be hereafter adopted by the reclamation board, or by the war department, or the congress of the United States, and providing for the future completion of the entire project," or by any law of similar import which has been or may hereafter be adopted by the Legislature of the State of California, shall be applied on said Sutter-Butte by-pass assessment number six, by said reclamation board, to the pro rata payment of such portions of said assessment as are based upon flood control benefits as set opposite each assessment, in the manner hereinbefore provided; *provided, however*, that if no flood control benefit amount is set opposite any tract of land, the assessment upon such tract of land shall not be entitled to any credit for any of the moneys so received by said reclamation board from said state. In case the amount remaining unpaid, including interest, upon the total of said assessment on any tract of land entitled to such pro rata payment or credit out of the money so received from the state shall be less than such pro rata payment or credit to which such tract is so entitled, then the surplus of such pro rata payment or credit shall be by the reclamation board paid to the owner of such tract in cash out of said money so received from the state and deducted from the amount to be paid over by the reclamation board to the state treasurer as hereinafter directed.

The reclamation board shall prepare and furnish to the several county treasurers a statement of the several amounts so applied to the pro rata payment of such portions of the assessments as are by reason of flood control benefit, and the several county treasurers shall enter such amounts on the original assessment lists as payments or credits on account of the several assessments. In making its calls or orders for the collection of installments on said assessment the percentage to be called and paid shall be calculated upon the original total amount assessed against each tract, but no such call or installment need be paid upon the assessment on any such tract except for the excess of the total of such calls over the total of payments so credited to such tract from application

Application
of moneys to
flood control
benefits.

Amounts
credited on
assessment
accounts.

of such money received from the state as aforesaid, or otherwise paid thereon.

Disposition
of money
received
from state.

The money so received by the reclamation board from the state shall, unless bonds based upon said assessment shall have been authorized by law, be by the reclamation board paid over forthwith to the state treasurer and by him credited to the funds of said assessment, to be used and expended in the same manner as funds collected from landowners upon said assessment. But if at the time of the receipt of any such money by the reclamation board from the state, bonds based upon said assessment shall have been authorized by law, the money so received from the state shall be deposited by the reclamation board with the state treasurer to be held as a special fund for the redemption of such bonds and shall, under the direction and as required by the reclamation board, be applied to the payment and cancellation of such bonds in the manner following, to wit:

Purchase
of bonds
by board

Upon receipt of any sum of money under said act or acts of similar import the said reclamation board shall proceed to advertise, at least once a week for four consecutive weeks, in at least one daily newspaper published in the city and county of San Francisco, and one daily newspaper published in the city of Los Angeles, calling for bids or offers for the sale to said state reclamation board of sufficient of the issued and outstanding bonds to cover the amount represented by said money so received from said state; *provided, however*, that said reclamation board shall not purchase any bonds at a sum in excess of par plus accrued interest. And if the said reclamation board shall receive bids or offers at par plus accrued interest, or less than par plus accrued interest, then the said reclamation board shall purchase a sufficient amount of said bonds to make up the sum of money so received by them from the state and shall proceed forthwith to cancel said bonds so purchased, together with all interest coupons attached thereto.

Payment
of bonds.

But if the said reclamation board shall not receive bids or offers of a sufficient amount to cover the money so received from the state, then as to the balance thereof, the said reclamation board shall pay bonds in the order of their numbers, beginning as to the first payment, at bond number one, and continuing in numerical order, in a sufficient amount to cover said first payment, and upon such subsequent payments, shall pay the said bonds according to the next succeeding numbers.

Use of
money in
state
treasury.

The fund heretofore created entitled "Sacramento-San Joaquin drainage district fund, Sutter-Butte by-pass assessment number six emergency funds" is hereby abolished and all moneys in said fund entitled "Sacramento-San Joaquin drainage district fund, Sutter-Butte by-pass assessment number six emergency fund" shall be used, expended and disbursed by the state reclamation board, in accordance with, pursuant to, and for the purposes set forth in an act of the Legislature of the State of California, entitled: "An act to appropriate money for the purpose of cooperation in the construction of the

public works included in and provided for by that certain project heretofore adopted by the reclamation board, known as Sutter-Butte by-pass project number six of the Sacramento and San Joaquin drainage district, with such modifications and amendments thereof as may be hereafter made, in accordance with law, the said work described in the plans of said Sutter-Butte by-pass project number six, as heretofore duly modified and amended, being in conformity with the report of the California debris commission transmitted to the speaker of the house of representatives of the United States by the secretary of war on the twenty-seventh day of June, 1911, and the said report of the California debris commission, together with such amendments and modifications thereof as may be made by the reclamation board, having been heretofore duly adopted by the State of California, and directing the said reclamation board to apply the said moneys so appropriated as it is now, or may hereafter be, provided by law, for the benefit of the said Sacramento and San Joaquin drainage district, in connection with said Sutter-Butte by-pass project number six, or any modifications or amendments thereof, that may hereafter be made in accordance with law," approved May 27, 1919.

SEC. 2. The state controller is hereby directed to draw his warrant or warrants, and to make all necessary transfers and entries to accomplish the purposes of this act and the state treasurer is hereby directed to pay all warrants so drawn upon him by the controller. Transfer of funds

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed. Repealed.

CHAPTER 418.

An act to amend section one thousand eight hundred fifty-eight of the Political Code, relating to the apportionment of school funds and to school attendance.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1858 of the Political Code is hereby amended to read as follows: Stats 1921,
p. 709,
amended.

1858. The school superintendent of every county and city and county must apportion all state and county school moneys for the elementary grades of his county or city and county as follows: Apportionment for elementary grades.

First—He must ascertain the number of teachers each school district is entitled to by calculating one teacher for the first thirty-five or a less number of pupils in average daily attendance and one additional teacher for each additional thirty-five pupils or fraction of thirty-five pupils in average daily attendance, in the district, and one additional teacher for each three hundred pupils in average daily attendance in the district as shown by the annual school report of the school district for Number of teachers in each district

the next preceding school year; and in each school district wherein a separate class is established for the instruction of the deaf, or the blind, or the crippled, as provided in section 1618 of this code, an additional teacher for each nine deaf, or blind, or crippled children, or fraction of such number not less than five actually attending such class as shown by the school report of the school district for the next preceding school year; and in addition to the teachers hereinbefore provided for each school district of the county or city and county, he must calculate one additional teacher for the county or city and county for each five hundred pupils or a major fraction thereof in average daily attendance in the aggregate in those school districts of the county, or city and county, in each one of which there were less than three hundred pupils in average daily attendance as shown by the annual school report of the county, or city and county for the next preceding school year.

Number of
teachers in
county

Second—He must ascertain the total number of teachers for the county or city and county by adding together the number of teachers allowed as provided in subdivision one hereof. He must make an annual report of the schools of his county or city and county under oath, to the superintendent of public instruction not later than August first of each year and must report the number of teachers ascertained or allowed to his county or city and county by the rule or provisions of subdivision one hereof.

Apportion-
ment per
teacher
allowed.

Third—One thousand four hundred dollars shall be apportioned to each school district for each and every teacher allowed to it; *provided*, that one thousand four hundred dollars shall be apportioned to each county or city and county for each teacher allowed on the aggregate average daily attendance of pupils in attendance in the various school districts, each of which had less than three hundred pupils in average daily attendance for the next preceding school year, and the funds thus apportioned shall constitute an emergency and supervision fund under the control of the superintendent of schools of the county or city and county, and shall be used by him as provided by law.

Apportion-
ment of
remainder.

Fourth—All school moneys remaining on hand after apportioning school moneys as provided for in subdivision three of this section, must be apportioned to the several districts in portion to the number of pupils in average daily attendance in each school district during the next preceding school year.

In any newly organized school district where school was not maintained during the school year in which it was organized the county superintendent of schools must apportion one thousand four hundred dollars to the newly organized school district for the purpose of maintaining school therein during the school year next succeeding the school year in which it was organized.

If, in any school year, any existing school district shall be suspended by the board of supervisors upon the recommendation of the county superintendent of schools, one thousand

four hundred dollars shall be apportioned to such suspended school district during the year in which such district was suspended and such portion of such sum of money as may be needed may be used from time to time to insure and maintain the school property of the suspended district.

Fifth—The board of trustees or the city board of education, of each school district shall fix the length of the school day for the kindergarten schools and for the elementary schools. A minimum school day's attendance for pupils of the kindergarten schools shall be one hundred twenty minutes; for pupils of grades one, two, and three of the elementary schools shall be two hundred minutes and for pupils of grades four, five, six, seven and eight of the elementary schools shall be two hundred forty minutes, exclusive of intermissions, and recesses. In fixing the length of the school day each board shall fix a day whose length shall be multiple of twenty minutes and shall place the noon intermissions so that the length of the parts of the day before and after the intermission shall each be a multiple of twenty minutes. The board shall divide its established school day into twenty periods of equal length, and any pupil who is absent one or more full periods shall be marked absent five per cent of his school day for each of such full period absences. The actual attendance of a pupil upon a regular full-time day school for any given length of time shall be the number of days school was actually taught during such time less the sum of his absences. Attendance upon evening schools and special day and special evening classes of day schools of elementary and secondary grade shall be kept according to regulations prescribed by the state board of education. A full day's attendance upon such schools or classes shall be four sixty-minute hours. Units of average daily attendance in elementary schools shall be construed to be the quotient arising from dividing the total number of days of pupils' attendance in the regular full-time day and evening elementary schools including the special day and evening classes of the elementary schools of the district for the school year by the number of days school was actually taught in the regular elementary day schools of the district during said year; and units of average daily attendance in secondary schools shall be construed to be the quotient arising from dividing the total number of days of pupils' attendance in the regular full-time secondary schools, the evening secondary schools, the special day and evening classes of secondary schools, and the part-time vocational courses of the district for the school year by the number of days school was actually taught in the regular secondary day schools of the district during said year; *provided*, that where a high school maintains during the school year four terms of school of at least twelve weeks each, and where the course of instruction is so arranged that students may complete a full year's work in any three of these terms, the total number of days of pupils' attendance, as specified above, shall be divided

Length of
school day.

Attendance
of pupils.

Units of
average
daily
attendance

by the greatest number of days school was actually taught in any three or the four terms, but in no case shall said divisor be less than one hundred seventy-five; *provided, further*, that in making up the aggregate attendance, if the number of days of attendance of any pupil for the fiscal year exceeds the above-mentioned divisor, the number of days which may be included on account of such pupil's attendance shall equal said divisor.

Uniform regulations governing attendance.

Sixth—Subject to the provision of this code, the state board of education shall adopt uniform regulations governing the keeping of attendance in all secondary schools. In adopting regulations governing the keeping of the attendance of pupils upon the part-time vocational courses provided for in section 1750 of this code, the state board may, in its discretion, provide that the time spent by a pupil in practical vocational work shall be counted in making up each six-hour minimum daily unit of attendance.

Schools closed because of contagious disease

Seventh—Where a school in a district maintaining more than one school is closed for a part of a term by order of a city or county board of health or of the state board of health, on account of contagious disease, or where such school has been closed on account of fire, flood or other public disaster, the average daily attendance of said school shall be estimated separately and added to the average daily attendance of the other schools of the district. The units of average daily attendance of said school shall be determined by dividing the total number of days of pupils' attendance upon such school including the special day and evening classes and the part-time vocational courses by the number of full-day sessions actually maintained in such school during the year; *provided*, that where such number is less than one hundred twenty days the divisor shall be one hundred twenty.

Districts without sufficient funds.

Eighth—Whenever between the first day of July and the last Monday in April of the succeeding year and prior to the receipt by the school districts of their state, county or city and county or special or high school fund, the school districts of a county or city and county shall not have sufficient money to their credit to meet current expenses of maintenance, it shall be the duty of the board of supervisors of said county or city and county to order, and of the treasurer of said county or of said city and county to make a temporary transfer from any fund of said county or said city and county, not immediately needed to pay claims against it, to the proper school fund an amount not to exceed eighty-five per cent of the amount of tax moneys which will accrue to such school district during such fiscal year, and upon the making of such transfer the treasurer shall immediately notify the superintendent of the amount so transferred. The funds so transferred to the credit of a school district shall be retransferred by the treasurer to the fund from which they were taken from

the first moneys accruing to such school district and before any other obligation of such school district is paid from such moneys so accruing.

CHAPTER 419.

An act to amend section eight of an act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913, as amended, and to add a new section to be numbered section eight a conferring upon the state department of finance authority to invest and reinvest the moneys in the public school teachers' permanent fund and defining the powers and duties of said department in relation thereto.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 8 of the act entitled "An act to provide for the payment of retirement salaries to public school teachers of this state; creating a public school teachers' retirement salary fund, and also a public school teachers' permanent fund, providing for the administration of such funds, and making an appropriation for the uses of said funds," approved June 16, 1913, as amended, is hereby amended to read as follows:

Stats 1923,
p 684,
amended

Sec. 8. The public school teachers' retirement salary fund board, subject to the provisions of this act, shall have power, and it shall be its duty:

Powers and
duties of
board

(1) To approve and allow retirement salaries of public school teachers entitled to the same under the provisions of this act;

(2) Through its president or other officer designated by it for that purpose, to audit all claims and demands for money expended or authorized to be expended by it, and certify all claims and demands against the public school teachers' permanent fund and the public school teachers' retirement salary fund, including all retirement salary demands, to the state controller, who shall draw his warrant therefor upon the state treasurer, payable out of said fund; *provided*, that no demand shall be allowed except after resolution duly passed at a meeting of the board by a majority of its members, which adoptions shall be attested by the secretary;

(3) To require the boards of education, school trustees and other public authorities, and all officers having duties to perform in respect to the contributions by teachers to said permanent fund, to report to the board from time to time as to

such matters pertaining to the payment of such contributions, as it may deem advisable;

(4) To employ such expert and clerical assistance and purchase such supplies and equipment as may be necessary for the administration of this act and pay the same out of the teachers' permanent fund; *provided*, that the amount expended for this purpose shall not exceed two per cent of the total income for any fiscal year;

(5) To prescribe the duties of the secretary and other officers of the board;

(6) To conduct investigations in all matters relating to the operation of this act, and to subpoena witnesses and compel their attendance to testify before it in respect to such matters.

SEC. 2. A new section is hereby added to said act to be numbered 8a and to read as follows:

Sec. 8a. The state department of finance shall have power and it shall be its duty to invest the moneys in the permanent fund in securities and to collect the income therefrom and interest and dividends thereon; to deposit such securities with the state treasurer, and to make sale of such securities when, in its judgment, such sale will be advisable; *provided*, that none of the moneys in the public school teachers' permanent fund shall be invested in any securities except such securities as those in which the funds of savings banks may be legally invested. The state controller is authorized to draw his warrant upon the public school teachers' permanent fund in payment of duly audited claims arising out of the investment of the moneys in said fund.

Stats 1913,
p 1425,
amended.
Investment
of permanent fund

CHAPTER 420.

An act to amend section one thousand seven hundred fourteen of the Political Code, relating to school library funds in cities or cities and counties.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1714 of the Political Code is hereby amended to read as follows:

1714. The county superintendent of each county, or city and county, shall annually apportion to each city, or city and county, not divided into school districts, as a library fund, such sums as may be requested by the board of education of such city, or city and county, said request to be in writing and filed with the county superintendent of schools at least thirty days before the first day of the month in which the supervisors of the county, or city and county, are required by law to levy the amount of taxes required for county, or city and county, purposes for each year; *provided*, that in

Stats 1915,
p 344,
amended.
Library fund for cities not divided into school districts.

each city, or city and county, comprising a single district, the amount apportioned shall be not less than forty cents nor more than one dollar for each pupil of average daily attendance in the elementary schools; said amount so apportioned to be deducted from the county school fund apportioned to each city, or city and county, and credited to the library fund of each city, or city and county; *and it is provided, further*, that if the board of education of any city, or city and county shall fail to file said request in writing as hereinbefore provided, the county, or city and county superintendent shall apportion to the library fund of each city, or city and county failing to make such request in writing, such amount, not in conflict with the provisions of this act, as he may deem advisable. The total amount of each such apportionment shall constitute the library fund of each city, or city and county not divided into school districts, and shall be expended only in accordance with the provisions of section 1712 of this code.

CHAPTER 421.

An act to confirm and validate the boundaries of school districts, high school districts and junior college districts of every kind and class.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. The boundaries of every school district, high school district or junior college district, of any kind or class, as the same were established or were actually defined in the records of the board of supervisors of the county or counties in which such district, or any part thereof, is situated one year prior to the taking effect of this act, are hereby confirmed, validated and declared to be legally established; *provided*, that within one year prior to the taking effect of this act any school tax purporting to be for school purposes of such school district, high school district or junior college district has been levied in such district.

School
district
boundaries
validated

CHAPTER 422.

An act to validate bonds of school districts, high school districts and junior college districts of every kind and class, and providing for the levy of a tax to pay the same.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. Where in any school district, high school district, or junior college district, of any kind or class, proceedings have been taken for the purpose of voting, issuing and selling bonds of such district for any purpose or purposes, all

School
district
bonds
validated

acts and proceedings of the officers of election and of the board of trustees, board of education, or other governing body of such district, and all acts and proceedings of the board of supervisors of the county within which such district is situated, leading up to and including the issuance of such bonds if they have been heretofore sold, and all such acts and proceedings heretofore had, although the bonds are not sold, are hereby legalized, ratified, confirmed and validated to all intents and purposes, and the power of such district and of the board of supervisors of the county in which such district is situated to issue such bonds is hereby ratified, confirmed and declared, and bonds heretofore sold are declared to be and shall be, in the form and manner in which such bonds have been actually issued and delivered, the legal and binding obligations of and against such district and bonds hereafter sold are declared to be and shall be legal and binding obligations of such district, and the full faith and credit of such district is hereby declared to be pledged for the prompt payment and redemption of the principal and interest of said bonds.

Payment of
interest and
principal.

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

Exceptions.

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

CHAPTER 423.

An act to validate the organization and existence of school districts, high school districts and junior college districts of every kind and class.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

School
districts
validated.

SECTION 1. All school districts, high school districts, and junior college districts, of any kind or class, which have acted and existed as such for more than one year prior to the taking effect of this act, are hereby declared to be legally and duly formed, organized, established, incorporated and existing, and

as such school districts, high school districts and junior college districts shall have all the rights and privileges and be subjected to all the duties and obligations of duly formed, organized, established or incorporated school districts, high school districts, and junior college districts.

CHAPTER 424.

An act making an appropriation to pay the claim of the Red River Lumber Company against the State of California.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. There is hereby appropriated, out of any money in the third state highway fund not otherwise appropriated, the sum of six hundred sixty-one dollars and eight cents to pay the claim of the Red River Lumber Company against the State of California.

Appropriation
Red River
Lumber Co

CHAPTER 425.

An act to amend section one of an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for the management and control of the same by the state, and repealing all acts and portions of acts in conflict with this act," approved April 17, 1909, as amended, relating to the classification of counties into agricultural districts.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1 of an act entitled "An act to form agricultural districts, to provide for the formation, organization and powers, of agricultural associations therein and for the management and control of the same by the state, and repealing all acts and portions of acts in conflict with this act" approved April 17, 1909, as amended, is hereby amended to read as follows:

Stats. 1909,
p 979,
amended

Section 1. The several counties of this state are divided and classified into agricultural districts, and numbered as follows, to wit:

Agricultural
districts.

District 1. The counties of San Francisco and Alameda shall constitute agricultural district number one.

District 2. The county of San Joaquin shall constitute agricultural district number two.

Agricultural
districts
(cont'd).

District 3. The county of Butte shall constitute agricultural district number three.

District 4. The counties of Sonoma and Marin shall constitute agricultural district number four.

District 5. The counties of San Mateo and Santa Clara shall constitute agricultural district number five.

District 6. The county of Los Angeles shall constitute agricultural district number six.

District 7. The county of Monterey shall constitute agricultural district number seven.

District 8. The county of El Dorado shall constitute agricultural district number eight.

District 9. The county of Humboldt shall constitute agricultural district number nine.

District 10. The county of Siskiyou shall constitute agricultural district number ten.

District 11. The counties of Plumas and Sierra shall constitute agricultural district number eleven; *provided*, that the first fair held in the eleventh agricultural district after the passage of this act shall be held in Sierra county; the next fair in Plumas county, and thereafter said counties shall so alternate in holding such fairs.

District 12. The counties of Lake and Mendocino shall constitute agricultural district number twelve.

District 13. The counties of Sutter and Yuba shall constitute agricultural district number thirteen.

District 14. The county of Santa Cruz shall constitute agricultural district number fourteen.

District 15. The county of Kern shall constitute agricultural district number fifteen.

District 16. The county of San Luis Obispo shall constitute agricultural district number sixteen.

District 17. The county of Nevada shall constitute agricultural district number seventeen.

District 18. The counties of Mono, Inyo, and Alpine shall constitute agricultural district number eighteen.

District 19. All that portion of Santa Barbara county lying east of the Gaviota and south of the Santa Ynez mountains, shall constitute agricultural district number nineteen.

District 20. The county of Placer shall constitute agricultural district number twenty.

District 21. The counties of Fresno and Madera shall constitute agricultural district number twenty-one.

District 22. The county of San Diego shall constitute agricultural district number twenty-two.

District 23. The county of Contra Costa shall constitute agricultural district number twenty-three.

District 24. The counties of Tulare and Kings shall constitute agricultural district number twenty-four.

District 25. The county of Napa shall constitute agricultural district number twenty-five.

District 26. The county of Amador shall constitute agricultural district number twenty-six.

Agricultural
districts
(cont'd).

District 27. The counties of Shasta and Trinity shall constitute agricultural district number twenty-seven.

District 28. The county of San Bernardino shall constitute agricultural district number twenty-eight.

District 29. The county of Tuolumne shall constitute agricultural district number twenty-nine.

District 30. The county of Tehama shall constitute agricultural district number thirty.

District 31. The county of Ventura shall constitute agricultural district number thirty-one.

District 32. The county of Orange shall constitute agricultural district number thirty-two.

District 33. The county of San Benito shall constitute agricultural district number thirty-three.

District 34. The county of Modoc shall constitute agricultural district number thirty-four.

District 35. The counties of Merced and Mariposa shall constitute agricultural district number thirty-five.

District 36. The county of Solano shall constitute agricultural district number thirty-six.

District 37. All that portion of Santa Barbara county not included in agricultural district number nineteen shall constitute agricultural district number thirty-seven.

District 38. The county of Stanislaus shall constitute agricultural district number thirty-eight.

District 39. The county of Calaveras shall constitute agricultural district number thirty-nine.

District 40. The county of Yolo shall constitute agricultural district number forty.

District 41. The county of Del Norte shall constitute agricultural district number forty-one.

District 42. The county of Glenn shall constitute agricultural district number forty-two.

District 43. The county of Lassen shall constitute agricultural district number forty-three.

District 44. The county of Colusa shall constitute agricultural district number forty-four.

District 45. The county of Imperial shall constitute agricultural district number forty-five.

District 46. The county of Riverside shall constitute agricultural district number forty-six.

CHAPTER 426.

An act making an appropriation to pay the claim of Pacific Employers Insurance Company against the State of California.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

Appropriation: Pacific Employers Ins. Co.

SECTION 1. Out of any money in the state treasury, not otherwise appropriated, the sum of two hundred thirty-five dollars is hereby appropriated to pay the claim of Pacific Employers Insurance Company against the State of California.

CHAPTER 427.

An act appropriating money to pay the claim of John F. Huberty against the State of California.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

Appropriation: J. F. Huberty.

SECTION 1. The sum of three hundred ninety-six dollars and sixty-two cents is hereby appropriated out of the highway maintenance fund to pay the claim of John F. Huberty against the State of California.

CHAPTER 428.

An act appropriating money for premiums at fairs or exhibitions held by the forty-sixth district agricultural association during the seventy-ninth and eightieth fiscal years.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

Appropriation: fair premiums

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty thousand dollars for the purpose of paying premiums at fairs or exhibitions held during the seventy-ninth and eightieth fiscal years by the forty-sixth district agricultural association.

CHAPTER 429.

An act providing for the incorporation, government and management of metropolitan water districts, authorizing such districts to incur bonded debt and to acquire, construct, operate and manage works and property, providing for the taxation of property therein and the performance

of certain functions relating thereto by officers of counties, providing for the addition of area thereto and the exclusion of area therefrom and authorizing municipal corporations to aid and participate in the incorporation of such districts.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

SECTION 1. This act shall be known as the "Metropolitan water district act" and shall apply to the incorporation, organization, government, maintenance and operation of the water districts herein provided for and described, and to the board of directors herein referred to. Short title.

SEC. 2. As used herein the term "municipality" or "city" shall be deemed to mean and include any municipal corporation of the State of California, whether organized under a freeholders' charter or under the provisions of general law; and for the purposes of this act such words "municipality" and "city" shall also include and mean any water district incorporated for the service of water in other than municipal territory. Words and phrases defined

The terms "board" and "board of directors" shall be deemed to refer to the directors created under section 6 hereof.

SEC. 3. Metropolitan water districts may be organized hereunder for the purpose of developing, storing and distributing water for domestic purposes, and may be formed of the territory included within the corporate boundaries of any two or more municipalities, which need not be contiguous, and may be incorporated and organized and thereafter governed, maintained and operated as herein provided, and when so incorporated shall have and exercise such powers as are herein expressly granted, together with such powers as are reasonably implied therefrom and necessary and proper to carry out the objects and purposes of such incorporated districts. Each such district when so incorporated shall be a separate and independent political corporate entity.

SEC. 4. Such metropolitan water district shall be organized and incorporated in the following manner: Organization

(a) The legislative body of any municipality may pass an ordinance declaring that the public convenience and necessity require the incorporation of a metropolitan water district, which ordinance shall state: (a) that it is proposed to incorporate a metropolitan water district under the provisions of this act; (b) the names of the cities proposed to be included within the district to be incorporated; (c) the name of the proposed district; and (d) an estimate of the preliminary costs and expenses of incorporating and organizing the proposed district and an apportionment of such costs and expenses among the several municipalities proposed to be included within such district. Such apportionment shall be substantially Ordinance

in accordance with population as shown by the most recent federal census.

Copies to
be mailed

(b) It shall be the duty of the clerk of the legislative body, upon the taking effect of such ordinance, to forthwith transmit a certified copy thereof by registered mail to the chief executive officer of each of the other municipalities named therein.

Approval or
rejection.

(c) Within sixty days after the receipt by any municipality named therein of a certified copy of such ordinance, the legislative body of such municipality shall by order either approve or reject such ordinance without alteration or amendment. In the event that the legislative body of any municipality shall fail to act upon such ordinance as herein provided within such period of sixty days after receipt of a certified copy thereof, such municipality shall be deemed to have rejected said ordinance.

Certified
copy of
order.

(d) Immediately upon the approval or rejection of said ordinance by the legislative body of any municipality, the clerk thereof shall forward to the clerk of the municipality initiating the proceedings a certified copy of the order approving or rejecting such ordinance, as the case may be. Each municipality thus approving such ordinance shall promptly pay over to the municipality initiating the procedure hereunder, the sum of money apportioned to it by the municipality initiating the proceedings as its share of the preliminary costs and expenses of the incorporation and organization of such district, and the money so paid shall constitute a fund for the purpose of defraying such costs and expenses of conducting the election herein provided for as are not met by the respective municipalities, and such incidental expenses as may be properly incurred in connection therewith. Each municipality contributing money as herein provided shall be entitled to credit with the district for the amount contributed.

Preliminary
expense.

Call for
election

(e) Within one hundred twenty days after the transmission of said original ordinance, as provided in subdivision (b) of this section, but not until each municipality named therein shall have acted thereon or said sixty-day periods shall have expired, the legislative body of the initiating city shall call and provide for the holding of a special election in all of the municipalities, the legislative bodies of which shall have approved said original ordinance as herein provided, including the initiating city, at which election the proposition of the incorporation of such metropolitan water district shall be submitted to the electors residing within such municipalities for ratification or rejection. Such election may be held separately or may be consolidated or held concurrently with any other election or elections authorized by law at which the electors residing in all of the cities wherein such election is called to be held are entitled to vote.

Same.

(f) Such election shall be called by ordinance by the governing body of the initiating city. Such ordinance shall

contain, (1) the names of all cities, the governing bodies of which shall have approved the original ordinance as provided in subdivision (c) of this section, in which cities such election shall be called to be held, (2) the day upon which such election shall be held, (3) the time for opening and closing polls, and (4) the manner of voting for or against the proposition. (5) Such ordinance shall also designate the precincts and polling places and shall appoint the officers of such election, which officers shall consist of one inspector, one judge and two clerks in each precinct. The description of precincts may be made by reference to any order or orders of the board of supervisors of the county or counties in which the proposed metropolitan water district, or any part thereof, shall be situated, or by reference to any provisions, order or ordinance of the legislative body of any municipality proposed to be included in the incorporation of such metropolitan water district, or by detailed description of such precincts. Precincts established by the boards of supervisors of the various counties to a number of not exceeding six may be consolidated for special elections held hereunder.

Whenever any election held hereunder shall be held concurrently with or shall be consolidated with any primary or general election, the precincts, polling places and officers of election shall be those designated and appointed for such primary or general election, and the ordinance calling the election hereunder need not designate precincts or polling places or name the election officers, but shall refer to the order or orders, or act or acts, by which such other election shall have been called, and by which the precincts and polling places thereof shall have been fixed and the officers of election appointed. Concurrent and consolidated elections.

(g) The ordinance calling such election shall be published once at least ten days before the date of the election therein called in a newspaper of general circulation printed and published in each county within the proposed metropolitan water district, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made. Publication of call.

(h) The ballot used at such election shall contain the words "Shall the territory embraced within the corporate boundaries of the city of-----become a part of the-----metropolitan water district" (inserting the name of the city or water district as the case may be wherein such ballot shall be used and the name of the metropolitan water district as stated in the initiating ordinance) and the words "Yes" and "No" accompanied by voting squares set opposite thereto so that any elector may record his vote either for or against the proposition. Ballots.

(i) When such election shall be held separately or shall be conducted concurrently with any other election but by the use of separate ballots, such ballots shall be counted by the Counting ballots.

respective election boards and the returns thereof shall be made to the governing board of the initiating city, which body, at its first regular meeting occurring five days after such election, shall canvass the returns and declare the result thereof.

In the event that any election held hereunder shall be consolidated with any primary or general election and the proposition herein provided for shall be printed upon a ballot containing other propositions, the returns of the election held hereunder shall be made with the returns of the primary or general election to the boards of supervisors or other bodies whose duty it shall be to canvass the returns thereof, and the results of the election held hereunder shall be canvassed at the time and in the manner provided by law for the canvass of the returns of such primary or general election. It shall be the duty of such canvassing body or bodies to promptly certify and transmit to the governing body of the initiating city a statement of the result of the vote upon the proposition submitted hereunder in each of the respective cities, the returns for which shall have been made to such canvassing bodies. Upon the receipt of such certificates it shall be the duty of the governing body of the initiating city to tabulate and declare the result thereof.

Certificate
to secretary
of state.

The governing body of the initiating city shall certify to the secretary of state the proceedings had together with the result of the election, separately stating the names of the cities in which a majority of the electors voting upon the proposition shall have voted affirmatively; *provided, however*, that the total assessed valuation in such approving municipalities as shown by county assessment records, shall be not less than two-thirds of the total assessed valuation within the district as proposed in the original ordinance according to the records of the county or counties.

Certificate
of incor-
poration.

The secretary of state shall within ten days after the receipt of such certificate of election issue a certificate of incorporation reciting that the district named in such certificate of election has been duly incorporated according to the laws of the State of California, and naming the municipalities of which said district shall be composed as shown by such certificate of election, which municipalities shall be those in which the majority of electors voting on the proposition of incorporation shall have voted affirmatively. The secretary of state shall transmit to each such municipality a copy of said certificate of incorporation. The incorporation of any metropolitan water district shall be and become effective from and after the date of the issuance of such certificate of incorporation, and such district shall thereupon and thereafter become vested with all of the rights, privileges, and powers in this act provided.

Validity
of incor-
poration.

(j) The validity of the incorporation of any such district shall be incontestable in any suit or proceeding which shall

not have been commenced within three months from the date of the issuance of the certificate of incorporation thereof; and no validity or irregularity in any proceeding which does not substantially and adversely affect the interests of the electors or citizens of the district, or any municipality therein, shall be held to invalidate the incorporation of any such district.

SEC. 5. Any district incorporated as herein provided shall have power:

Powers of
district.

(1) To have perpetual succession;

(2) To sue and be sued in all actions and proceedings and in all courts and tribunals of competent jurisdiction;

(3) To adopt a corporate seal and alter it at pleasure.

(4) To take by grant, purchase, bequest, devise or lease, and to hold, enjoy, lease, sell or otherwise dispose of, any and all real and personal property of any kind within or without the district and within and without the state necessary or convenient to the full exercise of its powers; also to acquire, construct or operate, control and use any and all works, facilities and means necessary or convenient to the exercise of its powers, both within and without and within or without the district and within and without the state, and to do and perform any and all things necessary or convenient to the full exercise of the powers herein granted.

(5) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property necessary to the exercise of the powers herein granted except water and water rights already devoted to beneficial use and power plants devoted to public use; *and provided, further,* that any district organized under the provisions of this act shall not have or exercise the power of eminent domain for the purpose of condemning or taking any water or right to water conserved or stored behind any flood control dam that has been or may hereafter be built or constructed by any flood control district created by act of Legislature of this state. Subject to the express limitations hereinbefore set out, in any proceeding relative to the exercise of such power of eminent domain, the district shall have the same rights, powers and privileges as a municipal corporation.

(6) To construct and maintain works and establish and maintain facilities across or along any public street or highway and in, upon or over any of the lands which are now, or may become, the property of the State of California, and to construct works and establish and maintain facilities across any stream of water or water course; *provided, however,* that the district shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to completely or unnecessarily impair the usefulness thereof. In the use of streets the district shall be subject to the reasonable rules and regulations of the county or city wherein such streets lie, concerning excavations and the refilling of excavations, the relaying of

Powers of
district
(cont'd)

pavements and the protection of the public during periods of construction; *provided*, that the district shall not be required to pay any license or permit fees, or file any bonds. The district may be required to pay reasonable inspection fees.

(7) To borrow money and incur indebtedness and to issue bonds or other evidence of such indebtedness; *provided, however*, that no district incorporated hereunder shall incur indebtedness which, in the aggregate, shall exceed fifteen (15) per cent of the assessed valuation of all the taxable property included within the district, as shown by the assessment records of the county or counties, excepting property subject to taxation for state purposes under the provisions of section 14 of article XIII of the constitution of the State of California.

(8) To levy and collect taxes for the purposes of carrying on the operations and paying the obligations of the district; *provided, however*, that such tax levied under this section exclusive of any tax levied to meet the bonded indebtedness of such district and the interest thereon shall not exceed five cents on each such one hundred dollars of assessed valuation; to enter into contracts, employ and retain personal services and employ laborers; to create, establish and maintain such offices and positions as shall be necessary and convenient for the transaction of the business of the district, and to elect, appoint and employ such officers, attorneys, agents and employees therefor as shall be found by the board of directors to be necessary and convenient.

(9) To join with one or more other public corporations for the purpose of carrying out any of its powers, and for that purpose to contract with such other public corporation or corporations for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for an agency to effect such acquisitions and carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contract may contain such other and further covenants and agreements as may be necessary and convenient to accomplish the purposes hereof. The term "public corporation" as used in this subdivision shall be deemed to mean and include the United States or any other public agency thereof or this or any other state or any political district or subdivision thereof.

(10) To acquire water and water rights within or without the state, to develop, store and transport water, to sell water at wholesale for municipal and domestic uses and purposes, and to fix the rates therefor, and to acquire, construct, operate

and maintain any and all works, facilities, improvements, and property necessary or convenient therefor.

SEC. 5½. Each city, the area of which shall be a part of any district incorporated hereunder, shall have a preferential right to purchase from the district for domestic and municipal uses within such city a portion of the water served by the district which shall, from time to time, bear the same ratio to all of the water supply of the district as the assessed valuation of property assessable for district purposes in such city shall bear to the assessed valuation of all property assessable for district purposes in the district.

SEC. 6. All powers, privileges and duties vested in or imposed upon any district incorporated hereunder shall be exercised and performed by and through a board of directors; *provided, however,* that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the offices created hereby or by the board of directors acting hereunder.

The board of directors herein referred to shall consist of at least one representative from each municipality, the area of which shall lie within the metropolitan water district. Such representatives shall serve without compensation from the district and shall be designated and appointed by the chief executive officers of municipalities, respectively, with the consent and approval of the governing bodies of the municipalities, respectively. As a member of the board of directors, each representative shall be entitled to vote on all questions, orders, resolutions and ordinances coming before the board, and shall be entitled to cast one vote for each ten million dollars or major fractional part thereof, of assessed valuation of property taxable for district purposes in the city represented by him as shown by the assessment records of the county and evidenced by the certificate of the county auditor; *provided,* that each representative shall have at least one vote and no municipality shall have votes exceeding in number fifty (50) per cent of the total number of votes of all the members. In lieu of one representative any city may at its option designate and appoint several representatives not exceeding one additional representative for each two hundred million dollars of assessed valuation, but such representatives shall cast the vote to which such city would otherwise be entitled as a unit and as the majority thereof shall determine. The affirmative votes of members representing more than fifty (50) per cent of the total number of votes of all the members shall be necessary and except as otherwise herein provided shall be sufficient to carry any order, resolution or ordinance coming before the board of directors. For the purposes of this section, the term "major fractional part" shall be deemed to mean a fractional part larger than one-half. The members of the board of directors so constituted shall convene at the time and place fixed by the

chief executive officer of the municipality initiating the proceedings hereunder, and immediately upon convening such board of directors shall elect from its membership a chairman, a vice chairman, and a secretary, who shall serve for a period of two years, or until their successors shall be elected and qualified.

Powers.

The board of directors shall have power:

(1) To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings.

(2) To make and pass ordinances, resolutions and orders not repugnant to the constitution of the United States or of the State of California, or to the provisions of this act necessary for the government and management of the affairs of the district, for the execution of the powers vested in the district and for carrying into effect the provisions of this act. On all ordinances and resolutions the roll shall be called and the ayes and noes recorded. Orders may be adopted *viva voce*, but on demand of any member the roll shall be called. No ordinance or resolution shall be adopted unless it shall have been introduced on a day previous to the time of such adoption; *provided*, that in lieu of such previous introduction any ordinance or resolution may be mailed by registered mail, postage prepaid, to each member of the board of directors at least five (5) days prior to the day upon which such ordinance shall be presented for adoption. No resolution or ordinance of the board of directors except ordinances calling election and levying taxes shall take effect until the expiration of thirty days following the adoption thereof, and such ordinances and resolutions shall be subject to referendum in the manner provided by law for the legislative acts of boards of supervisors of counties.

(3) To fix the location of the principal place of business of the district and the location of all offices and departments maintained hereunder.

(4) To prescribe by ordinance a system of business administration and to create any and all necessary offices which shall include the office of controller and to establish and reestablish the powers and duties and compensation of all officers and employees and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the district.

(5) To prescribe by ordinance a system of civil service.

(6) To delegate and redelegate by ordinance to officers of the district power to employ clerical, legal and engineering assistance and labor, and under such conditions and restrictions as shall be fixed by the directors power to bind the district by contract.

(7) To prescribe a method of auditing and allowing or rejecting claims and demands and for the letting of contracts, which method shall provide for the publication of notices

inviting bids on all contracts for the construction of buildings or works or for supplies or materials, the consideration of which shall be ten thousand dollars (\$10,000) or more.

(8) To fix the rates at which water shall be sold; *provided, however,* that rates shall be uniform for like classes of service throughout the district.

SEC. 7. (a) Whenever the board of directors of any water district shall, by ordinance adopted by a vote of a majority of the aggregate number of votes of all the members of the board of directors, determine that the interests of said district and the public interest or necessity demand the acquisition, construction or completion of any public improvement or works, or the incurring of any preliminary expenses, necessary or convenient to carry out the objects or purposes of said district the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, said board of directors may order the submission of the proposition of incurring bonded indebtedness, for the purposes set forth in the said ordinance, to the qualified voters of such district, at an election held for that purpose. Any election held for the purpose of submitting any proposition or propositions of incurring such bonded indebtedness may be held separately, or may be consolidated or held concurrently with any other election authorized by law at which the qualified electors of the district are entitled to vote. The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one and the same ordinance, which ordinance in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the public works or improvements, or the estimated amount of preliminary expenses, as the case may be, the amount of the principal of the indebtedness to be incurred therefor and the maximum rate of interest to be paid on such indebtedness, which rate shall not exceed six (6) per cent per annum payable semiannually. Such ordinance shall also fix the date upon which such election shall be held and the manner of holding the same and the method of voting for or against incurring the proposed indebtedness. Such ordinance shall also fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint the officers of such election, which officers shall consist of one inspector, one judge and two clerks in each precinct. The description of precincts may be made by reference to any order or orders of the board of supervisors of the county or counties in which the district or any part thereof is situated, or by reference to any previous order or ordinance of the legislative body of the municipality, or by detailed description of such precincts. Precincts established by the boards of supervisors of the various counties, to a number not exceeding six (6), may be consolidated for

Bonded in
debtedness.

Submission
to electors

Call

Precincts

special elections held hereunder. In the event that any bond election shall be called to be held concurrently with any other election or shall be consolidated therewith, the ordinance calling the election hereunder need not designate precincts or polling places or the names of officers of election, but shall contain reference to the act or order calling such other election and fixing the precincts and polling places and appointing election officers therefor.

Publication
of call

(b) The ordinance provided for in subdivision (a) of this section shall be published once, at least ten (10) days before the date of the election therein called, in a newspaper of general circulation printed and published within the district, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made.

Conduct of
election.

(c) The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of general elections, and shall make their returns to the secretary of the district. At any regular or special meeting of the board of directors held not earlier than five (5) days following the date of such election, the returns thereof shall be canvassed and the results thereof declared. In the event that any election held hereunder shall be consolidated with any primary or general election and the proposition to incur indebtedness shall be printed upon a ballot containing other propositions, the returns of the election held hereunder shall be made with the returns of the primary or general election to the board of supervisors or other bodies whose duty it shall be to canvass the returns thereof, and the results of the election held hereunder shall be canvassed at the time and in the manner provided by law for the canvass of the returns of such primary or general election. It shall be the duty of such canvassing body or bodies to promptly certify and transmit to the board of directors of the district a statement of the result of the vote upon the proposition submitted hereunder. Upon receipt of such certificates, it shall be the duty of the board of directors to tabulate and declare the results of the election held hereunder.

If majority
favor.

(d) In the event that it shall appear from said returns that a majority of the electors voting on any proposition submitted hereunder at such election voted in favor of such proposition, the district shall thereupon be authorized to issue and sell bonds of the district in the amount and for the purpose or purposes and object or objects provided for such proposition in such ordinance, and at a rate of interest, not exceeding the rate recited in said ordinance.

Bond issues.

(e) All bonds of such district, issued under the provisions of this act, shall be payable substantially in the following manner: A part to be determined by the board of directors which shall not be less than one-fortieth ($1/40$) part of the whole amount of such indebtedness, shall be paid each and

every year on a day and date, and at a place or places to be fixed by said board of directors, together with the interest on all sums unpaid at such date; *provided, however*, that said board may, in its discretion, determine and fix the date for the earliest maturity of the principal of such bonds, not more than fifteen years from the date of the issue of such bonds; in this event, the whole amount of such indebtedness must be made payable in substantially equal annual parts in not to exceed forty (40) years from the date of the issue thereof. The bonds shall be issued in such denominations as the board of directors may determine, except that no bonds shall be of less denomination than one hundred dollars (\$100), nor of a greater denomination than one thousand dollars (\$1000), and shall be payable on the day and at the place or places fixed in such bonds and with interest at the rate specified therein, which rate shall not be in excess of six (6) per cent per annum, and shall be payable semiannually. Such bonds shall be signed by the chairman of said board of directors, or by such other officer as said board of directors shall, by resolution adopted by a majority vote of its members, authorize and designate for that purpose, and such bonds shall also be signed by the controller and countersigned by the secretary of said board of directors.

(f) The coupons of said bonds shall be numbered consecutively and signed by said controller, whose signature may be printed or engraved thereon. In case any of such officers, whose signatures or counter-signatures appear on the bonds or coupons, shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or counter-signatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of such bonds. Coupons

(g) Such bonds shall not be sold at a price less than the par value thereof, together with accrued interest to the date of delivery, nor until notice calling for bids therefor shall have been published in a newspaper of general circulation published and circulated in the county wherein the principal place of business of said district shall be located. Said notice, calling for bids, shall state the time for the receipt of such bids which shall be not less than ten (10) days after the first publication thereof. Such notice may offer the bonds at a fixed interest rate or with the interest rate undetermined, in which event the bids shall contain a statement of the lowest rate of interest at which the bidder will take the bonds and pay par value or more therefor, together with accrued interest. Bids for such bonds shall be opened publicly and the results thereof publicly announced. Such bonds shall be sold to the highest bidder. Sale of bonds.

(h) Such bonds may be issued and sold by said board of directors as they shall determine, and the proceeds thereof, excepting premium and accrued interest, shall be placed in the treasury of said district to the credit of the proper Proceeds

improvement fund, and shall be applied exclusively to the purposes and objects mentioned in said ordinance. Premium and accrued interest shall be placed in the fund to be applied to the payment of interest on, and the retirement of, the bonds so sold.

Validity
of bonds

(i) The board of directors may at any time within sixty (60) days from the date of the resolution authorizing the issuance of bonds, cause to be brought in the name of the district an action in the superior court of the county in which said district or the greater portion thereof is located, to determine the validity of any such bonds. Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of summons for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceedings. Jurisdiction shall be complete within ten (10) days after the full publication of such summons in the manner herein provided. Any one interested may at any time before the expiration of said ten (10) days appear and by proper proceedings contest the validity of such bonds. Such action shall be speedily tried and judgment rendered declaring such bonds to be valid or invalid. Either party may have the right to appeal to the supreme court at any time within thirty (30) days after the rendition of such judgment, which appeal must be heard and determined within three months from the time of taking such appeal. After the expiration of ninety (90) days from the date of the resolution authorizing the issuance of bonds, no action may be brought to contest or question the validity of said bonds and proceedings thereto. If there be more than one action or proceeding involving the validity of any such bonds, they shall be consolidated and tried together. The court hearing any proceeding or action inquiring into the regularity, legality or correctness of the proceedings leading up to the issuance of bonds or the validity of such bonds must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said action or proceeding. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to all actions or proceedings herein provided for. The motion for a new trial of any such action or proceeding must be heard and determined within ten (10) days from the filing of the notice of intention. The costs on any proceeding or action herein provided for may be allowed and apportioned between the parties, or taxed to the losing party, in the discretion of the court.

Tax levies.

(j) The board of directors of the metropolitan water district shall at the time of fixing the tax levy and in the manner for such tax levy provided, levy and collect annually until said bonds are paid or until there shall be a sum in the treasury of the district set apart for that purpose sufficient to meet

all sums coming due for principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds, and also such part of the principal thereof as shall become due before the time when money will be available from the next general tax levy; *provided, however*, that if the maturity of the indebtedness created by the issue of bonds be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid annually sufficient to pay the interest on such indebtedness as it falls due and also to constitute a sinking fund for the payment of principal thereof on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected and shall be used for no purpose other than the payment of such bonds and accruing interest.

SEC. 8. (a) Immediately after equalization and not later than the fifteenth day of August of each year, it shall be the duty of the auditor of each county wherein such district or any part thereof shall lie, to prepare and deliver to the controller of the district a certificate showing the assessed valuation of all property within the district lying in the county, and also such assessed valuation segregated according to cities, the area of which lie within the district. Taxation.

(b) On or before the twentieth day of August, the board of directors of the district shall by resolution determine the amount of money necessary to be raised by taxation during the ensuing fiscal year, and shall fix the rate of taxation of the district, designating the number of cents upon each one hundred dollars assessed valuation of taxable property in each county and shall levy a tax accordingly. Amount
and rate

(c) The board of directors shall also cause to be computed and shall declare in said resolution the amount of money to be derived from the area of the district lying within each separate municipality by virtue of the tax levy. In such resolution the board shall also fix and determine the times and proportional amounts of installments in which any city may elect to make payment in lieu of taxes as hereinafter provided. The board shall immediately cause certified copies of such resolution to be transmitted to the presiding officer of the governing body of each such city. Amounts
by cities.

(d) On or before the twenty-fifth day of August of each year the governing body of each such city may elect to pay out of the municipal funds all or any portion of the amount of tax which would otherwise be levied upon property within such city. Such election shall be made by order upon motion, which order shall recite that such payment shall be made in cash concurrently with the certification of such order to the controller of the district, or that such payment shall be made in installments and the times wherein such installments shall Payments
by cities.

be payable and the amounts thereof, which amounts shall be in accordance with the requirements of the board of directors of the district as approved by resolution. In the event that any city shall elect to pay in cash or by deferred installments money or any part thereof which would otherwise be levied upon property within the city, it shall immediately certify to the controller of the district a copy of such order and a statement showing its financial condition, the funds from which such payments shall be made and the sources of revenue to be used therefor.

Tax rates
by cities

(e) Before the first day of September the controller of the district shall cause to be prepared and transmitted to the auditor of each county in which the district shall lie, a statement showing the tax rate to be applied to assessed property in each city, which rate shall be the rate fixed by resolution of the board of directors modified to the extent necessary to produce from each city only the amount of money apportioned thereto in said resolution, less any amount paid or undertaken to be paid by such city, or credited thereto as herein provided, but if any fraction of a cent occur, it must be taken as a full cent on each one hundred dollars.

Alternative
procedure

(f) As an alternative procedure to that set out in subdivisions (b), (c), (d), and (e), hereof, the board of directors may, by ordinance, elect to proceed in accordance with subdivisions (f), (g), (h), (i), and (j) of this section in the manner following:

Controller's
annual esti-
mate and ap-
portionment

On or before the first day of July of each year the controller of the district shall prepare a statement showing (1) the amount of money estimated to be required for district purposes during the ensuing fiscal year, (2) the amount of revenue anticipated to be received from the sale of water, (3) the amount of revenue to be derived from taxation, (4) the amount of money to be derived from taxation of property assessable for district purposes within each city. The apportionment of money to be derived by taxation from each city shall be so made as to require the owners of taxable property within each city to contribute equitably to the funds of the district and shall be made with reference to the assessed valuation in each city as shown by the county assessment records for the preceding year, the estimated amount which the utility or utilities serving water in each city, respectively, will pay into the treasury of the district for water delivered by the district, and the amount of money theretofore contributed to the district by each city, and the amount with which each city stands credited by the district as herein provided.

Notice of
hearing

(g) On or before the fifteenth day of July of each year, certified copies of such statement shall be transmitted to the governing board of each city within the district, together with a notice that at a place and on a day and at an hour named therein, which day shall be between the fifteenth and twenty-fifth days of August, both inclusive, the board of directors of

the district will hear any protest or objections to the apportionment which shall have been regularly filed. A similar notice together with a copy of said statement shall be published once in a newspaper of general circulation printed, published and circulated within the district. It shall also be competent for the board of directors to order and provide for the publication or posting of such additional notices as may be deemed desirable or necessary to fully apprise all persons affected thereby of the contents of the statement and the time and place of hearing thereon. Failure to give such additional notice shall not affect the regularity of proceedings hereunder.

(h) At any time not later than one week before the time noticed for hearing, any city or the owner or owners of any property assessable for district purposes within the district may file a protest against the apportionment. At the time and place set for hearing or at any time or place to which such hearing may be continued, the board of directors shall hear and pass upon all protests and objections regularly filed, and may confirm or modify and confirm the apportionment as contained in said statement of the controller, and its decision thereon shall be final and conclusive. No action shall be taken upon any protest filed later than one week preceding such hearing.

Protests
and hearing

(i) When the assessed valuations of property assessable for district purposes within the respective cities within the district shall have been received and the apportionment of money to be derived from taxation shall have been finally determined, the board of directors shall cause to be computed and shall levy upon property taxable for district purposes in each city, a tax sufficient to raise the amount of money apportioned to each city respectively, designating the rate of taxation in each city, and designating the number of cents upon each one hundred dollars assessed valuation of property taxable for district purposes in each city. Certified copies of the ordinance levying such tax and fixing the rate of taxation in each city shall, on or before the thirtieth day of August of each year, be transmitted to the auditor of each county wherein said district or any part thereof shall lie.

Tax levy

(j) On or before the fifteenth day of August of each year, it shall be competent for any city within any metropolitan water district incorporated hereunder to file with the controller of the district a copy of its ordinance duly certified electing to pay at a time or times therein set out the amount or any part or percentage thereof which would otherwise be raised by taxes levied upon property within the city as such amount shall be determined. Such ordinance shall be presented to the board of directors at the time of said hearing and if approved by the board the rate of taxation for district purposes in the city filing such ordinance shall be so fixed that the aggregate of moneys derived from payments

Payment
by cities

to be made pursuant to such ordinance and the money to be derived from taxation of property within such city for district purposes shall not exceed the amount finally apportioned thereto as herein provided but if any fraction of a cent occur, it must be taken as a full cent on each one hundred dollars.

Collection
of taxes.

(k) Upon receipt by the auditor of each county wherein such district or any part thereof shall lie of a certified copy of the controller's statement or the ordinance of the board of directors as the case may be fixing the tax rate upon the various cities and a statement of the cities to be exempted therefrom, if any, it shall be the duty of the county officers to collect taxes for the benefit of the district at the rates specified as herein provided. The taxes so levied shall be computed and collected at the time and in the manner required by law for the computation and collection of taxes for county purposes, and the property subject to such tax shall be subject to the same penalties for delinquency and the same provisions for law relating to the sale of property for nonpayment of county taxes and redemption thereof shall apply to the tax herein authorized. When so collected, such taxes shall be paid over to the treasury of the district, subject to the deduction herein authorized.

In consideration of services rendered hereunder, any county shall annually be entitled to deduct and withhold an amount not exceeding one per cent on the first twenty-five thousand dollars collected hereunder, and one-fourth of one per cent of any amount in excess of twenty-five thousand dollars collected hereunder. The board of supervisors of each such county may provide such extra help as in their judgment may be necessary for the proper performance of duties hereunder.

Tax lien

(l) Whenever any real property situated in any district organized hereunder and upon which a tax shall have been levied, as herein provided, shall be sold for taxes and shall be redeemed, the money paid for such redemption, except advertising costs, shall be apportioned and paid in part to such district in the proportion which the tax due to such district shall bear to the total tax for which such property shall have been sold. All taxes levied under the provisions of this act shall be a lien upon the property upon which levied, and the enforcement of the collection of such tax shall be had in the same manner and by the same means as is or shall be provided by law for the enforcement of liens for state and county taxes, and all of the provisions of law relating to the enforcement of such taxes are hereby made a part of this act so far as applicable.

Payment
by cities

(m) Cities, the areas of which are included within water districts incorporated hereunder, are hereby authorized to pay to such districts, out of funds derived from the sale of water or other funds not appropriated to some other use, such amounts as may be determined upon by the governing bodies

thereof, respectively. Such payments may be made in avoidance of taxes as herein provided, or otherwise, and shall not be deemed gratuitous or in the nature of gifts, but shall be deemed payments for water or services in connection with the distribution of water. Any city making any such payment to any district incorporated hereunder, whether in avoidance of taxes or otherwise, shall receive credit therefor and the amount of the payment so made by any city shall be deducted from the amount of taxes which would otherwise be levied against property lying therein as herein provided. In the event that payment so made by any city shall exceed the amount of taxes which would otherwise have been levied against property within such city, the amount of such excess without interest shall be carried over and applied in reduction of taxes levied, or which would otherwise have been levied during the ensuing year or years. Any city which shall have incurred expenses in preliminary work in preparing for the incorporation of or in the incorporation of any district hereunder, or in the investigation of or preliminary work upon any works or project taken over by the district, may certify the amount thereof without interest to the board of directors of the district, and if allowed by the board such amount shall be credited to the city incurring the same and shall be considered as a payment of money made as herein provided. Such certification and allowance shall be made on or before the first Monday of July, and the amount of money to be raised by taxation shall be computed with reference to the credit to be allowed as herein provided.

Allowance
for expense.

(n) If any city shall fail to comply with the terms of the order relating to payments to be made to the district in lieu of taxation, the amount of the delinquency, plus a penalty of ten per cent shall be added to the taxes to be collected during the ensuing fiscal year, and thereafter for a period of two (2) years no order or ordinance shall be sufficient to exempt the property in said city from taxation hereunder unless it be accompanied by payment in cash of the amount which would otherwise be collected from the owners of property within the city, together with all moneys due but unpaid under any previous order.

Failure of
city to pay.

SEC. 9. Annexation to the territory of any district organized hereunder may be effected by either of the following methods:

Annexation
of territory

(a) Whenever any area shall be annexed to or consolidated with any city, the area of which shall be a part of any district organized hereunder, such annexed or consolidated area shall by virtue of its annexation or consolidation to such city become and be a part of such district and shall be taxable equally with other parts of such district to pay the indebtedness of the district outstanding at the time of such annexation or consolidation.

Annexation
of territory
(cont'd).

(b) The governing or legislative body of any municipality may apply to the controller of any metropolitan water district for a statement showing the amount of the bonded and other indebtedness of the district, the assessed value of the taxable property therein according to the most recent assessment, and the names of all municipalities, the areas of which are included within the district, and it shall thereupon be the duty of the controller to furnish such information to the applicant. After consideration of such statement the governing body of such municipality may apply to the board of directors of such metropolitan water district for consent to annex such municipality to the metropolitan water district. The board of directors may grant or deny such application and in granting the same may fix the terms and conditions upon which such city may be annexed to and become a part of the metropolitan water district, to the end that equal burdens, including bonded debt, and equal benefits may be extended to all parts of the district. The action of the board of directors evidenced by order made on motion shall be promptly transmitted to the governing body of such applying city, which governing body may thereupon submit to the qualified electors of such city, at any general or special election held therein, the proposition of such annexation subject to the terms and conditions fixed as herein provided. Notice of such election shall be given by posting or publication; when given by posting such notice shall be posted at least ten days and in three public places in the city; when given by publication such notice shall be published once at least ten days before the date fixed for the election in a newspaper of general circulation published in the city. Such notice shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided. Such election shall be conducted and the returns thereof canvassed in the manner provided by law for municipal elections in such city. If such proposition shall receive the affirmative vote of a majority of electors of such city voting thereon at such election, the governing body of such municipality shall certify the result of such election on said proposition to the board of directors of said district and a certificate of proceedings hereunder shall be made by the secretary of the district and filed with the secretary of state. Upon the filing thereof in the office of the secretary of state, such municipality shall become and be an integral part of such water district, and the taxable property therein shall become taxable for the payment of bonds and other obligations of such district in accordance with the terms and conditions fixed by the board of directors as herein provided.

Withdrawal
of territory.

SEC. 10. Any municipality whose corporate area has become or is a part of any water district may withdraw therefrom in the following manner:

The governing body of any such municipality may submit to the electors thereof at any general or special election the

proposition of withdrawing from any water district incorporated thereunder. Notice of such election shall be given in the manner provided in subdivision (b) of section 9 hereof. Such election shall be conducted and the returns thereof canvassed in the manner provided by law for the conduct of municipal elections in said city. In the event that the majority of the electors voting thereon vote in favor of such withdrawal, the result thereof shall be certified by the governing body of such municipality to the board of directors of the district. A certificate of the proceedings hereunder shall be made by the secretary of the district and filed with the secretary of state, and upon the filing of such certificate the area of the municipality so withdrawing shall be excluded from the said water district, and shall no longer be a part thereof; *provided, however*, that the property within the said municipality as it shall exist at the time of such exclusion shall continue taxable for the purpose of paying said bonded and other indebtedness outstanding at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied.

SEC. 11. No director or any other officer of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom; and for any violation of this provision such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment. Interest of directors in contracts.

SEC. 12. Every incumbent of any office of a metropolitan water district formed hereunder shall be subject to recall by the voters of such metropolitan water district, in accordance with the recall provisions of the general laws of the state with reference to county officers. Recall of officers.

SEC. 13. All matters and things necessary for the proper administration of the affairs of said district which are not provided for in this act shall be provided for by the board of directors of the district by ordinance. Necessities.

SEC. 14. The fiscal year of any metropolitan water district incorporated hereunder shall commence on the first day of July of each year and shall continue until the close of the thirtieth day of June of the year following. As promptly as shall be possible after the close of each fiscal year, it shall be the duty of the controller of the district to prepare and transmit to the chief executive officer of each municipality, the area of which shall lie within the district, a statement of revenues and expenditures in such detail as shall be prescribed by the board of directors; also a statement of the amount of water stored by the district and the amounts used Fiscal year. Annual statements.

by the respective cities, the areas of which shall lie within the district.

Constitutionality.

SEC. 15. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 430.

An act to amend section nineteen x twenty-four of the juvenile court law, relating to salaries of probation officers in counties of the twenty-fourth class.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p. 1084,
amended
Counties of
24th class.
probation
officer.

SECTION 1. Section 19x24 of the juvenile court law is hereby amended to read as follows:

19x24. In counties of the twenty-fourth class there shall be one probation officer whose salary shall be one thousand eight hundred dollars per year, and one deputy probation officer whose salary shall be one thousand five hundred dollars per year.

CHAPTER 431.

An act providing for a commission on pensions of state employees; providing for the appointment of members thereof; prescribing the powers and duties of such commission, and making an appropriation therefor.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

Civil service
pensions
commission

SECTION. 1. A commission is hereby created consisting of five members as follows: One shall be the commissioner of the state department of civil service, ex officio; four members to be appointed by the governor. The commission shall be appointed for the purpose of inquiring into the subject of retirement pensions, allowances and annuities for state officers and employees, especially with reference to the method of establishing and maintaining the fund from which such pensions, allowances and annuities shall be paid. A vacancy occurring in the office of a member of such commission shall be filled by the officer who made the original appointment.

SEC. 2. A member of the commission shall not be disqualified from holding any other office, state or municipal, nor forfeit the same by reason of his appointment under this act, notwithstanding the provisions of any city charter. Qualifications of members.

SEC. 3. Such commission shall have power to subpoena and compel the attendance of witnesses, including public officers and employees, and to require the production of books, records and papers, to take and hear proofs and testimony and adopt rules for the conduct of its proceedings. Powers.

SEC. 4. The commission shall select a chairman and vice-chairman from among its own members and may employ a secretary and such other experts and employees as may be needed, in connection with the duties of the commission, and may fix their compensation, in accordance with the provisions of the civil service act. It shall be the duty of all persons subject to the authority of the state in that behalf to aid in all proper ways in carrying into effect the provisions of this act. Officers and employees.

SEC. 5. The members of such commission shall receive no compensation for their services, but shall be paid their actual and necessary traveling, hotel and other expenses incurred in the discharge of their duties. Compensation.

SEC. 6. The commission shall on or before July 1, 1928, report the result of its inquiry to the governor and Legislature, including such proposed legislation as it may deem advisable. Report

SEC. 7. The sum of six thousand dollars (\$6,000) or so much thereof as may be needed is hereby appropriated for the purposes of this act, payable by the treasurer on the warrant of the controller on the order of the chairman or vice chairman of such commission. Appropriation.

SEC. 8. The commission shall have the power to receive all voluntary gifts, or contributions, that may be made for carrying out the provisions of this act, and upon the termination of the life of said commission, any surplus funds shall be paid to and become a part of, the reserve fund created by virtue of any pension law enacted as a result of this investigation. Contributions.

CHAPTER 432.

An act to amend sections eighteen and nineteen x forty of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of

detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

Stats 1915,
p 1240,
amended

SECTION 1. Section 18 of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

Probation
officers.

Sec. 18. The offices of probation officer and assistant probation officer and deputy probation officer are hereby created. The probation officers and assistant probation officers to serve hereunder in any county shall be nominated by the probation committee in manner as the judge of the juvenile court in the respective counties shall direct, and the appointment of such probation officers and assistant probation officers shall then be made by the judge thereof. The term of office of the probation officers and assistant probation officers shall be two years from the date of their said appointments. All probation officers and assistant probation officers receiving a salary in excess of one hundred dollars per month shall devote their entire time and attention to the duties of their offices, and no such probation officer or assistant probation officer, while holding such office and receiving salary therefor, shall be a candidate for or seek the nomination for any other public office or employment, and no person shall be appointed to and

receive the salary attached to such office of either probation officer or assistant probation officer who is a sheriff or constable or is related to the judge of the juvenile court or to a member of the probation committee, by consanguinity or affinity within the third degree computed according to the rules of law. Such probation officers and assistant probation officers may at any time be removed by the judge of the juvenile court for good cause shown; *provided*, that the judge of the juvenile court may at any time in his discretion remove any such probation officer or assistant probation officer with the written approval of a majority of the probation committee. Every probation officer and every assistant probation officer receiving an official salary shall, at the time that he files his oath of office, file with the county clerk of the county his official bond approved by the judge of the juvenile court. The judge of the juvenile court shall have authority by an order entered in the minutes of said court to determine and fix the amount of bonds of the probation officer of the county and of his assistants. If said bonds, or any of them, are furnished by any surety company licensed to transact business in the State of California, the premium thereon shall be paid out of the county treasury.

Official
bonds.

There shall be appointed, as herein provided, a probation officer in every county, and he may appoint as many deputies as he may desire; *provided, however*, that such deputies shall not have authority to act until their appointment shall have been approved by a majority vote of the members of the probation committee, and by the judge of the juvenile court. The term of office of such deputies shall expire with the term of the probation officer making such appointment, but the probation officer with the written approval of the majority of the members of the probation committee and of the judge of the juvenile court, may, at any time in his discretion revoke and terminate such appointment. Such deputies, except as hereinafter provided, shall serve without compensation; *provided, however*, that in counties having charters providing a method of appointment and tenure of office for probation officers and members of the probation committee, such charter provision shall control as to such matters, and boards of supervisors, if thereto authorized thereby may increase or decrease the number of assistants and deputies and the salary of the probation officer and such assistants, deputies and clerks.

Deputies.

SEC. 2. Section 19x40 of said act is hereby amended to read as follows:

Stats 1921,
p 1433,
amended

Sec. 19x40. In counties of the fortieth class there shall be one probation officer whose salary shall be one hundred dollars per month, and one assistant probation officer whose salary shall be seventy-five dollars per month.

Counties of
40th class:
probation
officer

CHAPTER 433.

An act to amend an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School, and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, relating to salaries of probation officers in counties of the fifteenth class.

[Approved by the Governor May 10, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p. 1455,
amended.
Counties of
15th class:
probation
officer.

SECTION 1. Section 19x15 of the "juvenile court law" is hereby amended to read as follows:

Sec. 19x15. In counties of the fifteenth class there shall be one chief probation officer whose salary shall be two thousand eight hundred dollars per annum, and one assistant probation officer whose salary shall be two thousand one hundred dollars per annum, and one assistant probation officer whose salary shall be one thousand two hundred dollars per annum.

CHAPTER 434.

An act authorizing municipal corporations to discontinue the use of land for park purposes when the fee thereof is vested in the municipal corporation, and authorizing the sale or other disposition of such lands.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

Discontin-
uance of
parks.

SECTION 1. The use for public park purposes of any land the fee of which is or shall be vested in any municipal corporation, and which has been or shall be dedicated to park use

or placed in use as a public park, may be discontinued and abandoned and thereafter such land disposed of, in the manner hereinafter provided. Nothing herein shall be construed to authorize the discontinuance and abandonment of the use of such park lands, or any change in the use thereof which will cause the reversion of such park lands to private ownership, or cause the forfeiture of the ownership thereof in fee by any municipal corporation, or as authorizing the discontinuance of the use of park lands acquired in any proceeding wherein a local assessment based on benefits was or shall be levied to provide funds for such acquisition.

SEC. 2. Whenever in the opinion of the legislative body of any municipal corporation the public interest or convenience shall require the discontinuance of the use of any such land as a public park, such legislative body may adopt a resolution declaring that public interest or convenience requires such discontinuance, and that such legislative body intends to call a special election to submit to the qualified electors of such municipal corporation the question of the discontinuance of the use of such land as a public park. Resolution
of intention

Such resolution shall contain an accurate description of the lands proposed to be discontinued in use as a public park which may be all or any portion of such land, and the name by which the park the use of which is so proposed to be abandoned and discontinued in whole or in part is commonly known, the use which it is proposed to make of such park, and shall fix a time and place not less than thirty (30) nor more than sixty (60) days after the adoption of such resolution at which the public or persons particularly interested may be heard.

SEC. 3. The city clerk shall cause said resolution to be published twice in a daily newspaper published and circulated in said city; *provided*, that if there be no daily newspaper, then the publication shall be made in a newspaper published and circulated therein less than six days a week and said publication shall be made twice therein. If no newspaper be published in said city, then the publication shall be made twice in some newspaper published in the county in which said city is located. Such publication shall be completed at least twenty days before the time set for hearing of protests as hereinafter provided. Publication
of resolution.

The park superintendent, or such other person as may be thereunto authorized by the legislative body of such municipal corporation, shall cause to be conspicuously posted along the exterior boundaries of the area proposed to be discontinued and abandoned as a public park, notices of the adoption of such resolution. Notices so posted shall be headed "Notice of proposed discontinuance of public park land" in letters not less than one (1) inch in height, and shall in legible characters state the fact and date of the adoption of the resolution, and shall contain a description of the land proposed to be discontinued and abandoned as a public park, and the Notices to
be posted

name by which such public park is commonly known and the use which it is proposed to make of such park. Such notice shall also contain a statement of the date, hour and place when and where any and all persons having any objection to the proposed abandonment and discontinuance may appear before the legislative body and show cause why the use of the land therein described for park purposes should not be discontinued, in accordance with such resolution. Such notices shall be posted along the exterior boundaries of the land proposed to be discontinued as a public park at not more than three hundred feet in distance apart, and there shall not be less than three such notices in all. Such posting shall be completed at least twenty (20) days before the time set in said resolution for hearing thereon; *provided, however*, that the failure to post said notices shall in no wise affect the validity of the proceedings or prevent the legislative body from acquiring jurisdiction to proceed hereunder.

Protests
and action
thereon

SEC. 4. At any time not later than the hour set for hearing objections to the proposed discontinuance, any person or persons interested may make protest in writing against the proposed abandonment or discontinuance of such park use, or to the extent thereof or both. Such protest must be in writing and be delivered to the clerk of the legislative body. Such legislative body shall hear and pass upon all such objections at said time or at any other time to which the hearing thereof may be postponed.

In the event that no protests are received or in the event that said legislative body overrules all protests by a two-thirds vote of the members thereof, such legislative body shall have jurisdiction to adopt an ordinance to call a special election at a time to be therein fixed to submit to the qualified voters of such municipal corporation the proposition of the discontinuance of the use of such park land. In the event that such legislative body allows protests against the proposed discontinuance and abandonment of a portion of such park land but by a two-thirds vote of the members thereof overrules all protests against the proposed discontinuance and abandonment of all other portions of such park land, such legislative body shall have jurisdiction to adopt an ordinance calling a special election at a time to be therein fixed to submit to the qualified voters of such municipal corporation the proposition of the discontinuance and abandonment of the use of those portions of said park lands against which such legislative body, by a two-thirds vote of the members thereof, has overruled all protests.

Special
election and
result
thereof

SEC. 5. If at the special election called as herein provided, two-thirds of the qualified electors of such municipal corporation voting on the proposition of such discontinuance, vote in favor thereof, the legislative body of such municipal corporation shall have jurisdiction to adopt an ordinance declaring that the use for park purposes of the land described in the

ordinance calling such election shall be discontinued and abandoned.

In the event that two-thirds of the qualified electors of such municipal corporation voting on the proposition of such discontinuance do not vote in favor thereof, the legislative body of such municipal corporation shall not have jurisdiction to adopt a new resolution of intention to call a special election to submit the question of the discontinuance of the use of the land for park purposes described in said ordinance calling such election, until after the expiration of six (6) months from the date of said election.

SEC. 6. After such ordinance becomes effective, the land therein described shall be deemed to be held by such municipal corporation in fee, the sole limitation upon the use of such lands shall be that said lands shall be used only for municipal, charitable, or educational purposes; *provided, however*, that in the event that such land shall have been acquired for park purposes by the expenditure of moneys derived from the sale of bonds authorized for park purposes, and in the event the land so acquired for park purposes shall be placed in any other municipal use, they shall be transferred to such bond fund from such other municipal fund, as shall be determined upon by the legislative body of the city, the reasonable market value of such land at the date of the ordinance discontinuing the use thereof for park purposes and the money so transferred shall be devoted only to the purposes for which such bonds were authorized. Moneys placed in any bond fund hereunder shall be subject to diversion to other use under the terms and limitations of any act of the Legislature providing for the diversion of money derived from the sale of bonds voted for a particular purpose to some other or different purpose.

Subsequent
use of lands

Bond
moneys

CHAPTER 435.

An act to amend section three thousand seven hundred fourteen of the Political Code of the State of California, relating to the levy of taxes.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 3714 of the Political Code is hereby amended to read as follows:

Stats 1917,
p 13,
amended.
Annual
financial
estimates.

3714. On or before the twentieth day of July in each year, at such time as the board of supervisors may direct, each county official, elective or appointive, in charge of an office, department, service or institution of the county, shall file with the county auditor of such county, a detailed and itemized estimate, showing both the probable revenues from sources other than taxation that will accrue to his department,

office or institution during the ensuing fiscal year, and all expenditures required by such department, office or institution for the same period. The county board of supervisors shall submit to the county auditor a statement showing all new road and bridge construction to be financed from the county road and bridge fund, each road district fund, the permanent highway fund, the state gasoline tax highway fund, and from bond issues theretofore issued, if any, for the fiscal year which the budget is intended to cover, together with the cost thereof as computed by the county engineer or any special engineer that may have been put in charge thereof. It shall be the duty of such engineer to prepare such estimates of cost for the board of supervisors of the county. The board shall also submit a similar statement showing their road and bridge maintenance or betterment program, as nearly as can be estimated, as well as an estimate of all expenditures for construction or improvement purposes proposed to be made from the proceeds of bond or warrants or other income not yet authorized.

Forms.

The estimates required in this section shall be submitted on forms prescribed by the state board of control, and provided by the county auditor of each county, and may only be varied or departed from with the approval of said board. The auditor is hereby directed to provide such forms, and it is made his duty to prepare the estimates for interest and debt redemption requirements and any other estimates, the preparation of which properly falls within the duties of his office; *provided*, that in the absence or disability of any official required to furnish estimates hereunder, such estimates shall be furnished by the official or employee in charge of such office, department, service or institution, during such absence or disability.

Auditor's tabulation.

2. From such estimates, the county auditor shall prepare a tabulation showing the complete expenditure program of the county for the current fiscal year, and the sources of revenue by which it is to be financed. Such tabulation shall set forth the estimated receipts from sources other than taxation for each office, department, service or institution, for the current fiscal year, the actual receipts for the preceding fiscal year, the surplus or unencumbered treasury balances at the close of previous fiscal year, and the amount proposed to be raised by taxation; the estimated expenditures for each office, department, service or institution or other fund which the board of supervisors is empowered by law to create when he is requested to do so for the current fiscal year, the actual expenditures for the last completed fiscal year, all existing contracts or other obligations, if any, that will affect current year revenues, and the sum necessary to be provided as a "reserve fund" as hereinafter provided.

Classification of items

Such estimates, appropriations, and expenditures shall be classified under the general classes of (1) salaries and wages;

(2) maintenance and support; (3) capital outlay; (4) interest and debt redemption; and, (5) expenditures proposed to be made from bond or warrant or other income not yet authorized.

Within the general class of "salaries and wages" each salary shall be set forth separately, together with the title or designation of the recipient; *provided and excepted* that in counties empowered by charter to increase or decrease the number of deputies and assistants in any office an unitemized appropriation may be made to cover the expenses of such deputies and assistants. Wages for day labor may be given in totals by designating the general purpose or object for which the expenditure is to be made. Expenditures coming under the general classification of "maintenance and support" shall show the major subdivisions for which such expenditure is to be employed. Expenditures for "capital outlay" shall set forth the object of each expenditure, separately. Under the general class of "interest and debt redemption" shall be set forth separately each series or issue of bonds and warrants, together with its individual requirement for interest and redemption. The total amount of emergency warrants issued during the preceding fiscal year shall be set forth separately together with a statement showing the amount issued for each emergency.

3. The said tabulation shall be submitted by the auditor to the clerk of the board of supervisors on or before the thirtieth day of July of each year. Said board, shall, immediately upon receipt thereof, consider the same in detail, and shall on or before the tenth day of August make any revisions, reductions or additions, therein that it may deem advisable; and shall correct estimated surpluses to agree with actual unencumbered surplus remaining in each fund at the close of the previous fiscal year; *provided, however*, that the estimate submitted by any official as designated herein shall not be increased or reduced until such official shall have first had a hearing thereon before said board. The board of supervisors may add to such tabulation, if it deem advisable, an appropriation to be known as an unbudgeted reserve which shall not exceed in the aggregate ten per cent of the total amount of said budget, exclusive of all items for bond interest and redemption, and which shall be available for appropriation by a four-fifths vote of said board, to cover unforeseen requirements as they may arise. Said budget shall contain an item to be known as the "general reserve fund," which shall be carried over to the next ensuing fiscal year to meet the cash requirements of all funds to which the county's credit may be legally extended for that portion of such fiscal year prior to the receipt of taxes therein. Sums withdrawn from such "general reserve fund" shall be returned thereto out of the respective appropriations in favor of which it was so withdrawn, and sixty per cent of the amount thereof shall, at the end of the fiscal year to which it was carried over, revert to the county general fund. It shall be

Consideration by supervisors.

Unbudgeted reserve.

General reserve fund

Preliminary
budget.

the duty of the county auditor or a deputy designated by him to attend the board's hearings on the matter contained in his tabulation and the preliminary budget and to furnish said board with any additional data or information it may require. Said tabulation with such revisions, additions, or changes as have been made therein, as herein provided, shall constitute the preliminary county budget for the fiscal year, which it is intended to cover. Said budget shall, beginning on or before the fifteenth day of August, be printed or mimeographed in full, in pamphlet form in quantities sufficient to supply one copy to each taxpayer requesting same, and said board of supervisors shall cause to be published in a newspaper of general circulation throughout the county, notice that said budget has been prepared and is available for distribution to taxpayers desiring a copy thereof, which notice shall also set forth that on a date named therein, which date shall be not later than the twentieth day of August thereafter, the county board of supervisors will meet for the purpose of fixing the final budget and determining tax levies, designating the time and place of such meeting, and setting forth that any taxpayer may appear thereat and be heard for or against any part of said budget.

Hearings on
preliminary
budget.

4. On or before the twentieth day of August of each year, the county board of supervisors shall meet at the time and place designated in the notice, provided in section 3 hereof, at which time and place any taxpayer may appear and be heard for or against any part of such budget. Such hearing may be continued from day to day until concluded, but not to exceed a total of ten days. The board of supervisors shall have power to call in the officials in charge of any office, department, service or institution, at the time the estimates for their respective offices are under consideration, for examination concerning such estimates, and such official shall be called by said board upon the request of any taxpayer for questioning, upon such estimates.

Adoption
of budget.

Upon the conclusion of such hearing, the county board of supervisors shall fix and determine each item of the budget separately, and shall, by resolution, adopt the budget as so finally determined, and enter the same in detail, in the official minutes of the board, and shall not later than the first business day of September fix the rate of county taxes designating the number of cents levied for each fund upon each one hundred dollars of assessed value of the county, to raise the amount of the estimated expenditures as finally determined, less the total of the estimated revenues from sources other than taxation, including available surplus, and such expenditures as are to be made from bond or warrant sources, and must levy the state and county taxes. All taxes shall be levied, upon the taxable property in the county, as provided by law, in specific sums, and the tax for county and local purposes shall not exceed the amount specified in the budget, after allowing for delinquency as provided by law; *provided*, that it shall not be

Levy of
taxes.

lawful for any board of supervisors of any county in the state to levy, nor shall any tax greater than seventy-five cents on each hundred dollars (\$100) of property be levied and collected in any one year, to pay the bonded indebtedness or judgment arising therefrom, of this state, or of any county or municipality in this state.

The clerk of the board of supervisors shall immediately forward a copy of the completed budget and tax levies to both the state board of control and the state controller.

Copies to
state officers

5. The estimates of expenditures, classified as required in section 2 hereof, and as finally fixed and adopted by said board of supervisors, shall constitute the appropriations for the county for the fiscal year, intended to be covered thereby and the county supervisors and every other county official shall be limited in the making of expenditures or the incurring of liabilities to the amount of such appropriations and classifications respectively; *provided*, that upon a resolution, formally adopted by the county board of supervisors at a regular or special meeting, and entered upon its minutes, transfers or revisions within the general class of "salaries and wages" and of "maintenance and support" may be made. Transfers between the general classes provided in section 2 hereof, shall not be permitted; *provided* that in the case of road and bridge maintenance appropriations, any lawful transfer, deemed necessary, may be made. Where any budget shall contain an expenditure program to be financed from a bond issue to be authorized thereafter, no such expenditure shall be made or obligations therefor incurred, except such preliminary expenditure as may be now provided by law, until such bonds have been duly authorized and sold. Expenditures made, liabilities incurred, or warrants issued in excess of any of the budget appropriations as originally determined, or as thereafter revised by transfer, as herein provided, shall not be a liability of the county, but the official making or incurring such expenditure shall be liable therefor personally, and upon his official bond. The county board of supervisors shall approve no claim, and the county auditor shall issue no warrant for any expenditure in excess of said budget appropriation, as finally adopted or as thereafter increased from the unbudgeted reserve or by a transfer as herein provided by said board of supervisors, or as revised under the provisions herein, except upon an order of a court of competent jurisdiction, or for an emergency, as hereinafter provided.

Expend-
itures.

6. In a public emergency, other than such as are specifically hereinafter described, and which could not reasonably have been foreseen at the time of making the budget, requiring the expenditure of money not provided for in the budget, the county board of supervisors, by a four-fifths vote of which all members shall have had reasonable notice, shall adopt and enter upon its minutes, a resolution, stating the facts constituting

Emergency
expend-
itures.

Emergency
expenditures
(cont'd).

the emergency and the estimated amount of money required to meet the emergency, and shall publish the same, together with a notice that a public hearing thereon will be held at the time and place designated therein, which shall be not less than one week after the date of said publication, at which any taxpayer may appear and be heard for or against the expenditure of money for such alleged emergency. Such resolution and notice shall be published once in a county newspaper of general circulation, or if there be no such newspaper of general circulation, then by posting notice thereof, prominently, in each supervisorial district in the county. Upon the conclusion of such hearing, if the county board of supervisors deem it advisable, they may proceed to make the expenditures necessary to meet the said emergency and no more; *provided*, that upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or of public health, or for the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed by accident, or for the relief of a stricken community, overtaken by calamity, or for the settlement of approved claims for personal injuries, or property damages, exclusive of claims arising from the operation of any public utilities, owned by the county, or to meet mandatory expenditures required by law, the board of supervisors may upon the adoption by the four-fifths vote of the members present at any meeting, the time and place of which all of the members of such board shall have had reasonable notice, of a resolution stating the facts constituting the emergency and entering the same upon the minutes, make the expenditure necessary to meet such emergency, without further notice or hearing.

All emergency expenditures shall be paid for by the issuance of emergency warrants, which shall be paid from any moneys on hand in the county treasury, in the fund properly chargeable with such expenditure, and the county treasurer is hereby authorized and directed to pay such warrants out of any moneys in the treasury in such fund. If, at any time, there shall be insufficient moneys on hand in the treasury to pay any of such warrants, then such warrants shall be registered, bear interest and be called in the manner provided by law for other county warrants. The county auditor shall include in the annual tabulation of expenditures to be submitted to the board of supervisors, the total amount of emergency warrants issued during the preceding fiscal year.

Unencum-
bered
balances,

The unencumbered balance remaining in any fund or appropriation at the end of the fiscal year, shall be carried over to the credit of such fund or appropriation or department for the next fiscal year, and shall be deducted from amount finally determined as necessary to be expended by that fund, appropriation, or department for such fiscal year; *provided*, that all balances remaining to the credit of any appropriation,

department or fund which is not to be continued in the succeeding fiscal year, shall revert to the general fund except as to such funds as belong to special districts and are not a part of general county finances.

7. On or before the first business day of each month, or such other date in any month as the board of supervisors may direct the county auditor shall submit to the county board of supervisors a statement showing the condition of each separate budget appropriation, the original amount thereof, and the balance remaining in such appropriation. Auditor's monthly statements

8. It is hereby made the duty of the state board of control to prescribe forms to initiate or approve changes therein whenever in its judgment same are advisable, and to promulgate such rules, regulations and classifications as may be necessary to carry out the provisions of this act. Duty of board of control.

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

10. All acts and parts of acts in conflict with this act are hereby repealed. Repealed.

11. This act shall take effect on the first day of January, 1928. Effective

CHAPTER 436.

An act to amend sections one thousand eight hundred thirty, one thousand eight hundred thirty-six and one thousand eight hundred forty of the Political Code of the State of California, relating to elementary and district school funds and taxes.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1830 of the Political Code is hereby amended to read as follows: Stats 1923, p 285, amended

1830. The board of school trustees of any district may, prior to the fifteenth day of July of any year, when in their judgment it is advisable, call an election, and submit to the electors of the district the question whether a tax shall be raised to furnish additional school facilities for the district, or to maintain any school in such district, or for building one or more schoolhouses, for improving school grounds, for building sidewalks, for grading and paving streets adjoining real property owned by the school district, or for any two or Election on tax for additional facilities

all of these purposes; *provided*, that where a tax has been collected for the purpose of building a schoolhouse, and the erection of said schoolhouse shall not have been commenced within two years from the time said tax was collected, the custodian of said money shall return the same to the parties from whom said tax was collected.

Stats 1893,
p. 264,
amended
Trustees
to report.

SEC. 2. Section 1836 of the Political Code is hereby amended to read as follows:

1836. The board of school trustees, upon receipt of a certificate of such fact, must report the same to the board of supervisors, and to the county auditor, stating the amount of money to be raised.

Stats. 1909,
p. 40,
amended
Estimates of
excess ex-
penditures

SEC. 3. Section 1840 of the Political Code is hereby amended to read as follows:

1840. The board of school trustees or board of education of any school district or of any city, may, at least fifteen days before the twentieth day of July in any year, submit to the county superintendent of schools an estimate of any amount of money in excess of the amounts derived from the state and county funds which will be required for the maintenance of any school or schools in their several districts for the ensuing school year. The county superintendent of schools shall thereupon examine said estimates and submit copies of the same with his approval or disapproval endorsed thereon to the board of supervisors and to the county auditor at the time he submits to them his estimate for the county school tax for the ensuing school year. If the county superintendent of schools approve such estimate the said board of supervisors may at the time and in the manner of levying other taxes levy and cause to be collected in the several school districts for which estimates have been submitted and approved as herein provided, the excess amounts so estimated and approved. The funds so levied and collected shall be known as the special school fund of ----- school district (as the case may be) and shall be available for any and all of the purposes for which the school funds derived from the state and county may be used and the moneys drawn from it shall be paid out in the same manner as state and county school funds are paid; *provided*, this section shall not be so construed as to repeal sections 1612a nor sections 1830 to 1839, inclusive, of this code.

Levies.

Use of funds

CHAPTER 437.

An act to amend section one thousand six hundred twelve a of the Political Code of the State of California, relating to the time of preparing and filing school budgets.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p. 720,
amended.
School dis-
trict budget.

SECTION 1. Section 1612a of the Political Code is hereby amended to read as follows:

1612a. Each board of school trustees, city board of education, and high school board shall have power and it shall be its

duty annually on or before the fifteenth day of June to make a school budget showing all the purposes for which the school district will need money and the amount of money that will be needed for each of said purposes for the next ensuing school year. The budget shall be made in quadruplicate upon blanks approved by the superintendent of public instruction, and shall be filed with the county superintendent of schools of the county or city and county not later than the twentieth day of June next succeeding.

The county superintendent of schools shall examine such budget and if no changes are necessary shall approve the budget as submitted. If clerical corrections are needed he shall make such corrections and approve the budget as corrected. If in his judgment substantial changes are necessary he shall indicate the changes which he deems necessary and shall return the budget thus changed to the school board for reconsideration and resubmission. Not later than the tenth day of July the school board shall resubmit its budget with or without change from its original form as the school board may desire. Thereupon the superintendent of schools shall approve such budget.

Approval by
county
super-
intendent.

After approving the budget of a school district, the county superintendent of schools shall determine the amount of money which must be provided by a school district tax. He shall determine this amount by deducting from the total estimated needs of the school district as shown by its budget the total estimated income of the school district from all sources other than a school district tax for the current school year as estimated by himself. The remainder, if any remainder there be, thus obtained shall be the minimum amount of the school district tax to be levied by the board of supervisors for the particular school district.

Determina-
tion of tax

Not later than the twentieth day of July the county superintendent of schools shall file with the board of supervisors and with the auditor a copy of the approved budget of each school district showing the amount of school district taxes required by each school district of the county or city and county.

Supt. of
schools
to file.

The board of supervisors of each county or city and county must annually at the time and in the manner of levying county or city and county taxes levy and cause to be collected a district tax for each school district whose budget shows a district tax to be necessary, and to fix such a rate for such district tax as will produce at least the amount of district tax money requested by the particular district. If the board of supervisors refuse or neglect to make the levy provided for under this section then the levy shall be made by the county auditor.

Levy and
collection
of tax.

If the school board of any school district neglect or refuse to make a school district budget as prescribed by this section, the county superintendent of schools shall not make any apportionment of state or county school money for the particular school district for the current school year.

Failure
to make
budget.

SEC. 2. All acts and parts of acts not in harmony with this section are hereby repealed.

Repealed.

CHAPTER 438.

An act to amend an act entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein, and the creation of ex officio boards of supervisors," approved March 20, 1909, as amended, by amending section eighteen b thereof, relating to inclusion of territory by municipalities and by adding thereto a new section to be numbered eighteen d relating to the withdrawal of territory.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

Stats. 1917,
p 1523.
amended.

SECTION 1. Section 18b of an act of the Legislature entitled "An act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein, and the creation of ex officio boards of supervisors," approved March 20, 1909, as amended, is hereby amended to read as follows:

District
annexed
to city.

Sec. 18b. Upon the inclusion of all of the territory embraced in any such lighting district within one or more unincorporated cities, either by reason of annexation proceedings or by reason of the incorporation of one or more cities, all funds paid into the lighting fund of such district in the county treasury shall be paid over by the board of supervisors of such district as follows: If the whole of such district is so included within one incorporated city, such funds shall be paid to the treasurer of said incorporated city, and administered by the legislative body thereof, and said legislative body shall have all of the powers and perform all of the duties granted to or imposed upon the board of supervisors of the county in which such district is located and of the board of supervisors of said district and shall carry out the provisions of this act as to such district to the same purpose and extent as if originally constituted the governing body thereof under the provisions of this act, and shall become liable for all outstanding liabilities of said district incurred prior to its inclusion within such incorporated city; if the whole of such district is so included within more than one incorporated city, then such proportionate part of such funds shall be paid to the treasurer of each such incorporated city within which a portion of the district is so included as the area of that

portion of the district included therein bore, before being so included, to the total area of the district, as it existed before any of such inclusions and such funds so paid shall be administered by the legislative body of each such incorporated city, and each said legislative body shall have all the powers and perform all of the duties, so far as that portion of the district within its boundaries is concerned, granted to or imposed upon the board of supervisors of the county in which such district is located and of the board of supervisors of said district and shall carry out the provisions of this act as to the portion of the district included within its boundaries to the same purpose and extent as if originally constituted the governing body thereof. Each such incorporated city shall become liable for its proportion, computed as provided in this section, of all the outstanding liabilities of said district incurred prior to its inclusion within such cities.

Upon the expenditure of the funds and the discharge of the obligations and liabilities of any such lighting district, the whole of which has been included within one or more incorporated cities, such district shall ipso facto be dissolved with the same force and effect as if dissolved under the provisions of section 18 of this act.

If less than the whole of such district shall be included within one or more incorporated cities, either by reason of annexation proceedings or by reason of incorporation proceedings, the district shall continue in existence and shall continue to function without being affected thereby, unless the same shall be dissolved upon petition as in this act provided, and the board of supervisors may levy a special tax upon all of the taxable property within the limits of such lighting district for the purposes and in the manner provided in this act, the same as though all of such property was situated in the unincorporated territory of the county, and with the same effect.

SEC. 2. A new section is hereby added to said act to be numbered 18*d* reading as follows:

Sec. 18*d*. Any portion of the territory of a highway lighting district which will not be benefited by remaining within such district may be withdrawn therefrom as in this section provided. Upon receiving a petition signed by fifty or more freeholders within the portion desired to be withdrawn from any such highway lighting district or by a majority of such freeholders if there are less than one hundred freeholders within the portion sought to be withdrawn, requesting the withdrawal of a portion from the district on the ground that such portion will not be benefited by remaining in said district and describing the exterior boundaries of the territory so sought to be withdrawn, the board of supervisors shall fix a time and place for the hearing of such petition and for hearing protests to the continuance of the remaining territory as a highway lighting district, which time shall not be less than

Part of
district
annexed

Stats. 1909,
p. 555,
amended.

Withdrawal
of territory.

Withdrawal
of territory
(cont'd).

fifteen nor more than thirty days after the receipt of such petition. The said board shall, at least ten days prior to the time so fixed, publish a notice of such hearing by one insertion in the newspaper circulated in said district which the board deems most likely to give notice to the inhabitants thereof the proposed withdrawal, which notice shall also be posted in three of the most public places within such highway lighting district, one of which places shall be within the portion of said district desired to be withdrawn, at least one week prior to the time fixed for such hearing.

Any person interested may appear at said hearing and object to the withdrawal of territory from said district or may object to the continuance of the remaining territory as a highway lighting district and the board of supervisors shall consider all objections and shall pass upon the same, and if it finds that a portion of said district described in such petition and sought to be withdrawn will not be benefited by remaining within said district and that the territory not sought to be withdrawn will be benefited by continuing as a highway lighting district, then said board may grant said petition for withdrawal either in whole or in part and by resolution establish the boundaries of such district as reestablished after such withdrawal of territory. Upon the withdrawal of any territory from a highway lighting district, as in this section provided, the remaining territory embraced in said district and not so withdrawn shall continue as a lighting district within the meaning of this act and so remain until dissolved as in this act provided. No withdrawal of territory under the provisions of this section shall become effective unless and until any outstanding contract for the furnishing of illumination shall have expired or such contract has, with the consent of the person, firm or corporation furnishing such illumination, been modified or canceled so as to relieve the district of further obligation to pay for future lighting service within the territory so withdrawn.

CHAPTER 439.

An act to authorize the transportation of certain dependent children for whom proper homes are offered outside the state.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

Transportation of
dependent
children.

SECTION 1. The department of finance is authorized to transport to proper homes without the state, when such homes are offered, minor orphans, half-orphans, abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or who is suffering from tuberculosis in such a stage that he can not pursue a gainful

occupation; *provided*, that the county from which the children are removed shall pay one-half of the total expense necessarily incurred by the state in effecting such transportation, and that the cost of such transportation borne by the state shall not exceed one thousand five hundred dollars in any one year.

CHAPTER 440.

An act to amend sections three hundred sixty-four, three hundred sixty-four a, three hundred sixty-four b, three hundred sixty-four c and three hundred sixty-four d of the Political Code and to add new sections to said code to be numbered sections three hundred sixty-four e to three hundred sixty-four j, inclusive, relating to a department of industrial relations.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 364 of the Political Code is hereby amended to read as follows:

364. A department of the government of the State of California to be known as the department of industrial relations is hereby created. The department shall be conducted under the control of an executive officer to be known as director of industrial relations, which office is hereby created. The chairman of the industrial accident commission shall be ex officio director of industrial relations. The governor shall designate the chairman of the industrial accident commission from the membership of said commission, the person so designated to hold the office or position of such chairman at the pleasure of the governor. The director of industrial relations shall receive a salary of six thousand dollars per annum; *provided, however*, that during the period of his service as director he shall receive no salary as a member of the industrial accident commission.

Except as otherwise in this article prescribed, the provisions of article II of this chapter, title and part of the Political Code as the same now exists and as the same may be amended from time to time shall govern and apply to the conduct of the department of industrial relations in every respect the same as if such provisions were herein set forth at length.

Whenever in said article II the term "head of the department," "head of a department" or similar designation occurs the same shall for the purposes of this article mean the director of industrial relations, except that in respect to matters which by the express provisions of this article are committed to or retained under the jurisdiction of the division of industrial accidents and safety, such term or designation shall mean

Stats. 1921,
p 1031,
amended

Dept. of
industrial
relations
created.

Admin-
istrative
provisions

Terms used

said division of industrial accidents and safety; *except, further*, that in respect to matters which by the express provisions of this article are committed to or retained under the jurisdiction of the industrial welfare commission such terms or designation shall mean said industrial welfare commission.

Stats 1921,
p. 1032,
amended.
Organization
of depart-
ment.

SEC. 2. Section 364*a* of the Political Code is hereby amended to read as follows:

364*a*. For the purpose of administration, the department shall be forthwith organized by the director, subject to the approval of the governor, in such manner as he shall deem necessary properly to segregate and conduct the work of the department. The work of the department is hereby divided into at least five divisions to be known respectively as the division of industrial accidents and safety, the division of housing and sanitation, the division of state employment agencies, the division of labor statistics and law enforcement and the division of industrial welfare. Each division, except as otherwise expressly provided by law, shall be in charge of a chief, who shall be appointed by, and hold office at the pleasure of the governor and shall receive such salary as may be fixed by the governor, not to exceed five thousand dollars per annum. The chief of each division before entering upon the duties of his office shall execute an official bond to the State of California in the penal sum of ten thousand dollars conditioned upon the faithful performance of his duties.

Stats 1921,
p. 1032,
amended
Division of
Industrial
accidents
and safety.

SEC. 3. Section 364*b* of the Political Code is hereby amended to read as follows:

364*b*. The division of industrial accidents and safety shall be under the control of a governing body composed of the industrial accident commission which commission is hereby continued in existence. The members of the industrial accident commission shall be appointed by the governor. Each member shall hold office for a term of four years and until his successor has been appointed and qualified; except, that the members in office at the time this act takes effect shall continue to serve for the respective terms for which they have been appointed except as in this article otherwise provided, each member shall receive a salary of five thousand dollars per annum. The department of industrial relations shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the industrial accident commission and of the division of workmen's compensation, insurance and safety of the department of labor and industrial relations and of the several members, officers, deputies, and employees of such commission and of such division which pertain to the administration or enforcement of the compensation provisions of the workmen's compensation, insurance and safety act of 1917 and of all acts amendatory thereof or supplemental thereto, including the power, duty, and jurisdiction to ascertain, determine, award, adjudge or disallow compensation under the workmen's compensation, insurance and safety acts or any or either thereof,

and all such thereof which pertain to the administration or enforcement of the safety provisions of the workmen's compensation, insurance and safety act of 1917 and of all acts amendatory thereof or supplemental thereto, including the power, duty and jurisdiction, at any time and from time to time, to adopt, amend or repeal orders, rules, regulations, directions, requirements or standards of safety, and such duties, powers, purposes, responsibilities and jurisdiction shall be administered through the division of industrial accidents and safety.

SEC. 4. Section 364c of the Political Code is hereby amended to read as follows:

Stats 1921,
p. 1033,
amended

364c. In the division of industrial welfare there is hereby created a commission to be known as the industrial welfare commission to consist of five members, at least one of whom shall be a woman. The members of said commission shall be appointed by the governor and each shall serve for a term of four years and until his successor is appointed and qualified; *provided*, that the members of the industrial welfare commission in office at the time this act takes effect shall be and become members of the industrial welfare commission hereby established to serve for the remainder of their respective terms. One of the members may be appointed chief of the division of industrial welfare. The members shall receive no compensation for their services as members but shall receive their actual necessary expenses incurred in the performance of their duties. The department of industrial relations shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction heretofore vested in the division of industrial welfare of the department of labor and industrial relations or in the industrial welfare commission which was established by an act entitled "An act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including the minimum wage; providing for an appropriation therefor and fixing a penalty for violations of this act," approved May 26, 1913, in so far as such duties, powers, purposes, responsibilities and jurisdiction pertain to the fixing of minimum wages or the maximum hours of work or the standard conditions of labor for women or minors, and such duties shall be administered through the division of industrial welfare.

Division of
Industrial
welfare.

SEC. 5. A new section is hereby added to the Political Code to be numbered 364d and to read as follows:

New
section.*

364d. There is hereby created a commission to be known as the commission of immigration and housing to consist of five members. The members of said commission shall be appointed by the governor and shall serve at the pleasure of the governor and not otherwise, *provided*, that the members of the commission of immigration and housing in office at the time this act takes effect shall be and become members of the

Commission
of immigra-
tion and
housing.

*See Stats. 1921, p. 1033, for another section 364d.

commission of immigration and housing hereby established to serve until their successors are appointed and qualified. The commission hereby established shall have power to determine policies for guidance of the department of industrial relations in all matters concerning the functions heretofore vested in the division of immigration and housing of the department of labor and industrial relations or in the commission of immigration and housing of California which was established by an act entitled "An act relating to immigrants and immigration, creating a commission of immigration and housing, providing for the employment by said commission of a secretary, agents and other employees, authorizing said commission to fix their compensation, prescribing the duties of said commission, providing for the investigation by said commission of all things affecting immigrants, and for the care, protection and welfare of immigrants, and making an appropriation for the purpose of carrying out the provisions hereof," approved June 12, 1913.

New section. SEC. 6. A new section is hereby added to the Political Code to be numbered 364*e* to read as follows:

Director of industrial relations. 364*e*. The director of industrial relations, as head of the department of industrial relations, shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities and carry out and effect all purposes now or hereafter vested by law in the department of industrial relations, except as otherwise expressly provided by law.

New section. SEC. 7. A new section is hereby added to the Political Code to be numbered 364*f* and to read as follows:

Duties, powers, etc., succeeded to 364*f*. Except as in this article otherwise provided, the department of industrial relations shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the industrial accident commission, commission of immigration and housing, bureau of labor statistics, commissioner of the bureau of labor statistics, the industrial welfare commission heretofore established, the department of labor and industrial relations and of the several divisions of said department of labor and industrial relations and of the several officers, deputies, and employees of such bodies and offices; and

Except as herein otherwise provided, whenever by the provisions of any statute or law now in force or that may hereafter be enacted, a duty or jurisdiction is imposed or authority conferred upon any of said bodies, offices, officers, deputies or employees, or upon any other person by any statute the administration or enforcement of which is transferred to the department of industrial relations, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of industrial relations and the appropriate officers thereof with the same force and effect as though the title of said department of industrial relations had been specifically set forth and named therein, in lieu of the name of any such

board, commission, office, officer, deputy or employee thereof as the case may be.

For the purposes of this article, except as herein otherwise provided, the terms "industrial accident commission," "member of the industrial accident commission," "commission of immigration and housing," "member of the commission of immigration and housing," "bureau of labor statistics," "commissioner of the bureau of labor statistics," "industrial welfare commission," "member of the industrial welfare commission," "department of labor and industrial relations," and the title of any of the divisions of said department is used, the same shall be construed to mean and refer to the department of industrial relations and the appropriate officers thereof; and the following named bodies and the positions of all deputies, officers and employees, are and each of them is hereby abolished and shall have no further legal existence: Commission of immigration and housing, bureau of labor statistics, commissioner of the bureau of labor statistics, the industrial welfare commission and the positions of all deputies, officers and employees under the industrial accident commission; *provided, however,* that the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction together with all lawful rules and regulations established thereunder, are hereby expressly continued in force. All other bodies, offices and officers mentioned in this section shall continue in existence with the duties, powers, purposes, responsibilities and jurisdiction elsewhere in this article prescribed.

Commis-
sions, etc.,
succeeded to

SEC. 8. A new section is hereby added to the Political Code to be numbered 364g and to read as follows:

New section

364g. The department of industrial relations shall also be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of all of said bodies, offices and officers mentioned in this article, and the title to all property now or hereafter held by any of said bodies, offices or officers, for the use and benefit of the state is hereby transferred to the State of California to be held in the possession of said department.

Property,
funds, etc

SEC. 9. A new section is hereby added to the Political Code to be numbered 364h and to read as follows:

New section.

364h. Except as in this article otherwise provided, the department of industrial relations is hereby invested with the power and is charged with the duty of administering and enforcing all laws now or hereafter imposing any duty, power or function upon any of the offices, officers, deputies or employees herein transferred to the department.

Enforcement
of laws.

SEC. 10. A new section is hereby added to the Political Code to be numbered 364i and to read as follows:

New section

364i. From and after the date upon which this act takes effect, the department of industrial relations shall be and is

Expend-
itures.

hereby authorized and empowered to expend the moneys in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of any of the statutes the enforcement of which provisions is committed to the department or for the use, support, or maintenance of any board, commission, office or officer, that is abolished by the provisions of this article or whose duties, powers and functions are, by the provisions of this article transferred to and conferred upon the department of industrial relations. Such expenditures by the department shall be made in accordance with law in carrying on the work for which such appropriations were made or such special funds created.

New section SEC. 11. A new section is hereby added to the Political Code to be numbered 364j and to read as follows:

Compen- 364j. All duties, powers, purposes, responsibilities and
sation insur- jurisdiction heretofore vested in the industrial accident com-
ance fund. mission in so far as the same relate to the administration of
the state compensation insurance fund shall continue to be
vested in the industrial accident commission.

CHAPTER 441.

An act to add a new section to the Political Code, to be numbered four thousand two hundred fifty-seven a, relating to the compensation of the surveyor, his deputy and surveying crews in counties of the twenty-eighth class.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

New section. SECTION 1. A new section to be numbered 4257a is hereby added to the Political Code to read as follows:

Counties of 4257a. In counties of the twenty-eighth class, the sur-
28th class veyor shall receive one thousand seven hundred fifty dollars
surveyor. for the balance of the calendar year of one thousand nine
hundred twenty-seven, and shall be allowed one deputy at a
salary of one thousand four hundred dollars for the same
period to be paid by the county at the same time and in the
same manner as other county officers. The surveyor shall
also be paid the actual and necessary expenses of transporta-
tion of himself, his deputy and surveying crews, and subsis-
tence of himself and deputy, all while in the field. He
shall also be allowed four helpers at a wage of five dollars
per diem, each, when actually and necessarily engaged in
assisting the surveyor in the discharge of his duties. The
county shall also provide for the use of the surveyor, a suit-
able office, office furniture, field and office equipment, lights
and care for said office, office and record books, and other
necessary materials for the performance of his duties.

After the first day of January, 1928, the surveyor and his deputy shall each receive ten dollars per diem while engaged in the discharge of the duties of the office, and the surveyor shall be furnished the supplies and equipment and shall be allowed the same expenses and help as hereinabove provided. In computing the per diem of the surveyor, his deputy and crews, the time spent in traveling shall be included.

CHAPTER 442.

An act to amend section four thousand two hundred thirty-five of the Political Code, relating to the salaries, fees and expenses of officers of counties of the sixth class.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4235 of the Political Code is hereby amended to read as follows:

Stats 1925,
p. 699,
amended
Counties of
6th class
officers and
employees

4235. In counties of the sixth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The county clerk, four thousand two hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy county clerk who shall act as clerk of the probate department, who shall receive a salary of two thousand four hundred dollars per annum; also one deputy county clerk to act as clerk to the board of supervisors, who shall receive a salary of two thousand four hundred dollars per annum; also one deputy county clerk who shall be the registrar of voters and who shall receive a salary of two thousand four hundred dollars per annum; also one deputy county clerk who shall serve as general office clerk who shall receive a salary of two thousand four hundred dollars per annum; also three deputy county clerks who shall serve as clerks of the several departments of the superior court who shall receive a salary of two thousand one hundred dollars per annum each; also one deputy county clerk who shall serve as desk clerk, who shall receive a salary of two thousand one hundred dollars per annum; *provided, however*, that the county clerk shall not be allowed the additional deputy provided by section 4290 of the Political Code of the State of California; also one deputy county clerk who shall serve as assistant to the clerk of the probate department and who shall receive a salary of two thousand one hundred dollars per annum; also one deputy county clerk in the probate department, who shall receive a salary of two thousand one hundred dollars per annum; the deputies herein provided for shall be appointed by the clerk of said county and their

Clerk.

Clerk
(cont'd).

salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same funds as the salary of the county clerks. The county clerk shall also be allowed an additional deputy, which office is hereby created, at an annual salary of two thousand one hundred dollars per annum to be paid as are other deputies herein provided for; *provided, further*, that in any year in which a general election is held the said clerk may appoint two deputies who shall serve for a term of twelve months, who shall each receive a salary of one hundred twenty-five dollars per month, to be paid as are other deputies herein provided for; four deputies who shall serve for a term of eight months who shall each receive a salary of one hundred twenty-five dollars per month, to be paid as are other deputies herein provided for; and two deputies who shall serve for a term of six months who shall each receive a salary of one hundred twenty-five dollars per month, to be paid as are other deputies herein provided for; also, in the event of special elections in any odd-numbered year, the county clerk shall be allowed additional deputies at a compensation to be fixed by said county clerk, such compensation, however, not to exceed in the aggregate for all of such deputies the sum of one thousand dollars in any one year; and he shall be allowed each year such number of registration deputies, to be appointed by him, as may be necessary for the registration of voters outside of the office of said county clerk, each of said deputies to receive the sum of ten cents per name for each elector legally registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim therefor on the general fund of said county after proper allowance of said claim by said board of supervisors; *provided*, that said county clerk may be allowed the actual and necessary expenses incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

Sheriff.

2. The sheriff, four thousand six hundred dollars per annum; *provided*, that there shall be and there hereby is allowed to the sheriff one undersheriff whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; also thirteen deputies who shall each receive a salary of two thousand one hundred dollars per annum, one of whom shall speak the Italian language and shall be competent to act as an Italian interpreter; also two deputies who shall each receive a salary of one thousand eight hundred dollars per annum; also one deputy who shall act as matron of the county jail who shall receive a salary of one thousand three hundred twenty dollars per annum. The undersheriff and deputies herein provided for shall be appointed by the sheriff and paid at the same time and in the same manner and out of the same funds as is the salary of the sheriff; *provided*, that said sheriff

shall be allowed the actual and necessary expenses incurred in the performance of his official duties. He shall pay into the county treasury all fees and mileage collected by him for the service of papers or process issued by any court of this state.

3. The county recorder, four thousand two hundred dollars Recorder. per annum, and said recorder may appoint one deputy recorder who shall receive a salary of two thousand four hundred dollars per annum; also four deputy recorders who shall each receive a salary of two thousand one hundred dollars per annum; also two deputy recorders who shall each receive a salary of eighteen hundred dollars per annum; also as many deputies to act as copyists as may be required, who shall receive as compensation the sum of seven cents per folio for recording all instruments or notices, except maps and plats, and for copies of any record seven cents per folio; *provided*, that such recorder may be allowed the actual and necessary expense incurred by him in the performance of his official duties, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived.

4. The county auditor, four thousand two hundred dollars Auditor. per annum; and said auditor may appoint one deputy auditor who shall receive a salary of two thousand four hundred dollars per annum; also one deputy auditor to serve as accountant who shall receive a salary of two thousand one hundred dollars per annum; also two deputy auditors who shall receive a salary of two thousand one hundred dollars each per annum; also one redemption clerk who shall receive a salary of two thousand one hundred dollars per annum; *provided*, that the auditor shall be allowed six additional deputies for a period of one month who shall each receive a salary or compensation of five dollars per day for each day actually employed, and five additional deputies for a period of two months who shall each receive a salary or compensation of five dollars per day for each day actually employed. The deputies herein provided for shall be paid at the same time and in the same manner as is the county auditor; *provided*, that such auditor shall pay into the county treasury all fees received by him in his official capacity.

5. The county treasurer, four thousand two hundred dollars Treasurer. per annum, and said treasurer may appoint one deputy treasurer, who shall receive a salary of two thousand four hundred dollars per annum. The treasurer may also appoint a deputy county treasurer, which office is hereby created, at an annual salary of two thousand one hundred dollars per annum. All fees and commissions collected by said treasurer in his official capacity shall be paid into the county treasury. The deputies herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the county treasurer.

Tax
collector.

6. The tax collector, four thousand two hundred dollars per annum; and said tax collector may appoint one deputy tax collector who shall receive a salary of two thousand four hundred dollars per annum, three additional deputy tax collectors who shall receive a salary of two thousand one hundred dollars each per annum; also fifteen additional deputy tax collectors to serve as such only for a period of two and one-half months in each year, and who shall receive a salary of one hundred twenty-five dollars each per month; also five additional deputy tax collectors who shall serve as such only during two months of each year and who shall receive a salary of one hundred twenty-five dollars each per month; also twelve copyists who shall serve only during one and one-half months of each year, and who shall each receive a salary of one hundred twenty-five dollars per month. The deputies and copyists herein provided for shall be paid at the same time and in the same manner and out of the same funds as is the salary of the tax collector; *provided*, that said tax collector shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties, including the making and compiling of the necessary indices to the assessment roll, and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived; *provided*, that checks, drafts and post-office orders received or accepted by the tax and license collector at his own risk, the proceeds of which are to be applied on tax or license collections, may be deposited in bank and a reasonable time allowed for "clearance" not to exceed one week, before depositing the money in the county treasury; *provided, further*, that nothing herein shall be construed to authorize the payment of taxes other than in "lawful money of the United States," as provided by section 3888 of the Political Code.

License
collector.

7. The license collector, fifteen per cent of the whole amount of license collected by him; *provided*, that the entire compensation of said license collector shall not exceed the sum of one thousand five hundred dollars per annum.

Assessor.

8. The county assessor, four thousand two hundred dollars per annum; and said assessor may appoint one chief deputy assessor who shall receive a salary of two thousand four hundred dollars per annum; one supervising deputy assessor who shall receive a salary of two thousand one hundred dollars per annum; seven office deputy assessors who shall each receive a salary of two thousand one hundred dollars per annum; also twenty-three deputy assessors who shall serve as such during the months of March, April, May, and June of each year who shall each receive a salary of one hundred fifty dollars per month; three deputy assessors to serve as such during six months of each year who shall receive a salary of one hundred twenty-five dollars each per month; four deputy assessors to serve as such during four months of each year who shall

receive a salary of one hundred twenty-five dollars each per month; also two proofreaders to serve as such for only four months in any one year and who shall each receive a salary of one hundred twenty-five dollars per month; and also seven copyists to serve as such only during four months of each year who shall receive a salary of one hundred twenty-five dollars each per month; *provided*, that the above salaries and compensations shall be in full for all services rendered by him as such assessor and that no commission for the collection of state or infirmity poll taxes or personal property taxes shall be retained by him but that all of such commissions shall be paid into the county treasury. The deputies, copyists and proofreaders herein provided for shall be paid at the same time and in the same manner and out of the same fund as is the county assessor; *provided*, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of official duties; *and provided, further*, that all deputies herein specified shall be allowed actual and necessary traveling expenses incurred in the performance of official duties, not to exceed, however, for each deputy the sum of twenty-five dollars per month.

Constables
(cont'd).

9. The district attorney, four thousand two hundred dollars per annum; he may appoint a chief deputy at a salary of three thousand three hundred dollars per annum; four assistant district attorneys at a salary of two thousand seven hundred dollars each per annum; one detective who shall serve at a salary of two thousand one hundred dollars per annum; one clerk at a salary of one thousand eight hundred dollars per annum; and one stenographer at a salary of one thousand six hundred twenty dollars per annum; all of whom shall be paid in the same manner as said district attorney; *provided*, that said district attorney shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. All fees and commissions collected by him shall be paid into the county treasury.

Attorney.

10. The coroner and public administrator, such fees as are now or may hereafter be allowed by law. Said coroner may appoint deputies not to exceed three in number; *provided*, that said deputy coroner shall receive only such fees as the coroner would receive if acting.

Coroner
and admin-
istrator.

11. The county superintendent of schools, four thousand two hundred dollars per annum; and the said superintendent of schools may appoint a deputy superintendent of schools who shall receive a salary of two thousand four hundred dollars per annum, and one deputy superintendent of schools who shall receive one thousand eight hundred dollars per annum. He may also appoint an additional deputy superintendent of schools, which office is hereby created, at an annual salary of one thousand five hundred dollars per annum. The said superintendent of schools shall also be paid actual traveling expenses when visiting the schools of the county. The deputies

Supt. of
schools.

herein provided for shall be paid at the same time and in the manner and out of the same fund as is the superintendent of schools.

Surveyor

12. The county surveyor, the sum of four thousand two hundred dollars per annum; and said surveyor may appoint a deputy surveyor who shall receive a salary of two thousand five hundred eighty dollars per annum; also, one deputy who shall receive a salary of two thousand four hundred dollars per annum; one deputy who shall receive a salary of two thousand two hundred eighty dollars per annum; two deputies who shall receive a salary of two thousand one hundred dollars each per annum; and one deputy who shall receive a salary of one thousand nine hundred twenty dollars per annum who shall be a draftsman whose duties shall include the preparation of maps for the county assessor, one deputy at a salary of one thousand eight hundred dollars per annum, who shall be a draftsman whose duties shall include the preparation of maps for the county assessor; and one deputy at a salary of one thousand six hundred twenty dollars per annum. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for surveying other than for the county, shall be paid into the county treasury; *provided*, that said county surveyor shall be allowed all necessary transportation and expenses incurred by himself or deputies for work performed in the field, and in the official discharge of his duties. Such salaries shall be paid at the same time and in the same manner as the salaries of other county officers are paid. Said surveyor shall also have power to appoint such inspectors as he may deem necessary, for the proper supervision of all roads and bridges under construction, and the compensation of said inspectors shall be a proper charge against the county.

Fish and
game
warden.

13. The fish and game warden, one thousand two hundred dollars per annum and the actual and necessary expenses incurred by him in the performance of his official duties.

Justices.

14. In counties of this class, justices of the peace shall be compensated as follows, and all salaries shall be payable monthly in the same manner as the salaries of county officers are paid, viz:

(1) In townships having a population of twenty thousand or more, justices of the peace shall each receive a salary of two hundred fifty dollars per month as full compensation for all services rendered by them, except as hereinafter provided; *provided, however*, that in all such townships having a population of twenty thousand or more, there shall be two township justices of the peace in and for any such township, and said justices of the peace shall each be allowed a clerk to be appointed by such justice of the peace at a salary of one hundred seventy-five dollars per month each, payable monthly in the same manner as salaries of county officers are paid.

(2) In townships having a population of fifteen thousand and less than twenty thousand, justices of the peace shall each receive a salary of one hundred seventy-five dollars per month for all services rendered by them, except as hereinafter provided.

(3) In townships having a population of ten thousand and less than fifteen thousand, justices of the peace shall each receive a salary of one hundred thirty-seven dollars and fifty cents per month for all services rendered by them, except as hereinafter provided.

(4) In townships having a population of five thousand and less than ten thousand, justices of the peace shall each receive a salary of one hundred thirty-five dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(5) In townships having a population of two thousand five hundred and less than five thousand, justices of the peace shall each receive a salary of seventy-five dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(6) In townships having a population of two thousand and less than two thousand five hundred, justices of the peace shall each receive the sum of sixty dollars per month as salary for all services rendered in both civil and criminal cases. All fees collected by them shall be paid monthly by them into the county treasury; *provided*, that where a township census has been ordered taken and adopted by the board of supervisors, as in this act contained, said census shall be and remain the official census of such township; and shall not be affected by any provision of this act with respect to the application of the federal census of 1920, in classifying townships.

(7) In townships having a population of one thousand and less than two thousand, justices of the peace shall each receive a salary of fifty dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

(8) In townships having a population of less than one thousand, justices of the peace shall each receive a salary of thirty dollars per month as full compensation for all services rendered by them, except as hereinafter provided.

Justices of the peace in all townships in counties of the sixth class shall be permitted to receive and retain for their own use, fees for celebrating marriages and returning certificates thereof, but all other fees shall be collected by them and by them paid into the county treasury at least once a month. They shall be furnished with offices and necessary supplies, including light, heat, telephone service and incidental expenses, by the board of supervisors.

Disposition
of fees.

15. In counties of this class constables shall be compensated as follows, and all salaries herein provided shall be paid in the same manner as the salaries of county officers are paid, viz:

Constables.

(1) In townships having a population of twenty thousand or more, constables shall each receive a salary of one hundred

fifty dollars per month for all services rendered by them in criminal cases. As compensation for all services rendered in civil cases and all other matters wherein they may charge fees for their services, a constable may collect and retain for his own use as his compensation such fees as are now, or may hereafter be allowed by law.

(2) In townships having a population of fifteen thousand and less than twenty thousand, constables shall each receive the sum of one hundred twenty-five dollars per month as salary for all services rendered by them in criminal cases. As compensation for all services rendered by them in civil cases and in all matters wherein they may charge fees for their services, constables in such townships may collect and retain for their own use such fees as are now or may hereafter be allowed by law.

(3) In townships having a population of ten thousand and less than fifteen thousand, constables shall each receive the sum of one hundred dollars per month as salary for all services rendered by them in criminal cases. As compensation for all services rendered by them in civil cases and in all other matters wherein they may charge fees for their services, constables may collect and retain for their own use as compensation such fees as are now or may hereafter be allowed by law.

(4) In townships having a population of five thousand and less than ten thousand, constables shall each receive the sum of one hundred dollars per month as salary for all services rendered by them in criminal cases, civil cases and in the performance of all other duties imposed upon them by law. All fees chargeable and collectible in both criminal cases, civil cases, and in all other cases wherein fees are chargeable by constables, shall be collected in advance and paid monthly into the county treasury.

(5) In townships having a population of two thousand five hundred and less than five thousand, constables shall each receive the sum of seventy-five dollars per month as a salary for all services rendered by them in both civil and criminal cases. All fees collected by them in civil and criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them, they may charge and retain for their own use such fees as are chargeable by law.

(6) In townships having a population of two thousand and less than two thousand five hundred, constables shall each receive the sum of seventy-five dollars per month as salary for all services rendered in both civil and criminal cases. All fees collected by them shall be paid monthly by them into the county treasury; *provided*, that in townships in which a township census has been ordered, taken and adopted by the board of supervisors, as in this act hereinafter provided, constables shall each receive the sum of seventy-five dollars per month as salary for all services rendered in criminal cases, and that for all other services performed by them they may

charge and collect for their own use such fees as are allowed by law.

(7) In townships having a population of one thousand and less than two thousand, constables shall each receive the sum of fifty dollars per month as salary for all services rendered in criminal cases. All fees collected by them in criminal cases shall be paid monthly by them into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

(8) In townships having a population of less than one thousand, constables shall each receive the sum of forty dollars per month as a salary for all services rendered by them in criminal cases. All fees collected by them in criminal cases shall be paid monthly into the county treasury. For all other services performed by them they may charge and collect for their own use such fees as are allowed by law.

Constables shall be allowed all necessary expenses incurred Expenses. in conveying prisoners.

The population herein referred to in classifying townships Population of townships. for the purpose of regulating the compensation of justices of the peace and constables shall be the population found and determined by the federal census taken in the year 1920; *provided, however,* that a township census may be taken for the purpose of establishing the official census of such township Special census. in the manner hereinafter specified and when so taken, such census shall be known as and shall become the official census of such township in which it is taken and the population therein determined shall be and become the official population of such township. Whenever there shall be presented to the board of supervisors of the county a petition signed by the qualified electors of any township or townships in number equal to twenty-five per cent of the votes cast at the preceding general election, praying that said township or townships may be allowed to take the census of said township or townships for the purpose of ascertaining the population therein contained, the board of supervisors may order such census to be taken by one or more suitable persons appointed therefor by the board of supervisors and such census shall be taken by such persons so appointed, of all of the inhabitants of such township or townships. The full name of each person shall be plainly written, the names alphabetically arranged and regularly numbered in one complete series and when completed, shall be verified by the proper official authorized to administer oaths and be filed with the county clerk and thereupon the same shall be known and shall be the official census of said township or townships.

16. Each supervisor, three thousand dollars per annum Supervisors and mileage of ten cents per mile for each mile actually traveled in going to and from their residence to the county seat or in the performance of the duties required of them by law or by virtue of their office: *provided, that in attending*

sessions of the board only four mileages shall be allowed for each month and that the total mileage allowed shall not exceed five hundred dollars in any one calendar year.

Jurors.

17. The fees of grand jurors and trial jurors in the superior courts of said counties of the sixth class, in civil and criminal cases shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriation for the payment of the fees herein provided for.

Official bonds.

SEC. 2. Whenever under the provisions of law or otherwise a bond is required of any county officer or of any of his deputies, the premium of such bond shall be paid from the general funds of the county.

Effect of act

SEC. 3. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 443.

An act to amend section nineteen x four of that part of the juvenile court law approved June 3, 1921, and in effect August 2, 1921, and relating to the qualifications and salary of the employees in the office of the probation officer in counties of the fourth class.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p. 1464,
amended.

SECTION 1. Section 19x4 of the amendment to the juvenile court law approved June 3, 1921, is hereby amended to read as follows:

Counties of
4th class:
probation
officer.

Sec. 19x4. In counties of the fourth class there shall be one probation officer whose salary shall be three thousand dollars per annum, there shall be one assistant probation officer whose salary shall be two hundred dollars per month, two assistant probation officers at a salary of one hundred fifty dollars per month, one assistant probation officer who shall be

a competent stenographer at a salary of one hundred twenty-five dollars per month and one clerk who shall be a competent stenographer with a salary of one hundred twenty-five dollars per month.

CHAPTER 444.

An act to amend section four thousand two hundred thirty-three of the Political Code, relating to the salaries and expenses of officers of counties of the fourth class.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

[SECTION 1. Section 4233 of the Political Code is hereby amended to read as follows:]

4233. Counties of fourth class, salaries and fees of officers. Fresno. In counties of the fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. Clerk. The county clerk, four thousand six hundred dollars per annum; he shall have three deputies at a salary of two thousand four hundred dollars each per annum; four deputies at a salary of one thousand nine hundred twenty dollars each per annum; five deputies at a salary of one thousand eight hundred dollars each per annum; two deputies at a salary of one thousand five hundred dollars each per annum; one deputy at a salary of one thousand nine hundred seventy dollars per annum. He shall also have three additional deputies for a period of not to exceed ten months during each and every even-numbered year at a salary of five dollars per day each during their said employment, and four deputies for a period of not to exceed six months during each and every even-numbered year, such deputies to receive a salary of five dollars per day each during their said employment, and also for such even-numbered years he shall appoint such deputies in the county as are necessary for the purpose of registering the electors, such deputies to receive five cents for each elector legally registered by them. The county clerk shall pay into the county treasury at the close of each month all fees received by him as county clerk during the month, accompanied by a statement of the sources from whence received.

2. Sheriff. The sheriff, six thousand dollars per annum; he shall have an undersheriff at a salary of three thousand and twenty-five dollars per annum; one deputy at a salary of two thousand four hundred dollars per annum; eight deputies at a salary of two thousand dollars per annum each; seven deputies at a salary of one thousand eight hundred dollars per annum each; one criminal identification deputy who shall have charge of all criminal identification records and who

Stats. 1925,
p. 954,
amended.
Counties of
4th class
officers and
employees

Clerk.

Sheriff

shall act as a photographer and who shall receive a salary of two thousand four hundred dollars per annum; two stenographers whose annual salary shall be one thousand eight hundred dollars; one clerk whose annual salary shall be one thousand two hundred dollars; a matron whose annual salary shall be one thousand five hundred dollars. The sheriff shall pay into the county treasury all sums received by him for service of process.

Recorder.

3. Recorder. The recorder, four thousand dollars per annum; one deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; two deputies at a salary of one thousand nine hundred eighty dollars per annum; two deputies at a salary of one thousand nine hundred twenty dollars per annum; four deputies at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum.

The recorder shall have such copyists as are necessary to perform the duties of the office at a compensation not to exceed five cents per folio; *provided, however*, that all instruments that are partly written or typewritten and partly printed, and for the recording of which the county has furnished the county recorder with books containing printed forms corresponding to such instrument, the compensation shall be two and one-half cents per folio for the entire number of folios of written and printed matter in said instrument.

Auditor

4. Auditor. The auditor, four thousand dollars per annum. He shall also have one chief deputy at a salary of two thousand eight hundred dollars per annum; one deputy who shall act as chief accountant, and who shall receive a salary of two thousand seven hundred fifty dollars per annum; one deputy who shall act as a redemption clerk and who shall receive a salary of two thousand two hundred twenty dollars per annum; one deputy who shall act as bookkeeper and who shall receive a salary of two thousand one hundred dollars per annum; one deputy who shall act as a warrant clerk and who shall receive a salary of one thousand eight hundred dollars per annum; three deputies at a salary of one thousand eight hundred dollars each per annum; three deputies at a salary of one thousand five hundred dollars each per annum; and eight deputies for not to exceed one hundred twenty days in each year, at a salary of five dollars per day each. In addition to the salary herein provided for the said auditor shall receive three per cent of the sum collected from the state under the provisions of section 4099a of the Political Code for the extra duties imposed by said section.

Treasurer

5. Treasurer. The treasurer, four thousand dollars per annum; he shall have one deputy at a salary of two thousand four hundred fifty dollars per annum; one deputy at a salary of two thousand one hundred fifty dollars per annum; three

deputies at a salary of one thousand eight hundred fifty dollars per annum each.

6. Tax collector. The tax collector, four thousand dollars per annum; he shall have one deputy at a salary of two thousand four hundred twenty-five dollars per annum; one deputy at a salary of two thousand four hundred fifty dollars per annum; one deputy at a salary of two thousand one hundred fifty dollars per annum; one deputy at a salary of one thousand nine hundred thirty dollars per annum; four deputies at a salary of one thousand eight hundred ten dollars per annum; and twenty-one additional deputies for not exceeding three months in each year at a salary of five dollars per day each; one additional deputy for not exceeding three months in each year at a salary of six dollars per day; and six additional deputies for not exceeding two months in each year at a salary of six dollars per day each. The tax collector shall be allowed the actual and necessary expenses required by him in the performance of his official duties as license collector of Fresno county.

7. Assessor. The assessor, five thousand dollars per annum; he shall have one deputy at a salary of two thousand four hundred ten dollars per annum; one deputy at a salary of two thousand one hundred ten dollars per annum; six deputies at a salary of one thousand eight hundred dollars each per annum; ten deputies for a period not to exceed six months in each year at a salary of five dollars per day each; seven deputies for a period of not to exceed four months in each year at a salary of seven dollars and fifty cents per day each; thirty deputies for a period not to exceed three months in each year at a salary of seven dollars and fifty cents per day each; one deputy for a period of not to exceed six months in each year at a salary of ten dollars per day.

All sums collected by the assessor or his deputies as personal property taxes shall be paid into the county treasury monthly as collected with a statement of such collections.

8. Jurors. In counties of this class grand and trial jurors shall receive three dollars per day each while engaged in the performance of the duties required by them, and in addition thereto shall receive the mileage now allowed by law.

9. District attorney. The district attorney, six thousand dollars per annum; he shall have one assistant at a salary of four thousand five hundred dollars per annum; one deputy at a salary of four thousand two hundred dollars per annum; one deputy at a salary of three thousand nine hundred dollars per annum; one deputy at a salary of three thousand six hundred dollars per annum; one deputy at a salary of three thousand dollars per annum; and two deputies at a salary of two thousand four hundred dollars per annum each. A detective at a salary of two thousand four hundred dollars per annum; one stenographer at a salary of one thousand eight hundred dollars per annum; and one stenographer at a salary

of one thousand six hundred eighty dollars per annum; and one stenographer at a salary of one thousand five hundred dollars per annum; and one combination stenographer and telephone clerk at a salary not to exceed one thousand five hundred dollars per annum.

Neither of these stenographers shall receive other compensation by reason of services as stenographic reporter in any action or proceeding wherein the fee or per diem of the stenographic reporter constitutes a charge against the county.

The district attorney and his deputies shall devote their entire time during office hours to the work of the county and state and are prohibited from engaging in private work within such office hours.

Coroner

10. Coroner. The coroner, such fees as are now or may hereafter be allowed by law.

Admin-
istrator.

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

Supt of
schools

12. Superintendent of Schools. The superintendent of schools, four thousand dollars per annum; he shall have one deputy at a salary of two thousand seven hundred dollars per annum; three deputies at a salary of two thousand four hundred dollars each per annum; one deputy at a salary of two thousand one hundred dollars per annum; two deputies at a salary of one thousand eight hundred dollars per annum each and two deputies at a salary of one thousand five hundred dollars per annum each. One of the deputies is to act as an attendance officer for the schools of Fresno, whose duties shall be to enforce the laws in regard to compulsory attendance of pupils and who shall perform such other duties in connection with school work as the county superintendent may direct. The superintendent and his supervising assistants and attendance officers shall be allowed their actual traveling expenses incurred while visiting the schools of the county.

Surveyor.

13. Surveyor. The surveyor, four thousand dollars per annum in full compensation for all services as county surveyor and as road overseer and inspector. He shall have one deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; and one deputy at a salary of one thousand eight hundred dollars per annum. And in addition thereto the county surveyor shall be allowed to employ all necessary inspectors and field or office help needed in the preparation of any plans, specifications, surveys or construction of any public improvement, upon the approval of the board of supervisors of counties of the fourth class.

(Expenses. Inspectors and field or office help). The county surveyor shall be allowed all necessary traveling and field expenses of himself and chainmen or other necessary help in the field.

The surveyor and his deputies shall devote their entire time and service to the work of the county, and are prohibited from

engaging in private surveying and engineering work, and shall do all surveying and engineering work for the county, including the preparation of plans and specifications for the construction of bridges.

14. Classification of townships. The registered population of the several judicial townships of this county is hereby determined to be the registered votes as shown by the great register of the county in the office of the county clerk January 1, 1923, as follows, to wit:

Classification
of townships

Township No. 1, Dos Palos -----	1,351
Township No. 2, Clovis -----	3,282
Township No. 3, Fresno -----	23,700
Township No. 4, Fowler -----	1,568
Township No. 5, Selma -----	2,751
Township No. 6, Coalinga -----	2,811
Township No. 7, Sanger -----	1,907
Township No. 8, Reedley -----	2,486
Township No. 9, Kingsburg -----	1,296
Township No. 10, Tollhouse -----	653
Township No. 11, Kerman -----	1,586
Township No. 12, Dunlap -----	271
Township No. 13, Laton -----	591
Township No. 14, Parlier -----	737
Township No. 15, Riverdale -----	779
Township No. 16, Del Rey -----	315
Township No. 17, Caruthers -----	1,171
Township No. 18, -----	1,417

And for the purpose of regulating the compensation of the constables and justices of the peace, townships of this class of counties are hereby classified as follows: Townships having a registered voting population of ten thousand and more shall belong to and be known as townships of the first class; townships having a like population of one thousand four hundred fifty and less than ten thousand shall belong to and be known as townships of the second class; townships having a like population of six hundred and less than one thousand four hundred fifty shall belong to and be known as townships of the third class; townships having a like population of less than six hundred shall belong to and be known as townships of the fourth class.

15. Justices of the Peace. Justices of the peace in townships of the first class shall receive a salary of two hundred fifty dollars per month to be paid each month as the county officers are paid.

Justices.

For each justice's court in townships of the first class there shall be one justice's clerk, who shall be appointed by the justices of the peace. Said clerk shall be appointed immediately on this act taking effect and shall take the oath of office prescribed for county officers, and give a bond in the sum of three thousand dollars, conditioned upon and for the faithful

Justices
(cont'd).

discharge of the duties of the office, which bonds shall be approved and filed in the same manner as are bonds of county officers.

Said justice's clerk shall be authorized to administer all oaths, take and serve affidavits, and shall be authorized to issue and sign writs, summons and all other processes in any action or proceeding in the justice's court of the township for which he is appointed, or pending before any justice of the peace in said township, in the name of the justice before whom the same is pending, or out of whose court the same is issued, which shall be in substantially the following form:

“-----
Justice of the Peace.

Attest: -----
Clerk.”

All legal papers of every kind in actions or proceedings in such justice's court shall be issued by the said justice's clerk in the manner and form hereinbefore set out. The said justice's clerk shall issue, sign and certify to any and all papers, transcripts or records which are required to be issued, signed or certified by said justice of the peace. All complaints, answers and other pleadings and papers required to be filed in the said justice's court, shall be filed with such justice's clerk, who shall keep a permanent record of such actions and proceedings in the justice's docket, now provided by law to be kept by such justice. Said clerk shall keep a record of the proceedings of said court and shall have the custody of all records and papers of the same.

All fees for the issuance of process, or other fees, which are by law allowed for any official service of the justice of the peace, shall be exacted and paid in advance into the hands of the justice's clerk which, together with all fees, fines, forfeitures or penalties received in said justice's court, shall be paid into the county treasury.

Said justice's clerk shall render each month to the county auditor and county treasurer an exact account, under oath, of all fines, forfeitures and penalties and fees received by him or collected by said court. Said justice's clerk shall receive a salary of one thousand five hundred dollars per year, which shall be payable in like manner and out of the same funds and at such times as county officers are paid.

In the event that the board of supervisors do provide, by order, that two justices' courts be established in any township of the first class, then and in such an event the justice of said additional court shall be entitled to and shall appoint a clerk for said additional court, which said clerk shall be vested with the same authority and charged with the same duties and entitled to the same compensation as the clerk of the justice's court hereinbefore provided for.

The board of supervisors shall provide, in a convenient locality, a suitable office and courtroom, including all necessary office furniture, telephone, light, heat and water and all necessary stationery and office supplies for the justices and clerks thereof for all justices' courts in and for townships of the first and second class.

Justices of the peace and persons now performing the duties of justices of the peace shall receive the following monthly salaries to be paid each month as the county officers are paid and the same shall be in full compensation for all their services rendered and shall include their office rent except as heretofore provided for justices and first and second class, to wit:

In townships of the second class-----	\$100
In townships of the third class-----	90
In townships of the fourth class-----	75

For each justice's court in townships other than the first class, there shall be one justice's clerk, who shall be appointed by the justice of the peace; *provided*, that the total number of cases, civil and criminal, filed in said court during the calendar year preceding such an appointment be six hundred fifty.

Said clerk shall be appointed immediately on this act taking effect and shall have same qualifications, authority and duties as prescribed for clerks of justices' courts of the first class. Said justice's clerk shall receive a salary of one thousand five hundred dollars per year, which shall be payable in like manner and out of the same funds and at such times as county officers are paid. On the first day of each calendar year, the justice of each court, entitled to a clerk under this provision shall file with the county clerk a certified list of all cases filed in his court for the preceding calendar year, giving titles of same.

Justices of the peace shall pay to the county treasurer once a month all fees and fines collected by them and shall be responsible for the collection and payment to the county treasurer of all such fees and fines as herein provided.

16. Constables. Constables shall receive the following monthly salaries to be paid each month as the county officers are paid and to be in full compensation for all services rendered by them in criminal cases, to wit:

In townships of the first class-----	\$125
In townships of the second class-----	100
In townships of the third class-----	90
In townships of the fourth class-----	75

In addition to the monthly salaries above provided each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases, and shall also be allowed all

necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; *provided, further*, that when a constable is required to go out of the county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of the county at the rate of five cents per mile.

Supervisors.

17. Supervisors. The supervisors shall receive each the sum of four thousand eight hundred dollars per annum, payable monthly in installments of four hundred dollars per month, in full compensation for all services rendered, either as supervisors or road overseers. The supervisors shall devote their entire time to the work of the county.

Sealer of weights and measures.

18. Sealer of Weights and Measures. The sealer of weights and measures appointed under the provisions of section 17 of an act entitled as follows, to wit: "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the state's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act, including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," Statutes 1913, page 1086; for counties of the fourth class shall receive a salary of two hundred dollars per month and he shall have three deputies at a salary of one hundred fifty dollars per month each and in addition thereto he and his deputies shall be allowed their traveling expenses actually and necessarily incurred in the performance of their duties. For the purpose of subdivision 18 of this section the said act hereinbefore in this subsection referred to by title in so far as it purports to fix the salaries of the officers herein designated shall not apply.

Payment of salaries.

19. Payment of Salaries. The salaries of all county and township officers and their deputies shall be payable in installments monthly on the first day of each month. (Amendment approved May 23, 1925; Stats. 1925, p. 954.)

Effect of act.

SEC. 2. Effect of Act. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations

thereof not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 445.

An act to amend sections four thousand two hundred thirty-six a, four thousand two hundred thirty-six b, four thousand two hundred thirty-six c, four thousand two hundred thirty-six d, four thousand two hundred thirty-six e, four thousand two hundred thirty-six f, four thousand two hundred thirty-six g, four thousand two hundred thirty-six h, four thousand two hundred thirty-six i, four thousand two hundred thirty-six j, four thousand two hundred thirty-six l, four thousand two hundred thirty-six n, inclusive, of the Political Code, relating to county and township officers in counties of the seventh class, the assistants, deputies, and other employees of said officers, and provided for the compensation of said officers and said assistants, deputies, and other employees.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4236a of the Political Code is hereby amended to read as follows:

4236a. In counties of the seventh class the county clerk shall receive as full compensation for the services required of him by law the sum of four thousand dollars per annum; *provided*, that in counties of this class, there shall be, and there is hereby allowed the county clerk, the following deputies, clerks and employees, to be appointed by said clerk, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy who shall serve as chief deputy and registrar of voters, two thousand seven hundred dollars per annum; one deputy, two thousand four hundred eighty dollars per annum; eight deputies, two thousand one hundred dollars each per annum; six deputies, one thousand nine hundred and eighty dollars each per annum; *provided*, that whenever a special state or special county, or municipal election is held, the county clerk, in counties of this class, shall be, and is hereby allowed the following additional help: Five clerks for a period of and not exceeding sixty days, immediately preceding such election date, whose salary shall be one hundred twenty-five dollars each, per month; *provided, further*, that in such years as the compilation of a great register of voters is required by law to be made, the county clerk in counties of this class shall be, and he is hereby allowed the following additional help: As many clerks as are

Stats. 1925,
p 804,
amended
Counties of
7th class.
clerk.

Clerk
(cont'd).

necessary, in his discretion from January first, to November first, at one hundred dollars each per month, and whose compensation shall not exceed the sum of three thousand six hundred dollars in the aggregate, for all clerks, so employed; *provided, further*, the county clerk may appoint such number of registration deputies in any precinct as may be necessary for the purpose of registering electors, each of whom shall be a qualified elector in his respective precinct, each of said deputies in precincts outside of the corporate limits of municipalities containing twenty-five thousand or more inhabitants, shall be paid the sum of fifteen cents per name, for each person legally registered by him, and that each of said deputies, within the corporate limits of a municipality containing twenty-five thousand or more inhabitants, shall be paid the sum of seven and one-half cents per name for each person legally registered by him, and the said registration deputies to be paid for their services on the presentation and filing with the county auditor of said county, a duly verified claim therefor, duly approved by the said county clerk. The salaries and compensation of each of said deputy clerks and employees shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid. The county clerk shall pay into the county treasury at the close of each month, all fees received by him as county clerk during the month accompanied by a statement of the sources from whence received.

Stats 1925,
p 805,
amended.
Counties of
7th class:
sheriff.

SEC. 2. Section 4236b of the Political Code is hereby amended to read as follows:

4236b. In counties of the seventh class the sheriff shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum salary; the sheriff shall also be paid fifteen cents per meal each, for all meals furnished prisoners confined in the county jail. He shall be allowed the actual and necessary expenses incurred in the performance of his official duties, including the actual and necessary expense incurred by him in recovering or searching for the body of any person meeting death through drowning; *provided*, that in counties of this class, there shall be, and there is hereby allowed the sheriff, the following deputies, jailers and bailiffs, to be appointed by said sheriff, which positions are hereby created, and the salaries of each are hereby fixed as follows: One deputy, who shall act as undersheriff, at a salary of two thousand seven hundred dollars per annum; one deputy, who shall act as chief criminal deputy and Bertillon expert, at a salary of two thousand one hundred dollars per annum; one chief jailer at a salary of two thousand one hundred dollars per annum; two deputies who shall act as process servers at a salary of one thousand eight hundred dollars each per annum; three deputies who shall act as criminal deputies at a salary of one thousand nine hundred and twenty dollars each per annum; twelve deputies at a

salary of one thousand eight hundred dollars each per annum; one matron, to attend female prisoners at a salary of one thousand five hundred dollars per annum; one deputy who shall act as bookkeeper at a salary of one thousand eight hundred dollars per annum; one matron at a salary of one thousand two hundred dollars per annum. The salaries and compensation of each of said deputies, jailers and bailiffs, shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid.

The sheriff shall pay into the county treasury at the close of each month all fees, mileage and per diems received by him as sheriff during the month, accompanied by a statement of the sources from whence received.

SEC. 3. Section 4236c of the Political Code is hereby amended to read as follows:

Stats. 1925,
p. 806,
amended.

4236c. In counties of the seventh class the recorder shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed the county recorder, the following deputies, clerks and copyists, to be appointed by said recorder, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand seven hundred dollars per annum; one comparing clerk, at a salary of two thousand two hundred and twenty dollars per annum; one comparing clerk, at a salary of one thousand nine hundred and twenty dollars per annum; one index clerk, at a salary of two thousand two hundred twenty dollars per annum; one filing clerk, at a salary of one thousand eight hundred dollars per annum; said recorder may also appoint such copyists, not to exceed six, as may be required, for the recording of all papers, notices or documents in his office, who shall receive as compensation for their services the sum of one thousand eight hundred dollars each per annum; said recorder may also appoint two copyists at a salary of one thousand six hundred and twenty dollars each per annum. The salaries and compensation of each of said deputies, clerks and copyists and employees herein provided for, each of whom shall be a deputy county recorder, shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid.

Counties of
7th class
recorder.

SEC. 4. Section 4236d of the Political Code is hereby amended to read as follows:

Stats. 1925,
p. 806,
amended

4236d. In counties of the seventh class the auditor shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum; *provided*, that in counties of this class, there shall be, and there is hereby allowed the auditor, the following deputies, clerks and employees to be appointed by said auditor, which positions are hereby created and the salaries of each are hereby fixed

Counties of
7th class
auditor.

as follows: One chief deputy at a salary of two thousand seven hundred dollars per annum; one redemption deputy at a salary of two thousand four hundred dollars per annum; one warrant deputy at a salary of two thousand four hundred dollars per annum; one claim expert, at a salary of two thousand four hundred dollars per annum; one assistant claim clerk, at a salary of two thousand one hundred dollars per annum; two deputies, at a salary of two thousand one hundred dollars each per annum; and such additional assistants as the auditor may require at a salary of six dollars per diem each and whose compensation shall not exceed two thousand six hundred dollars per annum, in the aggregate, for all assistance so rendered; *provided, further*, that the auditor shall certify thereon, as to the correctness of such additional assistants. The salaries and compensations of each of said deputies and clerks, shall be paid out of the county treasury, in equal monthly installments, in the same manner and at the same time as other county officials are paid.

Stats. 1925,
p. 807,
amended.
Counties of
7th class.
treasurer.

SEC. 5. Section 4236e of the Political Code is hereby amended to read as follows:

4236e. In counties of the seventh class the county treasurer shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum; *provided*, that he shall also be allowed not to exceed the sum of five dollars per day for his actual and necessary traveling expenses in visiting towns outside the county seat for the purpose of opening safety deposit boxes under the provisions of the "inheritance tax act"; *provided*, that in counties of this class, there shall be and there is hereby allowed the following deputies, to be appointed by said treasurer, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand seven hundred dollars per annum; one bond deputy to act as accountant at a salary of two thousand four hundred dollars per annum; one deputy to act as cashier at a salary of two thousand one hundred dollars per annum; the salaries and compensation of each of said deputies and bookkeeper shall be paid out of the county treasury, in equal monthly installments, in the same manner and at the same time as other county officials are paid. The county treasurer shall pay into the county treasury at the close of each month, all fees received by him as county treasurer during the month, accompanied by a statement of the sources from whence received.

Stats 1925,
p. 807,
amended.
Counties of
7th class:
tax and
license
collector.

SEC. 6. Section 4236f of the Political Code is hereby amended to read as follows:

4236f. In counties of the seventh class the county tax and license collector shall receive as full compensation for services as tax collector and ex officio license collector, required of him by law, the sum of four thousand dollars per annum; *provided*, that in counties of this class, there shall be, and there is hereby allowed the tax collector, the following deputies, bookkeepers and assistants, to be appointed by said tax

collector, which positions are hereby created, and the salaries of each are hereby fixed as follows: One chief deputy at a salary of two thousand seven hundred dollars per annum; one office deputy at a salary of two thousand four hundred dollars per annum; one cashier, at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; one deputy who shall be correspondence and mail clerk, at a salary of one thousand nine hundred eighty dollars per annum; and such emergency deputies or assistants as shall be required and who shall receive for his or their services six dollars per diem each; *provided, however*, that the aggregate pay of such emergency deputies or assistants shall not exceed in the aggregate four thousand five hundred dollars per annum. The salaries and compensations of each of said deputies, assistants and bookkeepers shall be paid out of the county treasury, in equal monthly installments at the same time and in the same manner as other county officials are paid. The tax collector is hereby declared to be the ex officio license collector, and the office of license collector heretofore existing is hereby abolished.

The tax and license collector shall deposit in the county treasury all the money received by him in his official capacity, not later than the day succeeding the collection thereof, in the manner provided by section 4101a of the Political Code; *provided*, that checks, drafts and post-office orders received or accepted by the tax and license collector at his own risk, the proceeds of which are to be applied on tax or license collections, may be deposited in bank and a reasonable time allowed for "clearance" not to exceed one week, before depositing the money in the county treasury; *provided, further*, that nothing herein shall be construed to authorize the payment of taxes other than in "lawful money of the United States," as provided by section 3888, of the Political Code. The tax and license collector shall be allowed his actual and necessary traveling expenses incurred by him, in the performance of his official duty, not exceeding two hundred dollars for the year.

SEC. 7. Section 4236g of the Political Code is hereby amended to read as follows:

4236g. In counties of the seventh class the county assessor shall receive as full compensation for services required of him by law, the sum of four thousand dollars per annum and such fees and commissions as allowed by law while acting as an agent of the State of California as the collector of the state poll tax. He shall also be provided with transportation to be used by him in assessing property and gathering assessment data and shall be allowed a sum not exceeding five dollars per day for his actual and necessary traveling expenses in the performance of the duties of his office; *provided*, that in counties of this class there shall be and there is hereby allowed the assessor, the following deputies, clerks and assistants, to be

Stats. 1925,
p. 808,
amended
Counties of
7th class.
assessor.

appointed by said assessor, which positions are hereby created, and the salaries of each are hereby fixed as follows: One assistant county assessor at a salary of two thousand seven hundred dollars per annum; seven office deputies at a salary of two thousand one hundred dollars each per annum; as many deputies as are necessary in the discretion of the county assessor during each year at a salary of eight dollars per day each and whose compensation for such services shall not exceed the sum of twenty-one thousand eight hundred forty dollars per annum in the aggregate for all deputies so employed; as many deputies as are necessary in the discretion of the county assessor during each year at a salary of four dollars per day each and whose compensation for such services shall not exceed the sum of two thousand five hundred dollars per annum in the aggregate for all deputies so employed. The salaries and compensation of each of said deputies, clerks and assistants shall be paid out of the county treasury in equal monthly installments, in the same manner and at the same time as other county officials are paid.

Stats 1925,
p 809,
amended.
Counties of
7th class:
attorney

SEC. 8. Section 4236*h* of the Political Code is hereby amended to read as follows:

4236*h*. In counties of the seventh class the district attorney shall receive as full compensation for the services required of him by law the sum of five thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the district attorney the following assistant deputies and employees, to be appointed by said district attorney which positions are hereby created and the salaries of each are hereby fixed as follows: One assistant district attorney, whose salary is hereby fixed at the sum of three thousand nine hundred dollars per annum; one chief deputy district attorney, whose salary is hereby fixed at the sum of three thousand nine hundred dollars per annum; one deputy district attorney whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one deputy district attorney whose salary is hereby fixed at the sum of three thousand six hundred dollars per annum; one deputy district attorney, whose salary is hereby fixed at the sum of three thousand dollars per annum; one clerk, who shall be a stenographer, whose salary is hereby fixed at the sum of one thousand nine hundred twenty dollars per annum; one chief clerk, whose salary is hereby fixed at the sum of one thousand nine hundred twenty dollars per annum; one county detective who shall have all the powers of a peace officer as set forth in sections 834 and 836 of the Penal Code and who shall perform such duties as may be required of him by the district attorney, or by the ordinances of the board of supervisors of the county, whose salary is hereby fixed at the sum of two thousand one hundred dollars per annum; *provided, further*, that in addition to the salary herein fixed for said county detective he shall be allowed and paid actual and necessary expenses

incurred by him in the performance of his official duties; *provided, further*, that the said county detective shall file with the board of supervisors a verified statement and claim showing in detail the amount paid, and the persons to whom and the purpose for which such payments were made; *and provided, further*, that in counties of this class the district attorney, in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the investigation and detection of crime and the prosecution of criminal cases and in civil actions and proceedings, and all other matters in which the county is interested, all of which said charges and expenses so incurred by him shall be a legal charge against the county. Neither the district attorney nor any of his assistants or deputies shall engage in the private practice of law, nor shall they be associated directly or indirectly with any lawyer or law firm as such in private practice, but each shall devote his entire time to the service of the county.

The salaries and compensation of each of said assistants, deputies and employees shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

SEC. 9. Section 4236i of the Political Code is hereby amended to read as follows:

4236i. In counties of the seventh class there shall be one coroner who shall receive as full compensation for the services required of him by law, such fees as are now or may hereafter be allowed by law; *provided*, the coroner, or other officer holding an inquest upon the body of a deceased person may subpoena a chemist to make an analysis of the contents of the stomach or tissues of the body, or a physician or surgeon to inspect the body, or hold a post mortem examination of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under his direction; *provided*, that in counties of this class there shall be and there is hereby allowed the coroner the following assistants to be appointed by said coroner which positions are hereby created, and the salaries of each are hereby fixed as follows: One deputy and one stenographer; said deputy shall have the power and it shall be his duty when directed by the coroner to hold inquests, and all such power conferred by law upon the coroner may be exercised by said deputy, who shall receive a salary of one thousand six hundred eighty dollars per annum; the salary of said stenographer shall be one thousand eight hundred dollars per annum, which salary shall be in full for all services rendered by such stenographer. Said stenographer shall take down in shorthand the testimony of witnesses at inquests and shall transcribe the same into longhand and file a verified copy thereof with the county

Stats 1925
p 810,
amended
Counties of
7th class:
coroner.

clerk. The salaries and compensation of said deputy and stenographer, shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

Stats. 1925,
p. 811,
amended
Counties of
7th class.
Supt of
schools

SEC. 10. Section 4236j of the Political Code is hereby amended to read as follows:

4236j. In counties of the seventh class the superintendent of schools shall receive as full compensation for the services required of him by law, the sum of four thousand dollars per annum and actual and necessary traveling expenses in the performance of the duties of his office; *provided, further*, that in counties of this class, there shall be and there is hereby allowed the superintendent the following assistants and deputies to be appointed by said superintendent which positions are hereby created and the salaries of each are hereby fixed as follows: One assistant superintendent of schools who shall receive as compensation the sum of two thousand seven hundred dollars per annum; one deputy superintendent of schools who shall receive as compensation the sum of two thousand five hundred and twenty dollars per annum; one deputy who shall receive as compensation the sum of two thousand one hundred dollars per annum; one stenographer, who shall receive as compensation the sum of one thousand five hundred dollars per annum. The salary of said assistant superintendent of schools and deputy superintendent of schools and stenographer shall be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid. Each member of the board of education of the county shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education of said county shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of the said board and of said secretary shall be paid out of the same funds as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as other claims against the county are allowed. The compensation of members of the county board of education of this county hereby provided is not in addition to that provided in section 1770 of this code.

Stats 1925,
p. 812,
amended.
Counties of
7th class
classification
of townships

SEC. 11. Section 4236l of the Political Code is hereby amended to read as follows:

4236l. For the purpose of regulating the compensation of township justices and constables in counties of the seventh class, townships shall be classified on the basis of population, said population to be determined by the board of supervisors by multiplying by three the number of registered voters at the last general election next preceding the date of such determination, said census so taken shall be known and shall become

the official census of the township in which the same is taken, and the population therein determined shall be and become the official population of such township. Incorporated cities having a population of twenty thousand or more, shall be known as townships of the first class; townships having a population of five thousand and less than twenty thousand shall be known as townships of the second class; townships having a population of more than two thousand and less than five thousand shall be known as townships of the third class; *provided*, that no township shall contain less than two thousand population; *provided, further*, that the number of townships shall not exceed eight in counties of this class. It shall be the duty of the board of supervisors to fix the boundaries of townships, so that all the territory in counties of the seventh class, shall be comprised within the above limitations of population, and where the boundary line of any township is changed they shall take the census of said township or townships in the manner as in this section provided and the population therein determined shall be and become the official population of the township.

Townships of the second and third classes shall each have one justice and one constable. Number of justices and constables.

Townships of the first class shall have one justice and two constables; *provided, however*, that in all such townships having a population of twenty thousand or more, there shall be one clerk to be appointed by the justice of the peace, such clerk to receive a salary of one hundred seventy-five dollars per month, payable monthly in the same manner as salaries of county officers are paid. All fees chargeable and collectible by justices of the peace in criminal and civil cases for services rendered by them shall be collected by them and by them paid monthly into the county treasury. All fees and mileage collected by constables in civil cases shall be deposited in the county treasury monthly. Fees.

In townships containing twenty thousand or more inhabitants the board of supervisors shall furnish the justice of the peace and the constables of such township an office to be occupied by such justice and constables jointly. In such townships the constables shall be allowed one clerk at a salary of one hundred twenty-five dollars per month. In any township or townships of the second or third class when, in the opinion of the board of supervisors, it is necessary for the proper conduct of the business of the justices of the peace of any of the township courts, the supervisors shall have the power to provide court room space and the rental thereof shall be a proper charge against the county. Offices and court rooms.

The compensation of justices of the peace in counties of the seventh class is hereby fixed as follows: Class one townships, three thousand six hundred dollars per annum; class two townships, one thousand eight hundred dollars per annum; class three townships, one thousand five hundred dollars per Compensation of justices.

annum. The salaries shall be payable monthly in the same manner as county officers are paid.

Compensation of constables

The compensation of constables in counties of the seventh class is hereby fixed as follows: Class one townships, two thousand one hundred dollars per annum; class two townships, one thousand eight hundred dollars per annum; class three townships, one thousand five hundred dollars per annum. The salaries shall be payable monthly in the same manner as county officials are paid.

Stats. 1925, p. 813, amended

Counties of 7th class supervisors

SEC. 12. Section 4236*n* of the Political Code is hereby amended to read as follows:

4236*n*. In counties of the seventh class each supervisor shall receive as compensation two thousand dollars per annum and in addition thereto the board of supervisors as a whole shall be allotted and paid five hundred dollars per year for traveling expenses, and ten cents per mile for traveling to and from the county seat; *provided*, mileage for traveling to and from the county seat shall not be allowed oftener than once in each month.

CHAPTER 446.

An act to amend section four thousand two hundred seventy-two of the Political Code, relating to the salaries, fees and expenses of officers in counties of the forty-third class.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

Stats. 1921, p. 887, amended

Counties of 43d class officers and employees.

SECTION 1. Section 4272 of the Political Code, is hereby amended to read as follows:

4272. In counties of the forty-third class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, one thousand nine hundred twenty dollars per annum, and such fees as he may be now or hereafter allowed by law to retain; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one deputy clerk, who shall be appointed by the county clerk and shall be paid a salary as follows: the sum of one thousand eight hundred dollars per annum, and two deputy clerks who shall be appointed by the county clerk and shall be paid a salary as follows: the sum of one thousand five hundred dollars per annum, the salary of said deputies to be payable monthly in the same manner and out of the same fund as the salaries of the other county officers are paid.

Sheriff.

2. The sheriff, three thousand five hundred dollars per annum. The sheriff shall also receive for his own use and benefit all fees, commissions and mileage, in all civil cases within his county, and all fees, commissions and mileage for

service of any papers issued by any court outside of his county; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff a deputy sheriff, who shall be appointed by the sheriff and shall be paid a salary as follows: The sum of one thousand eight hundred dollars per annum which sum shall be paid by the said county in equal monthly installments at the same time and in the same manner and out of the same fund as the sheriff is paid, and an additional deputy sheriff who shall be appointed by the sheriff and shall be paid a salary as follows: The sum of one thousand five hundred dollars per annum, which sum shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the sheriff is paid.

3. The recorder, one thousand two hundred dollars per annum, and such fees as he may be now or hereafter allowed by law to retain. The board of supervisors is hereby authorized to employ such number of copyists at such salaries and for such length of time as the said board may deem necessary to properly and expeditiously record all instruments and documents filed for record in the office of the county recorder of such county, and the salary of such copyist or copyists shall be paid out of the general fund of said county. Recorder

4. The auditor, six hundred dollars per annum. Auditor

5. The treasurer, two thousand four hundred dollars per annum. Treasurer

6. The tax collector, seven hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is allowed to the tax collector one deputy for a period not exceeding three months in any one year at a salary of one hundred dollars per month. Tax collector

7. The assessor, two thousand seven hundred dollars per annum. He shall also be permitted to appoint such deputies as he may desire, of whom one shall be paid by the county for the term of twelve months, beginning on the first Monday in January in each year at the rate of one hundred fifty dollars per month, and one of whom shall be paid by the county for the term of four months beginning on the first Monday in March in each year, at the rate of one hundred fifty dollars per month, and one of whom shall be paid by the county at the rate of one hundred fifty dollars per month for the term of two months, said term beginning on the first Monday of March of each year. The board of supervisors shall allow the assessor to appoint extra deputies, other than as above provided, in the ratio of one for every three hundred assessment statements, or major fraction thereof in excess of two thousand eight hundred statements, and said extra deputies shall each serve four months in each year, at the will of the assessor, and shall each be paid one hundred fifty dollars per month. All salaries of deputies as above provided, shall be paid in the same manner and at the same time as the salary of the assessor is paid. All commissions allowed by Assessor

law to the assessor for the collection of poll tax, road poll, personal property or special taxes, shall be paid into the county treasury by the assessor, monthly as collected, for the use of the county, and shall be apportioned by the auditor and the treasurer to the salary fund.

Attorney. 8. The district attorney, one thousand eight hundred dollars per annum.

Coroner. 9. The coroner, such fees as are now or may hereafter be allowed by law.

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

Supt of
schools. 11. The superintendent of schools, two thousand four hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

Surveyor. 12. The surveyor, such fees as are now or may hereafter be allowed by law.

Justices. 13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than four thousand, ninety dollars per month; in townships having a population of less than four thousand and more than two thousand, seventy-five dollars per month; in townships having a population of two thousand or less, twenty dollars per month. The compensation herein fixed for justices of the peace shall be in full for all services rendered, and all fees collected by them shall be paid into the county treasury as provided by law; *provided*, that justices of the peace now holding office shall, during their present term, be entitled to retain for their own use all civil fees.

Constables. 14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases. In townships having a population of more than four thousand, thirty-five dollars per month; in townships having a population of less than four thousand and more than two thousand, thirty dollars per month; in townships having a population of two thousand or less, fifteen dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

Supervisors 15. Each supervisor, nine hundred dollars per annum, and twenty cents per mile for traveling expenses from his residence to the county seat, and also necessary expenses when on official business outside the county.

Board of
education 16. Each member of the county board of education, including the secretary, shall receive one hundred fifty dollars per

annum as compensation for his services on the board of education, and mileage at the rate of twenty cents per mile one way, from his residence to the place of meeting of said board. Said compensation of said members and of said secretary shall be paid monthly in the same manner and out of the same fund as the salaries of other county officers are paid. Claims for such mileage shall be presented to and allowed by the board of supervisors before payment. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred seventy.

17. In counties of this class grand and trial jurors in the superior court shall receive three dollars per day for each day's attendance while engaged in the performance of the duties required of them, and in addition thereto shall receive for each mile actually traveled, in going only, while acting as such juror, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for such per diem and mileage, and the treasurer shall pay the same. Jurors.

18. In counties of this class librarians shall receive one thousand eight hundred dollars per annum. Librarian.

19. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships is hereby determined to be the population of said townships as shown by the federal census taken in the year A. D. nineteen hundred and twenty. Classification of townships.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes, nor to increase or decrease the compensation paid to or received by any such person under the provisions of such statute, except as otherwise herein expressly provided. Effect of act

CHAPTER 447.

An act to amend section nineteen x six of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons;

fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law, approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, relating to the salaries of probation officers in counties of the sixth class.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p. 998,
amended

SECTION 1. Section 19x6 of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

Counties of
6th class:
probation
officer.

19x6. In counties of the sixth class there shall be one probation officer, two assistant probation officers and one deputy probation officer who shall act as probation officer's clerk. The salaries of said officers shall be as follows: The probation officer shall receive a salary of two hundred fifty dollars per month, the first assistant probation officer shall receive a salary of one hundred seventy-five dollars per month, the second assistant probation officer shall receive a salary of one hundred fifty dollars per month, the deputy probation officer shall receive a salary of one hundred twenty-five dollars per month.

CHAPTER 448.

An act to add a new section to the Code of Civil Procedure to be numbered two hundred seventy-four c, providing for the appointment, qualifications, official oath, duties, certified transcripts and fees of phonographic reporters for municipal courts.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section, to be numbered 274c, is hereby New section added to the Code of Civil Procedure, to read as follows:

274c. Each municipal court in the state, a majority of Phono-graphic reporters the judges concurring, may, by order entered upon the minutes of the court, appoint as many competent phonographic reporters as the business of the court may require, to be known as official reporters of such court, and to hold office during the pleasure of a majority of the judges of the court. Such reporters, or any one of them, must, at the request of either party, or of the court in a civil proceeding, and on the order of the court in a criminal action or proceeding, take down in shorthand all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in criminal cases, the argument of the prosecuting attorney to the jury, and all statements and remarks made and oral instructions given by the judge; and if directed by the court, or requested by either party, must, within such reasonable time after the trial of such case as the court may designate, write out the same, or such specific portions thereof as may be requested, in plain and legible long-hand, or by typewriter, or other printing machine, and certify to the same as being correctly reported and transcribed, and when directed by the court, file the same with the clerk of the court. Those sections of the Code of Civil Procedure of this state numbered 270 to 274 (inclusive) are hereby made applicable to the qualifications, duties, official oath, certification of transcripts and fees of official reporters of municipal courts.

CHAPTER 449.

An act appropriating money to pay the claim of Grace E. Kelshaw, as county treasurer of the county of San Luis Obispo, against the State of California.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of sixteen dollars and nine cents is Appropriation: Grace E. Kelshaw. hereby appropriated out of the estate of deceased persons fund in the state treasury to pay the claim of Grace E. Kelshaw, as county treasurer of the county of San Luis Obispo, against the State of California.

CHAPTER 450.

An act to validate bonds of municipal improvement districts, and providing for the levy of a tax to pay the same.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

Validation
of municipal
improvement
district
bonds.

SECTION 1. Whenever the legislative branch of any municipality has heretofore called an election under the provisions of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915, or under said act as amended, for the purpose of submitting to the qualified electors of any municipal improvement district formed in such municipality the question whether an indebtedness shall be incurred by such municipal improvement district for the acquisition or construction of any public improvement, work or public utility or property or easement to be used in connection with any public improvement, work or public utility, and where at such election not less than two-thirds of all the voters voting thereat shall have heretofore voted in favor of incurring such indebtedness, and the mode of creating such indebtedness has been by the proposed issuance of the bonds of such municipal improvement district, the power to issue such bonds and all the acts and proceedings of such municipality leading up to and including the issuance and sale or the proposed issuance and sale of such bonds are hereby legalized, ratified, confirmed, and declared valid to all intents and purposes; and the bonds heretofore issued and sold are declared to be and shall be, in the actual form in which such bonds have been issued, the legal and binding obligations of and against such district; and the bonds heretofore authorized to be issued which may be hereafter issued and sold, are declared to be and shall be the legal and binding obligations of and against such district; and the full faith and credit of such district is hereby pledged for the prompt payment and redemption of the principal and interest of all said bonds.

Tax levies

SEC. 2. The legislative branch of such municipal corporation shall at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury of said municipal corporation set apart for that purpose, sufficient to meet all sums coming due for the principal and interest on such bonds, a tax upon the taxable property in such district sufficient to pay the interest on such bonds for that year and such portion of the principal thereof as is to become due before the time for

making the next general tax levy; *provided, however*, that if the maturity of the indebtedness created by the issue of such bonds be made to begin more than one year after the date of the issuance of such bonds, such tax shall be levied and collected at the time and in the manner aforesaid annually each year sufficient to pay the interest on such indebtedness as it falls due and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for municipal purposes and shall be collected at the time and in the same manner as other municipal taxes are collected and be used for no other purpose than for the payment of said bonds and the accruing interest thereon.

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

CHAPTER 451.

An act to validate the organization and existence of municipal improvement districts.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

SECTION 1. Wherever the legislative body of any municipality has heretofore declared any portion of such municipality to be a municipal improvement district under the provisions of an act entitled "An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements," approved April 20, 1915, or under the provisions of such act as amended, and such district has existed as such for a period of six months prior to the taking effect of this act, all acts and proceedings of such municipality and all acts of all public officers leading up to and including the formation of such district are hereby legalized, ratified and confirmed and declared valid for all intents and purposes, and any such district is hereby declared to be a legal municipal improvement district. Validation of municipal improvement districts.

CHAPTER 452.

An act providing for an investigation of old age pension systems, and making an appropriation therefor.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

Old age
pension in-
vestigation.

SECTION 1. The state department of public welfare is hereby authorized, empowered and directed to make a thorough and exhaustive investigation of old age pension laws of other states and countries and of the administration thereof and of each thereof, also of conditions in California and the system of old age pensions best adapted to such conditions, and to render its report thereon, with such recommendations as it may have to make in respect thereto, to the Legislature of the State of California at the commencement of the forty-eighth session thereof.

Appropriation

SEC. 2. Out of any money in the state treasury not otherwise appropriated, the sum of six thousand dollars is hereby appropriated, to be expended in accordance with law in carrying out the provisions of this act.

CHAPTER 453.

An act to amend sections one thousand five hundred seventeen, one thousand five hundred eighteen, one thousand five hundred nineteen, one thousand five hundred nineteen a, one thousand five hundred twenty, and one thousand five hundred twenty-one of the Political Code, relating to state educational offices, and to add a new section to the Political Code to be numbered one thousand five hundred twenty-two.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

Stats 1913,
p 659,
amended
State board
of education
created.

SECTION 1. Section 1517 of the Political Code is hereby amended to read as follows:

1517. There is hereby created a state board of education to consist of ten members, who shall be appointed by the governor with the advice and consent of two-thirds of the Senate and shall hold office for a term of four years; *provided*, that those members first appointed hereunder shall be appointed within thirty days after the taking effect of this act; three shall be appointed to serve until March 1, 1928, two shall be appointed to serve until March 1, 1929, three shall be appointed to serve until March 1, 1930, and two shall be appointed to serve until March 1, 1931. Thereafter, all

appointments shall be for a term of four years. Should any vacancy occur, such vacancy shall be filled by appointment by the governor subject to confirmation by two-thirds of the Senate, the person so appointed to hold office only for the balance of the period of time that his predecessor in office would have held had no vacancy occurred.

SEC. 2. Section 1518 of the Political Code is hereby amended to read as follows:

1518. The superintendent of public instruction shall within thirty days after the appointment of the state board of education, as provided for in section 1517 of the Political Code, call a meeting of such board in his office and said board shall organize by electing one of its members president.

At the first meeting following any change in the membership of the board, said board shall again organize in accordance with the above provision.

The superintendent of public instruction shall be secretary and shall act as executive officer of the board; he shall have charge of all its correspondence and shall keep a record of its proceedings. It shall be the duty of the state board of education to determine all questions of policy within its powers; it shall be the duty of the superintendent of public instruction to execute, under direction of the board, the policies which have been decided upon, and to direct, under such general rules and regulations as the state board of education may adopt, the work of all appointees and employees of the board.

The board shall meet every three months at such times as it may by resolution determine, and special meetings may be called by the president. Upon the request of any four members in writing the secretary shall call a special meeting. Notice of each meeting shall be given by the secretary by registered mail to each member of the board at least ten days prior to the time of any meeting, unless notice of such meeting is waived in writing by all members of the board. The concurrence of six members of the state board shall be necessary to the validity of any of its acts.

SEC. 3. Section 1519 of the Political Code is hereby amended to read as follows:

1519. The state board of education shall have power and it shall be its duty:

First—To adopt rules and regulations not inconsistent with the laws of this state for its own government, for the government of its appointees and employees, for the government of the day and evening elementary schools, the day and evening secondary schools, the technical and vocational schools of the state, for the government of the several teachers colleges of the state as hereinafter provided, and for the government of such other schools, excepting the University of California, as may receive in whole or in part financial support from the state. Such rules and regulations shall be published for distribution as soon as practicable after adoption.

Stats 1915.
p 751,
amended
Organization
of board

Meetings

Stats 1921.
p 737,
amended
Powers and
duties of
board.
Rules and
regulations.

Teachers
colleges.

At the joint meeting of this board and the representatives of the teachers colleges of the state provided for in section 1518a of the Political Code, matters affecting the teachers colleges may be presented by members of the board, by the superintendent of public instruction and his assistants, and by the representatives of the teachers colleges, and, after due presentation and consideration, the board may adopt rules and regulations for the government of the teachers colleges in the following matters:

(a) The standardizing, as far as the board shall deem it wise and necessary, of the courses of instruction offered in the several teachers colleges for the preparation of teachers for the public schools of the state.

(b) The establishing and conducting in any or all of the teachers colleges of the state of courses for the training of teachers in any or all of the subjects for which special certificates of the elementary and the secondary grade may by law be granted.

(c) The prescribing of the use, in the grades and classes for which they are adapted, of the state series of textbooks.

(d) The prescribing of the standards of admission for students entering the state teachers colleges, and the rules for transfer of students from one teachers college to another; *provided*, that a student for good cause, may, upon recommendation of the president of the college from which he seeks to be transferred, enter any other teachers college and without examination be admitted to classes corresponding to those in the college which he has left.

(e) The determination of the time and standards for graduation from the state teachers colleges.

(f) The prescribing of the standards for the granting of designated baccalaureate degrees by the state teachers colleges, the establishing of the standards for the maintenance of collegiate and degree-granting status by any of the state teachers colleges, and the authorizing of any state teachers college, upon its application therefor and upon proper showing that it has met the standards herein established and prescribed, to grant the baccalaureate degrees herein provided for.

Witnesses

Second—To issue subpoenas to compel the attendance of witnesses before the board or any member thereof, in the same manner that any court in this state may; and whenever the testimony of any witness upon any matter pending before it is material, the president must cause the attendance of the witness before such board, or a member thereof, to testify concerning such matter, and the board may make a reasonable allowance therefor, not exceeding the fees of witnesses in civil cases, which must be paid for out of the appropriation for the expense of the board, but in no instance can an allowance be made in favor of a witness who appears in behalf of a claimant.

Seal.

Third—To adopt and use, in authentication of their acts, an official seal.

Fourth—To have done by the state printer, or other officer having the management of the state printing, any printing required by it; *provided*, that all orders for printing shall first be approved by the state board of control. Printing

Fifth—The state board of education shall study the educational conditions and needs of the state; shall make plans for the improvement of the administration and efficiency of the public schools of the state; shall have power to conduct educational investigations, and shall submit biennially to the governor on or before the fifteenth day of September next preceding the regular session of the Legislature, a report of its transactions for the preceding two years, together with recommendations of its needs for the coming biennium, and such recommendations as to changes in laws or new educational legislation as may seem to it to be necessary. Investigations and reports.

Sixth—To appoint an acting secretary, who shall also act as executive officer of the board in the absence of the superintendent of public instruction from the state or in case of his incapacity for duty. Secretary

SEC. 4. Section 1519*a* of the Political Code is hereby amended to read as follows: Stats 1923, p. 679, amended

1519*a*. The state board of education shall have power and it shall be its duty: Certificates, credentials and diplomas

First—To prescribe by general regulations established in accordance with law the qualifications upon which county, and city and county boards of education may grant certificates: Qualifications.

(a) To teach in junior colleges, senior high schools, four year high schools, junior high schools, elementary schools, and kindergartens.

(b) To supervise instruction and to administer schools as supervisors, principals, and superintendents.

(c) To act as school librarians.

(d) To act as school attendance officers.

(e) To supervise the health and development of pupils.

Second—To authorize the commission of credentials to issue credentials upon which county boards of education may grant the certificates enumerated above. Each credential so issued must clearly state the kind of service that it authorizes, the grades or classes, or the types of schools, in which it authorizes such service, and, if a teachers' credential, the subjects it authorizes the holder to teach. It must also contain its date of expiration and must be issued on a form prescribed by the state board of education and signed by the superintendent of public instruction. Credentials.

Third—The minimum general standard for each type of credential shall be as follows: Minimum general standards.

(a) For the general secondary school credential, five years of university or college, or of university, college, and normal school education of present day standard, including a baccalaureate degree and the professional training prescribed by the state board of education; or equivalent qualifications.

Minimum
general
standards
(cont'd).

(b) For the general junior high school credential, four years of such collegiate training, including the prescribed professional training; or equivalent qualifications.

(c) For the general elementary credentials, the same number of years of collegiate training required at the time for graduation from a California state teachers college, including the professional training prescribed by the state board of education.

(d) For the kindergarten primary credential, the same number of years of collegiate training required at the time for graduation from a California state teachers college, including the professional training prescribed by the state board of education.

(e) For the special secondary credential, as high a general standard for each of the different subjects as conditions at the time will warrant; *provided*, that no qualification shall be prescribed for certification to teach in any grade whatever a vocational subject unless the candidate shall have had, as a minimum, three years' experience as a journeyman, or, where this terminology does not apply, its equivalent, in the vocation in which he desires certification.

(f) For the special elementary credential, the general standard shall be as high as that prescribed for the general elementary credential.

(g) For instruction supervisor's credential, a teacher's certificate authorizing the holder to teach in the public schools in which he desires to supervise instruction and such other special professional requirements as may be prescribed by the state board of education.

(h) For the administrator's credential: First, a teacher's certificate authorizing the holder to teach in the public schools of this state; second, a minimum of not less than two years of experience as a teacher, supervisor, or school administrator, as prescribed by the state board of education; third, such evidence of special training and study as will satisfy the board as to his fitness to perform the service he desires to qualify for.

(i) For librarians, the same standards as applied to other special credentials of like grade.

(j) For attendance officers, the qualifications of an elementary school teacher or an equivalent in schooling, social, practical, and teaching experience, including the special professional training required by the state board of education.

(k) For the supervision of the health and development of pupils, as provided in the health and development act.

(l) Any standard for the granting of any of the aforementioned credentials, when adopted, shall remain in force for not less than four years.

Fourth—To provide for the examination by the commission of credentials of any person (except an applicant for an elementary certificate) who appears to have schooling and experience which may qualify him for the credential which

Exam-
inations.

he desires to secure; and to prescribe general regulations and general standards governing examinations for the elementary certificate by county boards of education.

Fifth—To grant life diplomas authorizing the holders to serve for life in the public schools in the capacities specified in said diplomas. The service specified in each life diploma granted shall be that specified in a legal county certificate issued to the candidate at least one year prior to the granting of the life diploma. Life diplomas.

Each candidate for a life diploma must submit over his oath a complete application on a form provided by the state board of education. This application must be accompanied by a valid teaching certificate of the grade and type of life diploma applied for and a recommendation from a county board of education to the effect that the candidate has rendered successful professional service in the public schools of the county for a period of not less than one school year, and that said candidate is a fit person to possess a life diploma. Said recommendation must be based upon a resolution of the county board approved by at least three-fourths of its members.

Only such candidates are eligible as have had at least forty-eight months of successful school experience, at least twenty-one of which shall have been in the public schools of California or in schools maintained for minors by publicly controlled California institutions.

Sixth—Each application for any credential or document other than a life diploma, if made by a person who has resided in the State of California for the twelve months next preceding the date of application, shall be accompanied by a fee of three dollars, and each such application from a person other than one having resided within the State of California for the twelve months next preceding the date of application shall be accompanied by a fee of five dollars; and in addition thereto each such applicant permitted to take an examination under the state board of education under the provisions of subdivision fourth of this section shall, before he is so permitted, pay a fee of ten dollars. The application of each person for a life diploma must be accompanied by a fee of five dollars. Application fees

All of the above fees must be paid into the state treasury at least once a month to the credit of the general fund. The state controller is authorized to require financial reports to be made to him at such time and in such form as he may require.

Seventh—To revoke or suspend for immoral or unprofessional conduct, or for persistent defiance of, and refusal to obey, the laws regulating the duties of teachers, or for evident unfitness for teaching, life diplomas, documents issued under the provisions of sections 1503 and 1775 of this code, or credentials issued in accordance with the provisions of this section; and to adopt such rules for said revocation as they may deem expedient or necessary. Revocation or suspension of diploma, etc

Whenever the holder of any life diploma or other teachers' credential or document issued by the state board of education in accordance with law is charged with immoral or unprofessional conduct or evident unfitness for teaching or persistent defiance of, and refusal to obey, the laws regulating the duties of teachers, the state board of education in its discretion after notifying the teacher so charged of its intention so to do, may require the county board of education of the county in which such teacher is teaching or has last taught to give notice of, and conduct, a hearing of such charges in the manner prescribed by law for the hearing of charges for the revocation or suspension of a teacher's certificate by a county board of education. The county board of education, after such hearing, shall report to the state board of education its findings and a summary of the evidence and shall make a definite recommendation concerning the revocation or suspension of such life diploma or other teachers' credential or document. Upon receipt of a copy of such findings, summary of evidence and recommendation, the state board of education may suspend or revoke such life diploma or other teachers' credential or document for the causes hereinbefore stated, or order the charges dismissed.

Commission
of
credentials

Eighth—There is hereby created a commission of credentials, to consist of the superintendent of public instruction, and four persons appointed by the superintendent of public instruction. This commission shall have authority to review the cases of applicants for credentials and life diplomas and when said commission is satisfied that any candidate fully meets the standard set by the state board it may issue the proper documents; *provided*, that said documents must be issued upon the regular forms used by the state board of education and must bear the signatures of the secretary and the president of said board or the facsimile signatures of the said officials, countersigned by an assistant secretary authorized to perform such service.

The state board is authorized to assign to the commission of credentials such other duties relating to life diplomas, certificates, certification, and accrediting of institutions for purposes of certification as it may see fit.

Stats 1913,
p 666,
amended

SEC. 5. Section 1520 of the Political Code is hereby amended to read as follows:

1520. First—The state board of education shall have power and it shall be its duty:

Administra-
tion of
department.

(a) To establish upon recommendation of the superintendent such divisions in the state department of education as appear advisable for the efficient transaction of business.

(b) To appoint only on nomination of the superintendent, an experienced and qualified educator to be head of each such division; such head to be known either as assistant director or chief of the division.

(c) To refuse appointment to a nominee of the superintendent if convinced after a public hearing that said appointee is

morally or professionally unfit for the position or is related to the superintendent by marriage or otherwise.

(d) To establish such subordinate positions in each division as may be recommended by the superintendent and to appoint supervisors and other assistants only upon nomination of the superintendent.

(e) To fix the salaries of all professional employees subject to approval by state board of control.

Second—The word “superintendent” as herein used means the superintendent of public instruction.

SEC. 6. Section 1521 of the Political Code is hereby amended to read as follows: Stats 1921,
p. 1246,
amended
Compensation.

1521. First—The members of the state board of education shall serve without pay. They shall receive their actual and necessary traveling expenses while on official business.

SEC. 7. A new section is hereby added to the Political Code to be numbered 1522 to read as follows: New section.

1522. From and after the date upon which this act takes effect, the department of education shall be and is hereby authorized and empowered to expend the moneys in any appropriation heretofore or hereafter made for the support of the state board of education. Expenditure
of appro-
priations.

CHAPTER 454.

An act to add a new section to the Political Code, to be numbered four thousand two hundred seventy-two a, relating to the compensation and expenses of the surveyor of counties of the forty-third class.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered 4272a, and to read as follows: New section.

4272a. The surveyor of counties of the forty-third class shall receive the sum of ten dollars per day for all work performed for the county, and in addition thereto, his actual, reasonable and necessary expenses incurred in the discharge of his official duties, all of which compensation and expenses shall be paid upon the filing of a verified claim for the same with the board of supervisors. Counties of
43d class:
- surveyor.

CHAPTER 455.

An act authorizing and providing for an investigation and report upon the matter of revenue and taxation, providing for a commission therefor and defining the powers and

duties of such commission in respect thereto, and making an appropriation therefor.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

Appropriation

SECTION 1. The sum of seventy-five thousand dollars, or as much thereof as may be necessary, is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be used at the direction of the governor for the purpose of investigating and reporting upon the matter of revenue and taxation as set forth hereinafter.

Tax commission created and duties prescribed.

SEC. 2. The governor may direct any state officer, or appoint persons to constitute a commission to make the investigation and report authorized by this act. Said commission shall be known as the California tax commission. The governor may designate the chairman of said commission and may authorize the employment of any expert or other assistants as may be necessary, to investigate the systems of revenue and taxation in force in this and other states, and particularly to examine into any and all matters appertaining to the subjects of revenue and taxation in this state. The findings and conclusions of such investigations and recommendations as to necessary changes in the existing system in this state shall be reported to the governor for recommendation to the Legislature at its session in January, 1929. There shall also be made a special investigation and report upon the matter of the relative burden of taxes borne by general property values and such property values as are taxed directly by the state under the existing system of taxation.

Authority of commission

SEC. 3. The commission provided for in this act is hereby authorized and empowered, at the direction of the governor:

(1) To do any and all things necessary to make a full and complete investigation in accordance with this act.

(2) To require the attendance of persons and the production of papers before them or any one thereof and to take testimony under oath and administer oaths in the same manner that any court in this state may.

(3) To require reports from all state, county and municipal officers as to matters of revenue and taxation appertaining to their respective offices, and to examine the records and papers of any such official as to any matter of revenue and taxation.

Officers to report.

SEC. 4. It is hereby made the duty of any officer referred to in subdivision 3 of section 3 of this act to promptly make report when requested to do so and any such officer who shall fail or refuse to make such report promptly shall be guilty of a misdemeanor.

Compensation.

SEC. 5. Except in the case of state officers, who shall receive no per diem or salary as members of this commission, the members of the commission authorized in this act shall receive as compensation for their services the sum of fifteen

dollars per day for each day actually employed in this work, not exceeding twenty days in any one calendar month for the chairman of the commission and not exceeding ten days in any one calendar month for any other member of the commission. All members of the commission shall receive their actual and necessary expenses incurred in the performance of the duties of such commission.

CHAPTER 456.

An act to authorize the governor to appoint a commission to prepare plans and to select a site for a separate penal institution for women offenders.

[Approved by the Governor May 12, 1927. In effect July 29, 1927.]

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

SECTION 1. The governor is hereby authorized to appoint a commission of five, the majority of whom shall be women, to prepare the plans and select the site for a separate penal institution for women offenders. The governor shall designate one of the members of the commission as chairman. The commission shall report to the governor not later than February 1, 1928.

Women's
penal
institution
commission.

The commission shall include in its report plans for the administration and for the financing of the construction of the institution and suggestions as to plans for the building or buildings. It shall also recommend a site and recommend the necessary changes in the law to provide for the establishment and the proper functioning of the institution, and shall make such further recommendations as it may deem proper.

SEC. 2. The commissioners shall serve without compensation, but shall receive their actual expenses incurred in the performance of their duties under this act.

Compensation.

SEC. 3. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two thousand five hundred dollars to pay the expenses of the commission authorized by this act. The chairman of the commission is empowered to prepare and sign claims for the payment of such expenses, which claims shall be audited by the board of control and paid upon warrants drawn by the controller as provided by law.

Appropriation.

CHAPTER 457.

An act to amend section three hundred nineteen of the Civil Code, relating to the place of corporate meetings.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

Original
section
amended.
Meetings,
where held.

SECTION 1. Section 319 of the Civil Code is hereby amended to read as follows:

319. The meetings of the stockholders or members and board of directors or trustees of a corporation must be held at its principal place of business, or at an office within this state designated for such purpose in its by-laws.

CHAPTER 458.

An act to amend section four hundred seventy-two of the Political Code, relating to the duties of the attorney general and the appointment of an assistant and deputies in such office, fixing the salaries of such assistant and of the chief deputy and providing for the manner of fixing of the salaries of the additional deputies.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p. 481,
amended.
Assistant
and
deputies.

SECTION 1. Section 472 of the Political Code is hereby amended to read as follows:

472. The attorney general may appoint one assistant, one chief deputy, and such additional deputies as he may deem necessary for the proper performance of the duties of such office. The annual salary of the assistant attorney general shall be four thousand five hundred dollars, the annual salary of the chief deputy shall be four thousand five hundred dollars, and the annual salary of each of such additional deputies shall be such as shall be prescribed by the attorney general, and such salaries shall be paid at the same time and in the same manner as the salaries of other state officers. The assistant, chief deputy and additional deputies shall be civil executive officers.

Special
counsel.

The attorney general shall not employ special counsel in any case except those provided in section 474 of the Political Code.

Additional
duties.

The attorney general shall have charge, as attorney, of all legal matters in which the state is in anywise interested, except the business of the regents of the University of California and of the state harbor commissioners, and such other boards or officers as are now by law authorized to employ attorneys, and no board, officer or officers, or employee of the state, except said regents and said harbor commissioners and such

other boards and officers as are now by law authorized to employ attorneys, shall employ any attorney other than the attorney general, or one of his assistants or deputies, in any matter in which the state is interested; nor shall any money be drawn out of the treasury, or out of any moneys appropriated out of the treasury, or out of any special or contingent fund under the control of any board, officer or officers, or employee for the pay of any legal services rendered after the passage of this act, the provisions of any existing statute to the contrary notwithstanding, excepting as above provided; *provided*, that whenever a district attorney in any county of this state shall, for any reason, become disqualified from conducting any criminal prosecution within such county, the attorney general may employ special counsel to conduct such prosecution, and the attorney's fee in such case shall be a legal charge against the state; *provided, further*, that nothing herein contained shall be construed to prevent or deny the right of any board, officer, or officers or employee of the state to employ or engage counsel in any matter of the state, after first having obtained the written consent so to do of the attorney general.

CHAPTER 459.

An act to amend section four hundred seventy-five of the Political Code, relating to clerks, phonographic reporter, service agent and stenographers of the attorney general's office, fixing the salaries of the clerks and providing the manner of fixing the salaries of the phonographic reporter, the stenographers and the service agent.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 475 of the Political Code is hereby amended to read as follows:

475. The attorney general may appoint such clerks as he may deem necessary, one phonographic reporter, one service agent, and such stenographers for his office as he may deem necessary. The annual salary of each of said clerks shall be one thousand eight hundred dollars. The annual salary of the phonographic reporter, and of the service agent, and of the stenographers shall be prescribed by the attorney general. The clerks, the phonographic reporter, the service agent and the stenographers shall be civil executive officers and their salaries shall be paid at the same time and in the same manner as salaries of other state officers. The service agent, two clerks and six of said stenographers, to be designated by the attorney general, shall be exempt from the provisions of the state civil service act, and shall hold their positions during the pleasure of the attorney general.

Stats. 1925,
p 668,
amended.
Appointees
of attorney
general.

CHAPTER 460.

An act to amend section seven hundred fifty-nine of the Political Code, relating to salaries of reporters of the district courts of appeal.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

Stats 1921,
p. 1637,
amended.
Reporters
for district
courts of
appeal.

SECTION 1. Section 759 of the Political Code is hereby amended to read as follows:

759. The district court of appeal of the third appellate district and each division of the district courts of appeal of the first and second appellate districts may employ and appoint a phonographic reporter, who shall be competent to write shorthand at the rate of at least one hundred fifty words per minute and to transcribe the same correctly. His duties shall be to take down in shorthand the proceedings of the court, and to act as secretary to the judges in the discharge of their official duties. His compensation shall be at the rate of three thousand six hundred dollars per annum. The phonographic reporter shall hold office during the pleasure of the court making the appointment.

NOTE—There is another section 759.

CHAPTER 461.

An act to amend section four thousand twenty-four of the Political Code of the State of California, relating to appointment of deputies.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

Stats. 1907,
p. 363,
amended.
Appointment
of deputies.

Section 4024 of the Political Code is hereby amended to read as follows:

4024. Every county, marshal of municipal court, clerk of municipal court, township, or district officer, except a supervisor or judicial officer, may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office. Such appointment must be made in writing, and filed in the office of the county clerk; and until such appointment is so made and filed, and until such deputy shall have taken the oath of office, no one shall be or act as such deputy.

CHAPTER 462.

An act to amend section fifteen of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, as amended, relating to salary of corporation commissioner.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 15 of an act entitled "An act providing for the regulation and supervision of companies, brokers, agents, and sales of securities as the same are therein defined, and to prevent fraud in the sale of securities; providing for the enforcement of said act and penalties for the violation thereof; and creating a state corporation department and the office of commissioner of corporations," approved May 18, 1917, as amended, is hereby amended to read as follows:

Stats. 1917,
p. 680,
amended

Sec. 15. There is hereby created a state corporation department. The chief officer of such department shall be the commissioner of corporations. He shall be appointed by the governor and hold office at the pleasure of the governor. He shall receive an annual salary of six thousand dollars, to be paid monthly out of the state treasury upon a warrant of the controller. He shall within fifteen days from the time of notice of his appointment take and subscribe to the constitutional oath of office and file the same in the office of the secretary of state and execute to the people of the state a bond in the penal sum of ten thousand dollars with corporate security or two or more sureties, to be approved by the governor of the state, for the faithful discharge of the duties of his office.

State
corporation
department
created.

CHAPTER 463.

An act to add a new section to be numbered one thousand nine hundred thirty-six to part three, title four, chapter two, article I of the Political Code, relating to the powers of the adjutant general.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section to be numbered 1936 is hereby added to part III, title IV, chapter II, article I of the Political Code to read as follows:

New section.

1936. The adjutant general shall, with the consent and approval of the state department of finance, have power to lease camp sites and rifle ranges for use by the national guard.

Camp sites.

CHAPTER 464.

An act to add a new section to the Political Code, to be numbered four thousand forty-nine a, relative to publishing information by boards of supervisors.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

New section. SECTION 1. A new section is hereby added to the Political Code to be numbered 4049a, to read as follows:

Publication of official reports, etc. 4049a. The board of supervisors may by a four-fifths vote in advance cause to be prepared and printed:

(a) An annual statement showing valuations of property, taxes levied, tax rates, legal requirements and other information on assessment of property and collections of taxes;

(b) An annual budget adopted by the board of supervisors;

(c) Reports and statements of county ordinances and of rules or procedures of the county or of any of the offices or departments of the county government.

NOTE—There is another section 4049a.

CHAPTER 465.

An act to amend an act entitled "An act to permit the consolidation of elections and to provide a procedure therefor," approved June 13, 1913, as amended, by amending sections one and four thereof, and by adding thereto a new section to be numbered six, relating to special precincts.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

Stats. 1913, p. 698, amended. SECTION 1. Section 1 of an act entitled "An act to permit the consolidation of elections and to provide a procedure therefor," approved June 13, 1913, as amended, is hereby amended to read as follows:

Consolidation of elections on same day. Section 1. Whenever two or more elections, including bond elections of any district, city, city and county, county or other political subdivision, are called to be held on the same day, in the same territory, or in territory that is in part the same, such elections may be consolidated in the manner provided by this act.

Stats 1915, p. 1163, amended. SEC. 2. Section 4 of said act is hereby amended to read as follows:

Conduct of election. Sec. 4. Within the territory affected by such order of consolidation, the election precincts, polling places and voting booths shall, in every case, be the same and there shall be only one set of election officers in each of such precincts. When the returns of elections consolidated under this act are required

to be canvassed by different canvassing boards, such elections shall be conducted separately in the same manner as if they had not been consolidated, except as in this section provided; *and provided further*, that in case of the consolidation of any election called by the legislative body of a city, district or other political subdivision with an election called by the board of supervisors of the county in which such city, district or other political subdivision is situated, the governing body of such city, district or other political subdivision in the ordinance or notice calling such election, may authorize such board of supervisors to canvass the returns of such election, and such election shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat; and the returns of such election need not be canvassed by the legislative body of such city, district or other political subdivision. When the returns of any two or more elections consolidated under this act are required to be canvassed by the same body, such elections shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat.

SEC. 3. Said act is hereby amended by adding thereto a new section, numbered 6, to read as follows:

Stats. 1913
p 699,
amended
Precinct
boundaries

Sec. 6. When the precinct boundaries at such election called by the board of supervisors of the county in which such city, district or other political subdivision is located, do not coincide with the boundaries of said city, district or other political subdivision the board of supervisors of such county may by order, for the purpose of said election only, reprecinct the territory in which said boundaries do not coincide, at any time prior to thirty days before such election, anything in the Political Code to the contrary notwithstanding.

NOTE.—See Stats. 1913, p 699 for another section 6.

CHAPTER 466.

An act to confirm, validate and legalize assessments of property and taxes due thereunder entered and contained in assessment books or rolls from which assessment books or rolls the clerk of the board of supervisors and auditor omitted to attach and enter the affidavit or certificate, or both such certificate and affidavit, required by the provisions of sections three thousand six hundred eighty-two and three thousand seven hundred thirty-two of the Political Code, and to confirm, validate and legalize all sales, certificates of sale, tax deeds, or other tax conveyances issued under and based upon any such assessments and taxes.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

SECTION 1. All assessments of property heretofore duly and legally assessed, entered, and contained in any assessment

Taxation
validation.

book or roll of any county, which said assessment book or roll is defective by reason of the omission of the clerk of the board of supervisors and the county auditor, or either or both of them, to attach and affix to said assessment book or roll the affidavit or certificate, or both such affidavit and certificate, required by the provisions of sections 3682 and 3732 of the Political Code, and any and all taxes duly levied and extended upon the assessment of any property so entered and contained in any such assessment book or roll, and any sale, certificate of tax sale, tax deed, or other tax conveyance duly given and issued based upon any assessment, or tax or tax delinquency entered and contained in any such assessment book or roll, are hereby confirmed, validated and legalized, and the same shall be construed and operate at all times and upon all occasions in law in the same manner as if such matters and things required by law had been properly performed, attached and affixed in the first instance.

Exceptions.

SEC. 2. This act shall not apply to any assessment, tax, tax deed, or other tax conveyance which was or is in litigation at the time this act takes effect.

CHAPTER 467.

An act to amend section seventy-two of the Penal Code of the State of California, relating to presenting false or fraudulent claims to public officers.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

Original
section
amended.
Presenting
false
claims.

SECTION 1. Section 72 of the Penal Code of the State of California is hereby amended to read as follows:

72. Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, town, city, district, ward or village board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is guilty of a felony.

CHAPTER 468.

An act to amend section five hundred fourteen, five hundred fifteen, and five hundred sixteen of the Political Code, relating to the superintendent of public instruction.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

Stats 1919,
p. 1332,
amended.
Deputy, sec-
retary and
assistant.

SECTION 1. Section 514 of the Political Code is hereby amended so as to read as follows:

514. The superintendent of public instruction may appoint one deputy superintendent of public instruction, one secretary, and one assistant superintendent of public instruction

in charge of research and statistics, all of whom shall be civil executive officers.

SEC. 2. Section 515 of the Political Code is hereby amended so as to read as follows:

Stats. 1921,
p 1316,
amended
Employees
and salaries.

515. The annual salary of the deputy superintendent of public instruction shall be four thousand five hundred dollars. The superintendent of public instruction shall have the power to employ assistant superintendents and other necessary clerical and expert assistants in addition to statutory employees enumerated in section 514 of the Political Code and to fix the compensation of all statutory and other employees except as herein otherwise provided.

SEC. 3. Section 516 of the Political Code is hereby amended so as to read as follows:

Code amds.
1880, p. 87,
amended
Traveling
expenses.

516. The actual and necessary traveling expenses of the superintendent of public instruction, his deputy and assistants, shall be ordered and paid out of the appropriation made for the office of the superintendent of public instruction.

CHAPTER 469.

An act to add a new section to the Political Code, to be numbered four thousand eighty-two, relating to lost or destroyed county warrants.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered 4082 and to read as follows:

New section

4082. Whenever any warrant legally drawn by the county auditor shall have been lost or destroyed before the same shall have been paid by the county treasurer, the amount due thereon may be recovered by the legal owner or custodian thereof, by filing with the county auditor:

Lost and
destroyed
warrants

First—An affidavit setting forth the fact of the loss or destruction of such county warrant, giving the number, date, amount and name of the payee, together with all material facts relative to the loss or destruction of the same.

Second—A bond of indemnity, with two good and sufficient sureties, in double the amount of the face of the particular warrant, which bond shall be referred to the county auditor and to the district attorney, county counsel, or other officer who is the legal advisor of the board of supervisors, for approval or rejection.

It shall be the duty of the county auditor and of the district attorney, county counsel or other officer who is the legal advisor of the board of supervisors to examine and to pass upon the sufficiency of said bond and to approve or reject the same within thirty days after it shall have been filed with the county auditor.

Upon the filing of the approved bond, the county auditor is hereby authorized and directed to issue and to deliver to the legal owner or claimant, on demand, a duplicate warrant for the full amount of the original warrant, and the county treasurer is hereby authorized and directed to pay the duplicate, in lieu of the original warrant.

The auditor and the treasurer shall each make the proper entries on their books, showing such warrants to have been lost or destroyed and the issuance of duplicate warrants in lieu thereof.

CHAPTER 470.

An act to provide for an actuarial investigation of the public school teachers' retirement salary fund.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

Teachers'
retirement
salary fund
investigation

SECTION 1. The governor is hereby empowered to appoint a commission consisting of two members of the public school teachers' retirement salary fund board, the chairman of the state board of control and two other citizens, which commission is hereby empowered to conduct an investigation of the present conditions and future probabilities of the public school teachers' retirement salary fund and to report its findings to the forty-eighth session of the California Legislature within fifteen days after the opening of its session in the year 1929. Such commission is hereby empowered to employ such actuarial and other assistance as it may find necessary to conduct said investigation, and to pay all actual and necessary expenses in conducting said investigation as hereinafter provided for; *provided*, that the members of said commission shall serve without pay, except that each may be allowed his actual and necessary expenses.

Expense.

SEC. 2. All expenses incurred in making said investigation and the report thereon shall be paid from funds applicable by law to the conduct of such investigations; *provided*, that the said commission is hereby empowered to receive donations and to expend same in carrying out the purposes of this act.

CHAPTER 471.

An act to amend section one thousand seven hundred twenty-four of the Code of Civil Procedure, relating to the establishment of identity of heirs.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1724 of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1921,
p 988,
amended.
Establish-
ment of
identity
of heirs

1724. In every case where title to real or personal property, or any interest therein, shall have vested or may hereafter become vested, other than by the laws of succession, in the heirs, heirs of the body, issue, or children of any person, without other description or means of identification of the persons embraced in such description, any person interested in such property as such heir, heir of the body, issue or child, or the successor in interest of any such heir, heir of the body, issue, or child, or the legal representatives of any of such persons or of their said successors in interest, may file a verified petition in the superior court of the State of California in and for the county wherein said property or any part thereof is situate, setting forth briefly the deraignment of title of petitioner, a description of the property affected, and the names, ages and residences if known, of the heirs, heirs of the body, issue or children whose identity is sought to be determined (or if any of the same is dead or if the residence of any of the same is unknown, such facts shall be stated) and a request that a decree be entered in said court determining and establishing the identity of the persons embraced in such general description.

Notice of the time and place for the hearing of said petition must be given by the clerk by posting a notice thereof at the court house in the county where the court is held at least ten days prior to the date fixed by the clerk for said hearing. Notice.

At any time before the date fixed for such hearing any person interested in said property may answer said petition and deny any of the matters contained therein. Contest.

At the time fixed for such hearing or such time thereafter as may be fixed by the court, the court must hear the proofs offered by the petitioner, and of any person answering the same and must make a decree conformable to the proofs. Such decree shall have the same force and effect as decrees entered in accordance with the provisions of part III, title XI of this code. Hearing and
decree.

CHAPTER 472.

An act to amend section one thousand six hundred ninety-nine of the Code of Civil Procedure, relating to jurisdiction of estate after final distribution.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

Stats 1909,
p. 607,
amended.
Jurisdiction
retained.

SECTION 1. Section 1699 of the Code of Civil Procedure is hereby amended to read as follows:

1699. Where any trust has been created by or under any will to continue after distribution, the superior court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction thereof for the purpose of the settlement of accounts under the trusts.

Accounting
by trustee.

And any trustee created by any will, or appointed to execute any trust created by any will, may, from time to time, pending the execution of his trust, or may, at the termination thereof, render and pray for the settlement of his accounts as such trustee, before the superior court in which the will was probated, and in the manner provided for the settlement of the accounts of executors and administrators. The trustee, or, in case of his death, his legal representatives, shall, for that purpose, present to the court his verified petition, setting forth his accounts in detail, with a report showing condition of trust estate, together with a verified statement of said trustee, giving the names and postoffice addresses, if known, of the cestuis que trust, and upon the filing thereof, the clerk shall fix a day for the hearing, and give notice thereof of not less than ten days, by causing a notice to be posted at the court house in the county where the court is held, setting forth the name of the trust estate, the trustee, and the day appointed for the settlement of the account. The court, or a judge thereof, may order such further notice to be given as may be proper. Such trustee may, in the discretion of the court, upon application of any beneficiary of the trust, or the guardian of such beneficiary, be ordered to appear and render his account, after being cited by service of citation, as provided for the service of summons in civil cases, and such application shall not be denied where no account has been rendered to the court within six months prior to such application. Upon the filing of the account so ordered, the same proceedings for the hearing and settlement thereof shall be had as hereinabove provided.

CHAPTER 473.

An act to amend sections one thousand six hundred thirty-one and one thousand six hundred thirty-three of the Code of Civil Procedure, relating to accounts of executors and administrators.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1631 of the Code of Civil Procedure is hereby amended to read as follows:

Original
section
amended
Vouchers to
be filed.

1631. In rendering his account, the executor or administrator must produce and file vouchers for all charges, debts, claims, and expenses which he has paid, which vouchers must remain on file pending all appeals and, in any event, for a period of not less than five years after the entry of the decree of final distribution. The executor or administrator may be examined on oath touching such payments, and also touching any property and effects of the decedent, and the disposition thereof.

At any time subsequent to five years from the date of entry of the decree of final distribution the clerk of the court may destroy said vouchers or deliver them to the executor or administrator or to his attorney; *provided, however*, that in no case shall said vouchers be destroyed pending any appeal from said decree of final distribution. Prior to the date when the clerk of the court may destroy or deliver said vouchers, any voucher may be withdrawn on leaving a certified copy on file; and if a voucher be lost, or for any other good reason can not be produced on the settlement, the payment may be proved by the oath of any competent witness.

Destruction
of vouchers.

SEC. 2. Section 1633 of said code is hereby amended to read as follows:

Stats 1891,
p. 423,
amended.

1633. When any account is rendered for settlement, the clerk of the court must appoint a day for the settlement thereof, and thereupon give notice thereof by causing a notice to be posted at the courthouse in the county where the court is held, setting forth the name of the estate, the executor or administrator, and the day appointed for the settlement of the account. If, upon the final hearing at the time of settlement, the court, or a judge thereof, should deem the notice insufficient from any cause, he may order such further notice to be given as may seem to him proper.

Settlement
of accounts.

CHAPTER 474.

An act to amend section one thousand five hundred ninety-two of the Code of Civil Procedure, relating to investment of moneys of estate pending settlement.

[Approved by the Governor May 13, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p. 211,
amended.
Investments
pending
settlement.

SECTION 1. Section 1592 of the Code of Civil Procedure is hereby amended to read as follows:

1592. Pending the settlement of any estate, on the petition of any person interested therein, and upon good cause shown therefor, the court may order any money in the hands of the executors or administrators to be invested for the benefit of the estate in securities of the United States or of this state.

Such order can only be made after ten days' notice of the hearing of the said petition, by a notice posted at the courthouse in the county where the court is held, or by publication in a newspaper, in the county or both, as the court or a judge thereof shall direct.

CHAPTER 475.

An act to amend section two thousand nine hundred sixty-nine of the Civil Code, relating to levy of writs of attachments and executions.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p. 84,
amended.
Levy of
attachments
and
executions.

SECTION 1. Section 2969 of the Civil Code is hereby amended to read as follows:

2969. Before the property is so taken, the officer must pay or tender to the mortgagee the amount of the mortgage debt and interest, or must deposit the amount thereof with the county clerk or treasurer, payable to the order of the mortgagee; *provided, however*, that if the mortgagee refuses to accept the pay or tender of the amount of the mortgage debt and interest, or if the mortgagee refuses to disclose the amount of the mortgage debt and interest, then the officer must attach the mortgaged personal property as if the same were free from said mortgage or encumbrance, and the officer shall take the property, and, in the case of an execution, sell it in the manner provided by law; *and provided, however*, that when an attachment or execution creditor presents to the officer a verified statement that the mortgage is void or invalid for reasons therein specified and delivers to the officer a good and sufficient indemnity bond in double the amount of the mortgage debt or double the value of the mortgaged

property, as the officer may determine and require, the officer shall take the property, and, in the case of an execution, sell it in the manner provided by law.

The bond shall be made to both the officer and the mortgagee and shall indemnify them and each of them for the taking of the property against loss, liability, damages, costs and counsel fees. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment.

CHAPTER 476.

An act to add a new section to the Code of Civil Procedure, to be numbered five hundred fifty-nine and one-half, relating to writs of attachment.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 559 $\frac{1}{2}$, and to read as follows: New section.

559 $\frac{1}{2}$. After the return and filing of the writ of attachment, or upon filing by the plaintiff of a verified affidavit setting forth the loss of the writ of attachment, the clerk, upon demand of the plaintiff, may issue an alias writ which shall be in the same form as the original. Alias writs

CHAPTER 477.

An act to authorize and empower the department of institutions to grant a right of way across and through certain lands at the Pacific Colony, to the city of Pomona for the Pomona-La Verne-C Claremont outfall sewer for the purpose of a right of way for sewer pipes and specifying conditions under which they shall be laid and maintained.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

SECTION 1. The department of institutions is hereby authorized and empowered, to grant to the city of Pomona for the Pomona-La Verne-C Claremont outfall sewer for the purpose of a right of way for sewer pipes, a strip or parcel of land, situate, lying and being in the county of Los Angeles, and more particularly described as follows: Grant of sewer right of way to Pomona.

“Being a portion of Lot 2 of the C. M. Wright Tract as recorded in Book 5 at page 75 of Maps, Records of Los Angeles County, State of California, more particularly described as follows, to-wit:

Beginning at a point in the northeasterly line of said Lot 2, of C. M. Wright's Tract, distant 28.21 feet, North 52° 58' 00" West along said northeasterly line of Lot 2 from the intersection of said northeasterly line of Lot 2 and the northwesterly line of the Union Pacific R. R. R/w, thence along said northeasterly line of Lot 2, North 52° 58' 00" West, 10.36 feet; thence South 21° 50' 40" West 97.18 feet; thence South 38° 56' 00" West, parallel and 10.00 feet from the said Northwesterly line of the Union Pacific R. R. R/w, 1239.26 feet to the Southwesterly line of the land conveyed to the State of California; thence South 51° 32' 00" East 10.00 feet to the Northwesterly line of the Union Pacific R. R. R/w; thence North 38° 56' 00" East along said Northwesterly line of the Union Pacific R. R. R/w; thence North 21° 50' 40" East 95.95 feet to the point of beginning."

Conditions

SEC. 2. Such grant shall be made subject to the conditions that such strip or parcel of land shall be used by said sewer district solely for the purpose of laying and maintaining sewer pipes thereon and therein. Such sewer pipes shall be of a quality and laid and maintained in such a manner as shall at all times be satisfactory to the state board of health and department of institutions, and in the event such city, or its successors, shall at any time cease to use such strip or parcel of land for the purpose above designated or shall put such strip or parcel of land to any other use than that hereinabove provided for, the right to the possession thereof for such purposes, shall immediately revert to the State of California.

CHAPTER 478.

An act to amend section one thousand three hundred forty-nine of the Code of Civil Procedure, relating to the appointment of executors.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

Stats. 1919,
p 165,
amended.

SECTION 1. Section 1349 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

Issuance
of letters.

1349. If no objection is made as provided in section 1351, the court admitting a will to probate, after the same is proved and allowed, must issue letters thereon to the persons named therein as executors who are competent to discharge the trust, unless they or either of them have renounced their right to letters.

When the executor named in the will is a corporation or national banking association that has sold its business and assets to, or has consolidated or merged with, or is, in any manner provided by law, succeeded by another corporation or

national banking association authorized and qualified to act as executor, the court may issue letters thereon to the successor corporation or association.

CHAPTER 479.

An act providing for the use of the labor of inmates of any state prison or of the Preston School of Industry upon public roads and defining the powers and duties of public officials in relation thereto.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

SECTION 1. When any public road is a principal means of access to any state prison or the Preston School of Industry the governing body of such prison or school, with the consent of the board of control, may arrange with the state highway commission or the board of supervisors of the county in which said road is located for the employment of the inmates of such institution in the improvement or maintenance of said road, under supervision of the officers of the institution and without compensation to the inmates so employed.

Prison
labor on
highways

CHAPTER 480.

An act to amend section four thousand two hundred eighty-three of the Political Code, relating to the salaries and fees of officers of counties of the fifty-fourth class.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4283 of the Political Code is hereby amended to read as follows:

Stats. 1925,
p. 1005,
amended.

4283. In counties of the fifty-fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Counties of
54th class:
officers and
employees.

1. The county clerk, two thousand seven hundred dollars per annum. In counties of this class the county clerk is hereby allowed in addition to his salary, each year when a new registration is required, the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and be paid from the general fund of the county.

Clerk.

2. The sheriff, two thousand seven hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed one deputy who shall be appointed by

Sheriff.

the sheriff and be paid a salary of one hundred dollars per month; and said salary to be paid by said county monthly and at the time and in the manner and out of the same fund as the salary of the sheriff is paid.

Recorder. 3. The recorder, nine hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, which office of copyist to the recorder is hereby created, and which copyist shall be appointed by the recorder and be paid the salary of seventy-five dollars per month; said salary to be paid by said county in monthly installments at the time and in the manner and out of the same fund as the salary of the recorder is paid; *and provided, further*, that from the time and in the event that said office of recorder is consolidated with that of auditor, the holder of the said consolidated office of recorder and auditor shall receive a salary of three thousand dollars per annum, and said auditor and recorder shall pay his own deputy or copyist.

Auditor. 4. The auditor, one thousand twenty dollars per annum; *provided*, that he shall receive the sum of no dollars per year from the time and in the event that said office is consolidated with that of recorder.

Treasurer. 5. The treasurer, two thousand one hundred dollars per annum.

Tax collector. 6. The tax collector, two thousand dollars per annum.

Assessor. 7. The assessor, two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy who shall be appointed by the assessor and be paid a salary of fifty dollars per month; and said salary to be paid by said county monthly and at the time and in the manner and out of the same fund as the salary of the assessor is paid.

Attorney. 8. The district attorney, two thousand seven hundred dollars per annum and such fees as are now or may hereafter be paid to that officer.

Coroner. 9. The coroner, such fees as are now or may be hereafter allowed by law.

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

Supt of schools. 11. The superintendent of schools, one thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one deputy who shall be appointed by the superintendent of schools and shall be paid a salary of thirty-five dollars per month, said salary to be paid by said county monthly at the same time and manner and out of the same fund as the salary of the superintendent of schools is paid.

Surveyor. 12. The county surveyor, twenty dollars per day from and after the day on which this act becomes effective to the thirty-first day of December, 1927, when engaged in county work. On and after the first day of January, 1928, he shall receive ten dollars per day when engaged in county work. He shall

also receive his actual and necessary expenses when at work in the field.

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships in counties of this class are hereby classified according to their population as follows: Classification of townships.

Townships having a population of one thousand five hundred or more shall belong to and be known as townships of the first class. Townships having a population of less than one thousand five hundred shall belong to and be known as townships of the second class.

The population of the several townships shall be determined by the board of supervisors upon the enactment of this act, and also at the time of the formation of any new township or townships for the purpose of this and the succeeding subdivisions by the last federal census taken during the year 1920. Justices of the peace shall receive the following salaries:

In townships of the first class the justices of the peace shall receive a salary of fifty dollars per month and the supervisors may allow for rent, light and fuel of such justice, in the maintenance of his office, a sum not to exceed monthly twenty per cent of his salary. Justices.

In townships of the second class the justices of the peace shall receive a salary of three hundred dollars per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid, and shall be compensation in full for all services rendered. All fees received by justices of the peace shall be paid into the county treasury every month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of various townships in such counties, the codes of the state and amendments thereto, and all necessary stationery, legal blanks and forms for the proper conduct of business.

14. Constables, twenty-five dollars per month and such fees as are now or may be hereafter allowed by law. Constables.

15. Each member of the board of supervisors, nine hundred dollars per annum and twenty cents per mile in traveling from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the board. Supervisors.

16. In counties of this class the official reporter of the superior court shall receive as full compensation for taking notes in civil and criminal cases tried in said court and for preliminary examinations in justices' courts and the coroners' inquests, a monthly salary not to exceed one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers; and for transcription of said notes when required he shall receive the sum of ten cents per folio for the original and five cents per folio for the copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county and paid out Reporter.

of the county treasury, and in civil cases to be paid by the party ordering the same or when ordered by the judge, by either party or jointly by both parties as the court may direct.

Jurors.

17. The fees of grand jurors and trial jurors in the superior courts of said counties of this class in civil and criminal cases, shall be three dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

CHAPTER 481.

An act to amend section four thousand two hundred seventy-seven of the Political Code, relating to salaries and fees of officials in counties of the forty-eighth class.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4277 of the Political Code is hereby amended to read as follows:

4277. In counties of the forty-eighth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit: 1. The county clerk, one thousand five hundred dollars per annum and such fees for services in naturalization proceedings as by act of congress, in such case made and provided it is said he may retain; and also such other fees as he may be allowed by the law of this state to retain; *and provided*, that in each year when a new registration is required he shall receive in addition to his salary the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election, and paid from the general fund of the county; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the county clerk one deputy, which office is hereby created, who shall receive a salary of one hundred fifty dollars per month, and one copyist, which office is hereby created, who shall receive a salary of ninety dollars per month, who shall be appointed by the county clerk, said salary to be paid by said county in monthly installments at the same time and in the same manner

Stats 1925,
p. 689,
amended.
Counties of
43th class
officers and
employees.

Clerk.

and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, four thousand two hundred dollars per annum, and mileage for the services of papers or process served by him in all civil cases from any court, also necessary expenses for pursuing criminals or transacting any business of the county or state relating to crimes. Sheriff.

3. The recorder, one thousand eight hundred dollars per annum, and all fees and commissions allowed by law to the registrar for preparing vital statistics for the State of California and also the sum of twenty-five dollars per annum for preparing the abstract of mortgages for use of the county assessor as required by law; *provided*, that in counties of this class there shall be, and is hereby allowed to the recorder a deputy to be appointed by him and who shall receive a salary of one thousand two hundred dollars per annum, and one deputy to be appointed by him and who shall receive a salary of nine hundred dollars per annum, said salary to be paid by said county in equal installments at the same time and in the same manner as the salary of the recorder is paid. Recorder.

4. The auditor, nine hundred dollars per annum and five per cent of all amounts found to have been paid out by the county for state aid as per his report as contemplated by section 4099a of the Political Code of this state or other law providing for such compensation. Auditor.

5. The treasurer, one thousand eight hundred dollars per annum; and such fees and commissions as now are, or hereafter may be allowed by law. Treasurer.

6. Tax collector, five hundred dollars per annum and such fees as now are or hereafter may be allowed by law. Tax collector.

7. The assessor, three thousand five hundred dollars per annum and such fees as now are or hereafter may be allowed by law. Assessor.

8. The district attorney, one thousand eight hundred dollars per annum; *and provided further*, that in counties of this class there shall be and hereby is allowed to the district attorney one stenographer to be appointed by him, who shall receive a salary of six hundred dollars per annum, said salary to be paid by said county, in equal installments at the same time and in the same manner as the salary of the district attorney is paid. Attorney.

9. The coroner, such fees as are now, or hereafter may be allowed by law. Coroner.

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

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county and also the sum of five dollars per day for his services as secretary of the board of education for the actual time that the board may be in session. Supt. of schools.

12. The surveyor, the sum of ten dollars per day for all services performed by him by virtue of his office and his necessary traveling expenses when performing official work in the field, such compensation and expenses to be allowed by, and paid on the order of, the board of supervisors.

13. For the purpose of regulating the compensation of justices of the peace, the townships of counties of this class are hereby classified according to population, as follows:

Townships having a population of two thousand five hundred or more shall belong to and be known as townships of the first class; townships having a population of eleven hundred seventy-five and less than twenty-five hundred shall belong to and be known as townships of the second class; townships having a population of eight hundred and less than eleven hundred seventy-five shall belong to and be known as townships of the third class; townships having a population of less than eight hundred shall belong to and be known as townships of the fourth class.

For the purpose of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by three the number of registered voters in each township at the last general election.

14. Justices of the peace shall receive the following salaries: In townships of the first class the sum of twelve hundred dollars per annum; in townships of the second class the sum of six hundred dollars per annum; in townships of the third class the sum of two hundred forty dollars per annum; in townships of the fourth class the sum of twelve dollars per annum.

Such salaries shall be paid in the same manner and out of the same fund as the salaries of county officers are paid and shall be compensation in full for all services rendered.

15. Constables, such fees as are now or may hereafter be allowed by law.

16. Each member of the board of supervisors, nine hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat, also his actual necessary expenses while acting as ex officio road overseer or commissioner not to exceed three hundred dollars in any one year.

17. Each member of the board of education shall receive five dollars per day as compensation for his services while in actual attendance upon said board, and mileage at the rate of twenty cents a mile one way only, from his residence to the place of meeting of said board. Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided for is not in addition to that provided in section 1770 of this code.

18. In the superior court, jurors' fees, and witness' fees in Jurors and witnesses. criminal cases shall be allowed as follows:

For attending as a grand juror, for each day's attendance, three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a trial juror in criminal cases, for each day's actual attendance, three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attendance as a witness in criminal cases, for each day's attendance, the sum of two dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such witness for said per diem and mileage, and the treasurer shall pay the same; *provided, however,* that in criminal cases such per diem and mileage shall only be allowed upon a showing to the court by the witness, that the same are a necessary expense of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

CHAPTER 482.

An act to amend sections four, six, eight and thirteen and to add a new section to be numbered thirty-eight to an act entitled "An act to provide for the establishment and change of grade of public streets, avenues, lanes, alleys, courts, places and rights of way forming the exterior boundaries of any municipality, whether partly or wholly within or without said boundaries, or extending into the territory of two or more municipalities or extending into the territory of one or more municipalities, and unincorporated territory, and providing for work upon and the improvement thereof, and providing for the construction of sanitary and storm sewers, drains and drainage systems, together with any and all appurtenances and appurtenant work in connection with any of such work or improvements; to assess the whole or any portion of the costs and expenses thereof upon private property, and to provide for a system of local improvement bonds to represent the

assessments for such costs and expenses and for the payment and effect of such bonds," approved April 21, 1911, as amended, relating to the making of street improvements.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

Stats. 1923,
p. 634,
amended

SECTION 1. That section 4 of an act entitled "An act to provide for the establishment and change of grade of public streets, avenues, lanes, alleys, courts, places and rights of way forming the exterior boundaries of any municipality, whether partly or wholly within or without said boundaries, or extending into the territory of two or more municipalities, or extending into the territory of one or more municipalities, and unincorporated territory, and providing for work upon and the improvement thereof, and providing for the construction of sanitary and storm sewers, drains and drainage systems, together with any and all appurtenances and appurtenant work in connection with any of such work or improvements; to assess the whole or any portion of the costs and expenses thereof upon private property, and to provide for a system of local improvement bonds to represent the assessments for such costs and expenses and for the payment and effect of such bonds, approved April 21, 1911, as amended," be amended to read as follows:

Resolution of
intention.

Sec. 4. Before ordering any work done or improvement made which is authorized by this act, the city council or board of supervisors shall pass a resolution of intention to do so, referring to the street by its lawful or official name, or the name by which it is commonly known; when the work is not upon a public street or public way, then by briefly describing the property or right of way on which same is to be constructed, and briefly describing the work. The said resolution of intention shall be sufficient if it states in general terms the class or kinds of work contemplated such as grading, paving, sewerage or other work or improvements, and gives in general the location of the proposed improvement and refers to plans, profiles, detailed drawings and specifications or such of them as may be suitable or proper for the full and detailed description of the said proposed work or improvement. Said resolution shall contain also a notice of the day, hour and place when and where any and all persons having any objections to the proposed work or improvement may appear before the legislative body and show cause why said proposed improvement should not be carried out in accordance with said resolution; said time shall not be less than fifteen nor more than forty days from the date of the passage of said resolution. The city clerk or clerk of the board of supervisors shall cause said resolution of intention to be published twice in one or more daily newspapers published and circulated in said city or in said county; *provided,*

if there be no daily newspaper, then the publication shall be made in one or more newspapers published and circulated therein less than six days a week, and said publication shall be had twice therein. The city council or board may include in one proceeding, under one resolution of intention and in one contract, any of the different kinds of work mentioned in this act on any number of streets, properties and rights of way or portions thereof, contiguous or otherwise, and it may except therefrom any of said work already done. The lots and portions of lots fronting upon said excepted work already done shall not be included in the assessment for the class of work from which the exception is made.

The grade to which any work shall be done or improvement made shall be such as may be shown on the plans or profiles therefor or it may be done on such a grade as may have been formally established by the city council or board. If any official grade has already been adopted or established for any of the streets, avenues, or other places or property, proposed to be improved, it shall be lawful for the resolution of intention to provide that said work shall be done to new grades or grades different from those so established or adopted, and shall refer to plans, profiles or specifications for the description of the grade at which the work is to be done. Any property owner whose property is to be assessed to pay the costs and expenses of the proposed improvement may at the time fixed in the resolution of intention for hearing of objections to the proposed work and improvement, appear before the city council or board and make objection to the proposed grade or proposed modification of grade. A failure to make objection at such time shall be deemed to be a waiver of all objections to the proposed grade or proposed change or modification of grade and shall operate as a bar to any claim for damages or any subsequent action looking to the prevention of the work or the recovery of damages on account of the performance of the work to such grade or changed grade. The provisions of this section relative to grades are alternative and shall not repeal other provisions of this act, or other statutes relative to change of grade.

Whenever the contemplated work or improvement, in the opinion of the city council or board, is of more than local or ordinary public benefit, or whenever, according to estimate to be furnished by the city engineer or county surveyor, the total estimated costs and expenses thereof would exceed one-half the total assessed value of the lots and lands assessed, if assessed upon the lots or land fronting upon said proposed work or improvement, according to the valuation fixed by the last assessment roll whereon it was assessed for taxes for municipal or county purposes, and allowing a reasonable depth from such frontage for lots or lands assessed in bulk, the city council or board may make the expense of such work or improvement chargeable upon a district, which the said city council or board shall, in its resolution of intention, declare to be the district

Grades.

Charging
expense
against
district.

benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof. Such district may be described by stating the exterior boundaries thereof, or by giving a description thereof according to any official or recorded map or maps or by referring to a plat or map which shall be on file in the office of the city clerk, or clerk of the board, or city engineer at the time of passing the resolution of intention, which shall indicate by a boundary line the extent of the territory included in the proposed district, which said plat or map shall govern for all details as to the extent of the said assessment district. The said district need not be described in any of the notices or resolutions provided for herein, other than the resolution of intention.

Notices.

After the adoption of the resolution of intention, the street superintendent or county surveyor shall cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, or when the work to be done is only upon an entire crossing or intersection or any part thereof, in front of each quarter block or irregular block liable to be assessed, notices of the passage of said resolution. In case the work is chargeable upon a district as herein provided, copies of said notice shall also be posted along all the open streets within such district at not more than three hundred feet in distance apart on each street so posted, but no proceeding shall ever be held invalid for failure to post any street or streets therein if this provision has been substantially complied with. In every case all posting must be fully completed at least ten days before the day set for hearing protests or objections as provided hereinabove. Said notices shall be headed "Notice of Street Work" in letters of not less than one inch in length; and shall, in legible characters, state the fact of the passage of the resolution of intention, its date, and briefly, the work or improvement proposed, and refer to the resolution of intention for further particulars. Said notices shall contain also a statement of the day, hour and place, when and where any and all persons having any objection to the proposed work or improvement may appear before the legislative body and show cause why said proposed improvement should not be carried out in accordance with said resolution of intention. The council may, if they deem it advisable, direct the clerk to mail copies of said notices to the owners or reputed owners whose names and addresses are known to him, but the mailing of such notices shall not be essential to obtaining jurisdiction by the council, and the failure so to do shall not affect in any manner the validity of any proceedings taken hereunder.

Protests.

At any time not later than the hour set for hearing objections to the proposed work as provided hereinabove, any owner of property liable to be assessed for said work may make written protest against the proposed work or against the extent of the district to be assessed or both. Such protest

must be in writing and be delivered to the said clerk of the city council or board and no other protests or objections shall be considered. At the time set for hearing protests the city council or board shall proceed to hear and pass upon all protests so made and its decision shall be final and conclusive; *provided, however*, that when the protest is against the proposed work, and the cost thereof is to be assessed upon the property fronting thereon, and the city council or board finds that such protest is made by the owners of a majority of the property fronting on the proposed work, or when the protest is against the proposed work and the cost thereof is to be assessed upon the property within a district, and the city council or board finds that such protest is made by the owners of more than one-half of the area of the property to be assessed for said improvement, no further proceedings shall be taken for a period of six months from the date of the decision of the city council, or board on said hearing, unless the said protests be overruled by an affirmative vote of four-fifths of the members of the city council, or board. The words "proposed work" as used herein, shall mean and include all the work described in the resolution of intention. The city council or board may adjourn said hearings from time to time.

If no protests or objections in writing have been delivered to the clerk up to the hour set for hearing as hereinbefore provided, or when a protest shall have been found by said city council, or board to be insufficient, or shall have been overruled, or, when a protest against the extent of the proposed district shall have been heard and denied, immediately thereupon the city council, or board shall be deemed to have acquired jurisdiction to order the proposed improvements which order may be made by resolution.

Jurisdiction
acquired.

Before passing any resolution for the construction of improvements, plans and specifications and careful estimates of the costs and expenses thereof shall be furnished to said city council, or board, if required by it, by the city engineer of said city or county surveyor; and for the work of constructing sewers, specifications shall always be furnished by him.

Plans and
specifica-
tions.

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

Reference to
resolution.

SEC. 2. That section 6 of said hereinbefore mentioned act be amended to read as follows:

Stats 1911,
p 1021,
amended.

Sec. 6. Before the awarding of any contract by the council, or board, for doing any work authorized by this act, the council, or board, shall cause notice, with specifications, to be posted conspicuously for five days on or near the council, or board, chamber door, inviting sealed proposals or bids for

Notice
inviting
bids.

doing the work ordered, and shall also cause notice of said work, inviting said proposals, and referring to the specifications posted or on file, to be published for two days in a daily, semiweekly, or weekly newspaper published and circulated in said municipality, or county, designated by the council, or board, for that purpose, and in case there is no newspaper published in said municipality, or county, then it shall only be posted as hereinbefore provided.

Certified
check or
bond.

All proposals or bids offered shall be accompanied by a check payable to the order of the mayor of the municipality, or president of the board of supervisors, certified by a responsible bank, for an amount which shall not be less than ten per cent of the aggregate of the proposal, or by a bond for the said amount and so payable, signed by the bidder and by two sureties, who shall justify, before any officer competent to administer an oath, in double the said amount, over and above all statutory exemptions. Said proposals or bids shall be delivered to the clerk of said council, or board, and said council, or board, shall, in open session, examine and publicly declare the same; *provided, however*, that no proposal or bid shall be considered unless accompanied by said check or bond satisfactory to the council, or board.

Rejection
and
acceptance
of bids.

The council, or board, may reject any and all proposals or bids should it deem this for the public good, and also the bid of any party who has been delinquent or unfaithful in any former contract with the municipality or county, and shall reject all proposals or bids other than the lowest regular proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the prices named in his bid. If not approved by the council, or board, without further proceedings, the council, or board, may readvertise for proposals or bids for the performance of the work as in the first instance, and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bid so rejected. But the checks accompanying such accepted proposals or bids shall be held by the clerk of said council, or board, until the contract for doing said work, as hereinafter provided, has been entered into, either by said lowest bidder or by the owners of three-fourths part of the frontage, whereupon said certified check shall be returned to said bidder.

Forfeiture of
deposit.

But if said bidder fails, neglects or refuses to enter into the contract to perform said work or improvement, as hereinafter provided, then the certified check accompanying his bid and the amount therein mentioned, shall be declared to be forfeited to said municipality, or county, and shall be collected by it and paid into its fund for repairs of streets, avenues, lanes, alleys, courts and places herein mentioned, and any bond forfeited may be prosecuted, and the amount due thereon collected and paid into said fund.

Notice of such award of contract shall be published for two days in a daily newspaper published and circulated in said municipality or county and designated by said council, or board, or in municipalities or counties where there is no daily newspaper, by one insertion in a newspaper issued less than six times a week, such being a newspaper so published, circulated and designated; *provided, however,* that in case there is no newspaper printed or published in any such municipality or county, then such notice of award shall be posted for five days on or near the council chamber door.

Notice of
award.

The owners of three-fourths of the frontage of lots and lands, upon the street whereon said work is to be done, or their agents, and who shall make oath that they are such owners or agents, shall not be required to present sealed proposals or bids, but may, within ten days after the first publication or posting of said notice of said award, elect to take said work and enter into a written contract to do the whole work at the price at which the same has been awarded. Should the said owners fail to elect to take said work, and to enter into a written contract therefor within ten days or to commence the work within fifteen days after the date of such written contract, and to prosecute the same with diligence to completion, it shall be the duty of the superintendent of streets, or county surveyor, to enter into a contract with the original bidder to whom the contract was awarded, and at the prices specified in his bid. But if such original bidder neglects, fails or refuses, for twenty-five days after the first publication of the notice of award, to enter into the contract, then the council, or board, without further proceedings, shall again advertise for proposals or bids, as in the first instance, and award the contract for said work to the lowest regular bidder.

Contract
with owners.

The bids of all persons and the election of all owners, as aforesaid, who have failed to enter into the contract as herein provided, shall be rejected in any bidding or election subsequent to the first for the same work. If the owner, or contractor, who may have taken any contract, does not complete the same within the time limited in the contract, or within such further time as the council, or board, may give them, the superintendent of streets, or county surveyor, shall report such delinquency to the council or board, which may relet the unfinished portion of said work, after pursuing the formalities prescribed hereinbefore for the letting of the whole in the first instance.

Certain bids
to be
rejected

Unfinished
work.

All contractors, contracting owners included, shall, at the time of executing any contract for street work, execute a bond to the satisfaction and approval of the superintendent of streets, or county surveyor, with two or more sureties and payable to such municipality, or county, in such sums as the council, or board, shall deem adequate, conditioned for the faithful performance of the contract; and the sureties shall justify before any person competent to administer an oath,

Bond of
contractor.

in double the amount mentioned in said bond, over and above all statutory exemptions.

Cost of publication of notices.

Before being entitled to a contract, the bidder to whom the award was made, or the owners who have elected to take the contract, must advance to the superintendent of streets, or county surveyor, for payment by him, the cost of publication of the notices, resolutions, orders, or other incidental expenses and matters required under the proceedings described in this act, and such other notices as may be deemed requisite by the council, or board. And in case the work is abandoned by the council, or board, before the letting of the contract, the incidental expenses incurred previous to such abandonment shall be paid out of the treasury of the municipality, or county.

Defects in proceedings.

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

Stats. 1811, p. 1024, amended.
Bond for labor and materials.

SEC. 2½. That section 8 of said hereinbefore act be amended to read as follows:

Sec. 8. Every contractor, person, company or corporation, including contracting owners, to whom is awarded any contract for street work under this act, shall at the time of signing and executing said contract, file with the superintendent of streets or county surveyor, a good and sufficient bond to the satisfaction and approval of said street superintendent or county surveyor, in a sum not less than one-half of the total amount payable by the terms of said contract. Such bonds shall be executed by either two or more good and sufficient sureties, or by corporate surety, as provided by law, in an amount not less than the sum specified in the bond, and must provide that if the contractors, person, company or corporation, or his or its subcontractors fail to pay for any materials, provisions, provender or other supplies or the use of implements or machinery used in, upon, for or about the performance of the work contracted to be done, or for any work or labor thereon of any kind, that the sureties will pay for the same in an amount not exceeding the sum specified in the bond, and also in case suit is brought upon such bond, a reasonable attorney's fee to be fixed by the court. Such bond must, by its terms, inure to the benefit of any and all persons, companies and corporations entitled to file claims under this act, so as to give a right of action to them or their assigns in any suit brought upon said bond.

Any materialman, person, company or corporation furnishing materials, provisions, provender or other supplies used in, upon, for or about the performance of the work contracted to be executed or performed, or any person, company or corporation renting or hiring teams or implements, or machinery for, or contributing to, said work to be done, or any person who performs work or labor upon the same, or any person who supplies both work and materials and whose claim has not been paid by the contractors, company or corporation to whom the contract has been awarded, or by the subcontractors of said contractor, company or corporation, may at any time prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by section 1187 of the Code of Civil Procedure, file with the superintendent of streets or county surveyor, a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. It shall be lawful for the superintendent of streets or county surveyor, within ten days after the completion of any such contract or work of improvement provided for in this act, or within ten days after there has been a cessation from labor thereon for a period of thirty days, to file for record in the office of the county recorder of the county where the property is situated, a notice setting forth the date when the same was completed, or on which cessation from labor occurred, together with the name of the municipality and description of the property or public work or improvement, sufficient for identification, and the name of the contractor or contractors, and the name of the surety, which notice shall be verified by such superintendent of streets or county surveyor and in case such notice be not so filed, the failure to so file shall have the same effect as provided in section 1187 of the Code of Civil Procedure, with reference to the "owner." Any laborer, materialman, person, company or corporation entitled to the benefit of this act as hereinbefore set forth, whose claim has not been paid by the said contractor, company or corporation, or his or its subcontractors, shall severally have a first lien upon and against the assessment, any partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment. And actions against the said municipality or superintendent of streets or county surveyor to establish such liens brought by any claimant who has filed claims under this act, or by his assigns, shall be governed by the provisions of sections 1184, 1184a, 1184b, and 1184c, of the Code of Civil Procedure, and the verified notice provided for in said section shall be equivalent for all purposes to the verified claim provided for herein.

Filing of unpaid claims.

Completion notice.

Liens.

Effect of assignments by contractor

No assignment by the contractor of the whole or any part of the money, assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment, due him or to be due him under the contract, or for "extras" in connection therewith, whether

made before a verified claim is filed as provided for herein or after said claim is filed, shall be held to take priority over claims filed under this section, and such assignment shall have no binding force in so far as the rights of the claimants who file claims hereunder, or their assigns, are concerned; *provided*, that nothing in this section shall be construed to prohibit payment to the contractor or his assigns so long as no verified claim is on file before the disbursing officer shall have actually surrendered possession of the assessment, partial assessment, any reassessment, and any bonds which may be issued to represent any assessment or reassessment, or the payment to said contractor or his assigns of any assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment, due him or his assigns over and above the total amount of the claims filed at that time plus such interest and court costs as might be reasonably anticipated in connection with said claims.

Action
against
surety.

Suit against the surety or sureties on the bond of the contractor required hereunder may be brought by any claimant, or his assign, at any time after the claimant has ceased to perform labor or furnish material or both and until the expiration of six months after the period in which verified claims may be filed as provided herein. The filing of a verified claim shall not be a condition precedent to the maintenance of such action against the surety or sureties on the bond and an action on such bond may be maintained separately from and without the filing of an action against the municipality or officer by whom such contract was awarded. And upon the trial of any such action, the court shall award to the prevailing party a reasonable attorney's fee, to be taxed as costs, and to be included in the judgment therein rendered.

Bond to
guarantee
payment of
judgment.

If the contractor, subcontractor or other person against whom any claim is filed as provided in this act shall dispute the correctness or validity of any claim so filed, it shall be lawful for the municipality or superintendent of streets or county surveyor by whom the contract for the improvement was awarded, in its or his discretion, to permit the contractor to whom said contract was awarded to deliver to such municipality or superintendent of streets or county surveyor a bond executed by some corporation authorized to issue surety bonds in the State of California, in a penal sum equal to one and one-fourth times the amount of said claim, which said bond shall guarantee the payment of any sum which said claimant may recover on said claim together with his costs of suit in said action, if he shall recover therein, and upon filing of said bond by and with the consent of such municipality or superintendent of streets or county surveyor, then such municipality or superintendent of streets or county surveyor, shall not withhold any funds, assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment from said contractor on account of said claim. The sureties upon said bond shall

be jointly and severally liable to said claimant with the sureties upon the original bond inuring to the benefit of persons entitled to file claims under this act and given in accordance with the provisions of this act.

SEC. 3. That section 13 of said hereinbefore mentioned act be amended to read as follows:

Stats. 1911,
p 1030,
amended

Sec. 13. The owners, whether named in the assessment or not, the contractor, or his assigns, and all other persons directly interested in any work provided for in this act, or in the assessment, feeling aggrieved by any act or determination of the superintendent of streets, or county surveyor, in relation thereto, or who claim that the work has not been performed according to the contract in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the superintendent of streets, or county surveyor, shall, within thirty days after the date of the warrant, appeal to the council, or board, by briefly stating their objections in writing, and filing the same with the clerk of said council or board.

Appeal of
aggrieved
owners to
council.

Notice of the time and place of the hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations or proceedings objected to or complained of, shall be published for five days. Upon such appeal, the said council, or board, may remedy and correct any error or informality in the proceedings and revise and correct any of the acts or determinations of the superintendent of streets, or county surveyor, relative to said work; may confirm, amend, set aside, alter, modify or correct the assessment in such manner as to them shall seem just, and require the work to be completed according to the directions of the council, or board; and may instruct and direct the superintendent of streets, or county surveyor, to correct the warrant, assessment, or diagram in any particular, or to make and issue a new warrant, assessment and diagram, to conform to the decisions of said council, or board, in relation thereto, at their option. All the decisions and determinations of said council, or board upon notice and hearing as aforesaid, shall be final and conclusive upon any and all persons entitled to appeal under the provisions of this section, as to all errors, informalities, and irregularities which said council, or board, might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to said council or board, as provided in this section for any error, informality, or other defect in any of the proceedings prior to the assessment, or in the assessment itself, where notice of the intention of the council, or board, to order the work to be done, for which the assessment is made, has been actually published in any designated newspaper of said city or county for the length of time prescribed by law. No action, suit or proceeding to set aside, cancel, avoid, annul, or correct any assessment or reassessment, or to review any of the proceedings, acts, or determinations therein, or to question the validity of, or to enjoin the collection of the assess-

Notice.

Action of
council

Decisions
final.

Limitation
of actions.

ment, or reassessment, or to enjoin the issuance of bonds to represent the same, shall be maintained by any person unless such action or actions shall have been commenced within thirty days after the recording of the warrant, assessment and diagram or reassessment, and thereafter all persons shall be barred from any such action or any defense of invalidity of the assessment or of bonds issued thereon, or of the reassessment if such be made and of bonds issued thereon.

Stats. 1911,
p. 1035,
amended.

SEC. 4. A new section is hereby added to an act entitled "An act to provide for the establishment and change of grade of public streets, avenues, lanes, alleys, courts, places and rights of way forming the exterior boundaries of any municipality, whether partly or wholly within or without said boundaries, or extending into the territory of two or more municipalities or extending into the territory of one or more municipalities, and unincorporated territory, and providing for work upon and the improvement thereof, and providing for the construction of sanitary and storm sewers, drains and drainage systems, together with any and all appurtenances and appurtenant work in connection with any of such work or improvements; to assess the whole or any portion of the costs and expenses thereof upon private property, and to provide for a system of local improvement bonds to represent the assessments for such costs and expenses and for the payment and effect of such bonds," approved April 21, 1911, as amended, to be numbered 38 and to read as follows:

Reassess-
ments

Sec. 38. Whenever any assessment heretofore issued or which may be hereafter issued is or shall be void, or unenforceable, for any cause, or if bonds shall have been, or shall be, issued to represent any assessments and such issuance shall not have been, or shall not be effective through the curative provisions in relation thereto, or any curative act that may be passed by the Legislature in relation thereto to make them valid and enforceable, then, in any of such events a reassessment therefor may be issued. The true intent and meaning of this section is to make the cost and expense of work or improvement made through an attempted compliance with this act, payable by the real estate benefited by such work or improvement by making a reassessment therefor.

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

When
ordered.

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

First—Where the owner or holder of any assessments, or of bonds issued under this act to represent assessments request the legislative body of the city in which the assessment has been or shall be issued to order a reassessment. In such event if said legislative body be of the opinion that the assessments or bonds in question are not enforceable it shall order the making and issuing of a reassessment covering only the assess-

ments owned or held by the petitioner or the assessments represented by the bonds owned or held by such petitioner.

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

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

Fourth—Whenever any contractor or assignee of a contractor shall have done or performed any work or improvements pursuant to proceedings had and taken in attempted compliance with the provisions of this act, and whenever prior to the issuance of any assessment, any court of competent jurisdiction in any suit to invalidate the contract or any of such proceedings shall for any reason declare said contract or other proceedings to be invalid, then such court shall in and by its decree direct the making of a reassessment for the reasonable value of the work and improvement actually done and performed in good faith by the contractor, or such portion thereof as was of a kind that could lawfully have been ordered under the provisions of this act.

The manner of making, issuing and enforcing the reassessment shall be as follows: Manner of making.

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

If the reassessment be a partial one only, then it shall not be necessary for the diagram to show any other lots than the ones covered by such partial reassessment. If it be a full reassessment, however, then it shall be upon the lots fronting on said work if the original assessment was one made on the front foot plan; if the original assessment was made against a district, then the superintendent of streets or county surveyor shall prepare and file with the reassessment a diagram showing the lots, pieces or parcels of land deemed by him to have been benefited by the work or improvement. The reassessment shall assess upon and against each of the lots, pieces, or parcels of land, contained therein an amount arrived at as follows: The benefits derived, or to be derived by each of the said lots, pieces or parcels of land from the work or improvement estimated as of the date of the original assessment shall first be listed. Then there shall be added thereto interest thereon from twenty (20) days after the date of recording the original assessment at the

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

Notice of hearing.

Action of council.

Record of reassessment.

Collection.

Bonds.

piece or parcel of land covered thereby. When the reassessment is recorded the original assessment shall be cancelled by the street superintendent or the county surveyor so far as it affects the particular assessments involved. New bonds shall not be issued until the original bonds are delivered up to the city treasurer, who shall cancel the same. The lien of such reassessment shall hold its relative rank as to other special assessment liens as of the date of the original assessment.

CHAPTER 483.

An act to amend section one thousand eight hundred sixty-two of the Civil Code, relating to the sale at auction of unclaimed baggage.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1862 of the Civil Code is hereby amended to read as follows:

1862. Whenever any trunk, carpet bag, valise, box, bundle, or other baggage has heretofore come, or shall hereafter come into the possession of the keeper of any hotel, inn, or any boarding or lodging house, furnished apartment house or furnished bungalow court and has remained or shall remain unclaimed for the period of six months, such keeper may proceed to sell the same at public auction, and out of the proceeds of such sale may retain the charges for storage, if any, and the expenses of advertising and sale thereof;

But no such sale shall be made until the expiration of four weeks from the first publication of notice of such sale in a newspaper published in or nearest the city, town, village, or place in which said hotel, inn, boarding or lodging house, furnished apartment house or furnished bungalow court is situated. Said notice shall be published once a week, for four successive weeks, in some newspaper, daily or weekly, of general circulation, and shall contain a description of each trunk, carpet bag, valise, box, bundle, or other baggage, as near as may be; the name of the owner, if known; the name of such keeper, and the time and place of sale;

And the expenses incurred for advertising shall be a lien upon such trunk, carpet bag, valise, box, bundle, or other baggage, in a ratable proportion, according to the value of such piece of property, or thing, or article sold;

And in case any balance arising from such sale shall not be claimed by the rightful owner within one week from the day of sale, the same shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representatives, within one year thereafter, the same shall be paid into the general fund of said county.

Code amnds
1875-76,
p 78,
amended.
Sale of
unclaimed
baggage.

Notice

Expenses.

Unclaimed
balance

CHAPTER 484.

An act to amend sections six, nine, ten and eleven of an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, as amended relating to cemetery districts.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

Stats 1921,
p. 1104,
amended.

SECTION 1. Section 6 of an act entitled "An act to provide for the organization and government of public cemeteries," approved June 1, 1921, as amended, is hereby amended to read as follows:

Trustees.

Sec. 6. Said cemetery district shall be governed and managed by three trustees, appointed by the board of supervisors of the county, or in case the district is in more than one county, by the supervisors in which the largest portion of the district is located, the trustees to be appointed from electors residing within said district. The trustees shall hold office for four years and until the appointment and qualifications of their successors, and shall serve without compensation.

Stats. 1921,
p. 1104,
amended.
Annual
tax levy.

SEC. 2. Section 9 of said act is hereby amended to read as follows:

Sec. 9. The said board of cemetery trustees shall annually, at or before the time fixed by law for the levy of county taxes, estimate and certify to the board of supervisors of the county wherein the district is situated, or if said district is not entirely within one county, then as hereinafter provided, the amount of money necessary to be raised by taxation for maintaining the cemetery of the district for the ensuing fiscal year. If said district is in more than one county, the total estimate as provided for hereinbefore shall be divided by said board of cemetery trustees in proportion to the value of the real property of the district in each county. This value must be determined from the equalized values of the last assessment rolls of said counties. When said division of the estimate has been made, said board of cemetery trustees shall certify to the board of supervisors of the respective counties that part of the estimate apportioned to each county. The board of supervisors of each county wherein is situated a cemetery district or any part thereof organized under the provisions of this act must, annually, at the time of levying county taxes levy a tax upon all the property within said cemetery district situated in said county sufficient to raise the amount so certified to said board of supervisors by said board of cemetery trustees, to be raised by tax on the property of said district in said county. The tax so levied, however, shall not exceed two mills on each dollar of assessed valuation of the property in said district.

SEC. 3. Section 10 of the act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, is hereby amended to read as follows:

Stats. 1921,
p. 1105,
amended.

Sec. 10. Said tax shall be collected by the same officers and in the same manner as other county taxes, and the same, together with all other moneys received by the trustees, shall be paid into the county treasury and shall constitute a separate fund to be expended solely for the purposes of the cemetery district upon warrants issued by the county auditor on orders signed by not less than two of said cemetery trustees. If the district is in more than one county, the treasurer of the county wherein the district was organized shall be the repository of all the funds of the district. For this purpose the treasurers of any other counties wherein is situated a portion of said district, must, at any time but not oftener than twice each year, upon the order of the board of cemetery trustees, settle with said board and pay over to the treasurer of the county where the district was organized, all moneys in their possession belonging to the district. Said last named treasurer is authorized and required to receive and receipt for the same and to place the same to the credit of the district. He shall be responsible upon his official bond for the safe keeping and disbursement, in the manner herein provided, of these and all other moneys of the district held by him. And it is expressly provided, further, that all funds now on hand, accruing from a previous assessment in the treasury of any unit of the proposed district or district already in existence, or that may hereafter be accumulated through gift, bequest or assessment, shall be paid over to the county treasurer of the county in which the district was organized, as are other funds herein provided.

District
funds.

SEC. 4. Section 11 of said act is hereby amended to read as follows:

Stats. 1921,
p. 1105,
amended.

Sec. 11. The trustees shall, as soon after the first day of July in each year as practicable, file with the county board or boards (if the district is situated in more than one county), of supervisors a report, setting forth all their transactions during the fiscal year, and containing an itemized account of all their receipts and disbursements during said fiscal year together with proper vouchers therefor.

Trustees'
annual
report.

CHAPTER 485.

An act to define collection agencies; to provide for the regulation, bonding, supervision and licensing thereof; to provide for the enforcement of said act and penalties for the violation thereof.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

Collection agencies to be licensed.

SECTION 1. No person, firm, corporation or voluntary association shall hereafter conduct within this state a collection agency or engage in the business within this state of collecting claims for others, or of soliciting the right to collect or receive payment for another of any claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim, or seek to make collection or obtain payment of any claim on behalf of another without having first applied for and obtained a license as hereinafter specified.

"Collection agency."

SEC. 2. The following terms as used in this article shall be taken to have the meaning expressed in this section. The term "Collection agency" shall mean and include all persons, firms, corporations and voluntary associations engaging directly or indirectly and as a primary or a secondary object, business or pursuit, in the collection of or in soliciting or obtaining in any manner the payment of a claim owed or due or asserted to be owed or due to another, except attorneys-at-law as specified in section 14 and individuals regularly employed on a regular wage or salary, in the capacity of credit men or in other similar capacity upon the staff of employees of any person, firm, corporation or voluntary association not engaged in the business of a collection agency; also excepting banks; nonprofit cooperative associations; abstract companies doing an escrow business; duly licensed real estate agents. The term "claim" shall mean any and all obligations for the payment of money or its equivalent arising in the usual course of any business or professional occupation. The term "customer" shall mean any and all persons, firms, corporations or voluntary associations authorizing or employing a collection agency for any of the purposes permitted or authorized by this article.

"Customer."

Application for license.

SEC. 3. Application for such license shall be made in writing to the secretary of state of the State of California, and shall state the name of the applicant together with the name under which the applicant does, or expects to do business, with full business address and residence, including street and number, the character of business sought to be carried on, the locations by street and number where the same is intended to be transacted and in the case of a firm the full names and residence addresses of all partners; and

in the case of a corporation or voluntary association the name and residence address of each of the directors and officers thereof. Such application shall be subscribed by the applicant and duly acknowledged as required for deeds to be recorded, and shall be filed with the secretary of state, together with the bond required by the next section.

SEC. 4. The applicant shall file with the application a ^{Surety} bond ^{bond} which shall run to the people of the State of California in the sum of one thousand dollars, and shall be conditioned that the principal, who shall be the applicant, shall and will, upon demand in writing, pay and turn over to or for the use of any customer from whom any claim is taken or received for collection the proceeds of such collection, in accordance with the terms of the agreement made between the said principal and the said customer, and conditioned that the principal will comply with all requirements of this or of any other statute now in force or hereafter enacted with respect to the duties, obligations and liabilities of collection agencies. Such bond shall cover all matters placed with said licensee during the term of said license so applied for, or renewal thereof and liability thereunder shall continue in accordance with the provisions of section 10, and the bond be made and executed by the principal with at least two good and sufficient sureties who shall be residents and freeholders within the State of California, each of whom shall qualify in the sum of one thousand dollars (\$1,000) in the manner prescribed by sections 1057 and 1057a of the Code of Civil Procedure, except that if such bond is joined in by a surety company one such company shall be sufficient surety thereon when qualified in accordance with law. If the bond so filed shall conform to the foregoing requirements, a judge of the superior court wherein the applicant resides shall so certify by indorsing the same with his approval. Such bond may be enforced in the manner provided for the enforcement of bonds and undertakings in actions or special proceedings.

SEC. 5. Upon receiving and filing such application and ^{License} bond, and upon payment of the license fee hereinafter provided, the secretary of state shall grant and issue a license to the applicant which shall state the name of the licensee and the locations by street and number where the licensee is authorized to carry on business, together with the number and date of such license, and shall further state that it is issued pursuant to this act, and that the licensee is duly authorized hereunder. Upon receipt of such license the licensee shall have the right to conduct the business of a collection agency with all the powers and privileges contained in and to be subject to all the provisions of this act.

SEC. 6. Before the applicant shall be entitled to receive ^{License} a license hereunder he shall pay to the secretary of state ^{fees.} for the initial license a fee in the sum of twenty-five dollars, and for each renewal license fee in the sum of fifteen dollars. All moneys so received by the secretary of state shall be turned

into the state treasury to constitute a fund from which the expenses of carrying out the provisions of this act shall first be defrayed, any balance remaining to go annually into the general funds of the state.

Change of location.

SEC. 7. Upon removal from any location as stated in any license issued hereunder, the licensee shall within five days thereafter, deposit said license with the secretary of state, accompanying same with written notification of such removal, and the secretary of state shall note said removal upon the face of the license, and shall enter in his records in an appropriate place therefore, a notation of such removal and shall thereupon return said license.

Display

SEC. 8. Each license must be framed in a suitable frame under glass, and hung upon the walls of the place of business therein designated in a conspicuous place, but, such license shall not be transferable and shall be valid and effectual until the first day of July next ensuing the date thereof unless previously revoked.

Expiration.

Renewal application and license

SEC. 9. On or before the first day of June in each year any licensee desiring a renewal of the expiring license shall file in the office of the secretary of state a renewal application, in form and text like the original application, stating in addition to the matters required in the original application the date and number of the expiring license, and shall pay to the secretary of state the renewal license fee, whereupon the secretary of state shall issue to such applicant a renewal license to be dated on the first day of July next ensuing the date of the application in form and text like the original license hereinbefore provided for, except that, in addition to the facts therein set forth such renewal shall show the date and number of the earliest license issued to the licensee and shall bear across its face the word "renewal" in conspicuous letters. All requirements of this act with respect to original licenses and bonds apply with like force to all renewal licenses and bonds except as otherwise specified in this section.

Limitation of actions.

SEC. 10. No action shall be brought upon any bond hereinbefore required to be given and filed, after the expiration of two years from the revocation or expiration of the license issued thereunder. From and after the expiration of said period of two years, all liability of the surety or sureties upon the said bond shall cease; *provided*, no action shall have been commenced upon said bond before the expiration of the said period.

Charges against licensee.

SEC. 11. The secretary of state shall have power upon the filing with him of a complaint under oath against any licensee to require, under oath, and within ten days after notice to such licensee a reply to said complaint, and the secretary of state may, upon proper cause shown, extend the time of filing such reply, not to exceed sixty days. Should such reply when filed be deemed insufficient by the secretary of state or should the charges not have been withdrawn, and should the complaint contain allegations of fraud, the secretary of state shall

have power to visit and inspect the books, papers and records of such licensee, through one or more inspectors attached to his office and to be appointed by him, and to take any action under any provision of this act which the result of such inspection may indicate to be appropriate. Whenever any complaint shall have been filed with the secretary of state against any licensee hereunder, the secretary of state must send a copy of such charge to the licensee, and another copy to the attorney general and afford an opportunity to said licensee to answer the same, and to be heard with reference thereto, and if after such notice and hearing the licensee shall be found guilty of fraud or misrepresentation or of any act or omission inconsistent with the faithful discharge of its duties and obligations, or in violation of any provision of this act, or if the licensee shall in any court of law be adjudged liable for breach of any bond given hereunder, the secretary of state shall have power by an order to be made in writing, and filed in his office and served on the licensee by registered mail at the address shown in the records of the secretary of state to revoke said license and all rights of the licensee under this article shall forthwith terminate, and no application shall be received hereunder from any person, firm, corporation or voluntary association whose license has once been revoked. The determination of the secretary of state revoking any license shall be subject to review by writ of certiorari within thirty days after the date of filing the order of revocation.

Revocation
of license.

Review.

SEC. 12. The secretary of state shall keep in his office in a suitable record provided for the purpose all applications for licenses and all bonds required to be filed hereunder, and such record shall state whether or not a license has been issued under such application and bond, and if revoked the date of filing the order of revocation. In such record all licenses issued shall be indicated by their serial numbers as well as by the name and address of the licensee. This section applies to the renewal applications and renewal licenses which shall be entered in said record in their proper order like original applications and licenses, except that with respect to them, said record shall show in addition the word "renewal" with the number of the last preceding license granted to the same licensee. Such book shall be open for inspection as a public record in the office of the secretary of state.

Record of
applications
and bonds.

SEC. 13. In addition to any other penalty, any person, firm, corporation or voluntary association, or any officer or director of any such corporation or association carrying on the business specified in this act without first having obtained from the secretary of state a license therefor, as herein provided, or who shall carry on such business after the revocation or expiration of any license so obtained, shall be guilty of a misdemeanor.

Penalty.

SEC. 14. Nothing contained in this act shall be construed as requiring any attorney and counselor at law, licensed to practice in this state, to obtain the license provided for by

Attorneys.

this article as long as he is retained by his client or clients to collect or to solicit or obtain payment of such client's claim in the usual course of his practice of his profession.

CHAPTER 486.

An act to amend section six hundred eighty-eight of the Code of Civil Procedure, relating to executions in civil actions.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

Stats 1907,
p. 683,
amended.
Property
liable to
execution

SECTION 1. Section 688 of the Code of Civil Procedure is hereby amended to read as follows:

688. All goods, chattels, moneys, and other property, both real and personal, or any interest therein, of the judgment debtor, not exempt by law, and all property and rights of property seized and held under attachment in the action, are liable to execution. Shares and interests in any corporation or company, and debts and credits, and all other property, both real and personal, or any interest in either real or personal property, and all other property not capable of manual delivery, may be levied upon or released from levy in like manner as like property may be attached or released from attachment. Gold dust must be returned by the officer as so much money collected at its current value, without exposing the same to sale. Until a levy, property is not affected by the execution; but no levy shall bind any property for a longer period than one year from the date of the issuance of the execution; *provided, however*, an alias execution may be issued on said judgment and levied on any property not exempt from execution.

Not affected
until
levied on

CHAPTER 487.

An act to amend section one hundred sixty-four of the Civil Code, relating to community property.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

Stats 1923,
p. 746,
amended.
Property
acquired
after
marriage.

SECTION 1. Section 164 of the Civil Code is hereby amended to read as follows:

164. All other property acquired after marriage by either husband or wife, or both, including real property situated in this state, and personal property wherever situated, heretofore or hereafter acquired while domiciled elsewhere, which would not have been the separate property of either if acquired while domiciled in this state is community property; but whenever any real or personal property, or any interest therein or

encumbrance thereon, is acquired by a married woman by an instrument in writing the presumption is that the same is her separate property, and if acquired by such married woman and her husband, or by her and any other person, the presumption is that she takes the part acquired by her, as tenant in common, unless a different intention is expressed in the instrument; and the presumptions in this section mentioned are conclusive in favor of a purchaser, encumbrancer, payor, or any other person dealing with such married woman, in good faith and for a valuable consideration. In cases where a married woman has conveyed, or shall hereafter convey, real property which she acquired prior to May 19, 1889, the husband, or his heirs or assigns, of such married woman, shall be barred from commencing or maintaining any action to show that said real property was community property, or to recover said real property, as follows: As to conveyances heretofore made, from and after one year from the date of the taking effect of this act; and as to conveyances hereafter made, from and after one year from the filing for record in the recorder's office of such conveyances, respectively.

Limitation
of actions.

CHAPTER 488.

An act to amend section one hundred seventy-two a of the Civil Code, relating to the management of community real property.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 172a of the Civil Code is hereby amended to read as follows:

Stats 1925,
p. 84,
amended.

172a. The husband has the management and control of the community real property, but the wife, either personally or by duly authorized agent, must join with him in executing any instrument by which such community real property or any interest therein is leased for a longer period than one year, or is sold, conveyed, or encumbered; *provided, however*, that nothing herein contained shall be construed to apply to a lease, mortgage, conveyance, or transfer of real property or of any interest in real property between husband and wife; *provided, also, however*, that the sole lease, contract, mortgage or deed of the husband, holding the record title to community real property, to a lessee, purchaser or encumbrancer, in good faith without knowledge of the marriage relation shall be presumed to be valid. No action to avoid any instrument mentioned in this section, affecting any property standing of record in the name of the husband alone, executed by the husband alone, shall be commenced after the expiration of one year from the filing for record of such instrument in the recorder's office in the county in which the land is situate, and no action

Management
of com-
munity real
property.

Limitation
of actions.

to avoid any instrument mentioned in this section, affecting any property standing of record in the name of the husband alone, which was executed by the husband alone and filed for record prior to the time this act takes effect, in the recorder's office in the county in which the land is situate, shall be commenced after the expiration of one year from the date on which this act takes effect.

CHAPTER 489.

An act to amend section one thousand two hundred seven of the Civil Code, providing for the effect of defectively acknowledged and recorded instruments.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p. 94,
amended
Defectively
executed
instruments.

SECTION 1. Section 1207 of the Civil Code is hereby amended to read as follows:

1207. Any instrument affecting the title to real property, one year after the same has been copied into the proper book of record, kept in the office of any county recorder, imparts notice of its contents to subsequent purchasers and encumbrancers, notwithstanding any defect, omission, or informality in the execution of the instrument, or in the certificate of acknowledgment thereof, or the absence of any such certificate; but nothing herein affects the rights of purchasers or encumbrancers previous to the taking effect of this act. Duly certified copies of the record of any such instrument may be read in evidence with like effect as copies of an instrument duly acknowledged and recorded; *provided*, when such copying in the proper book of record occurred within five years prior to the trial of the action, it is first shown that the original instrument was genuine.

CHAPTER 490.

An act to amend section one thousand two hundred sixty-three of the Civil Code, providing what the declaration of homestead of the head of a family must contain.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

Stats. 1905,
p. 604,
amended.
Contents of
declaration
of
homestead.

SECTION 1. Section 1263 of the Civil Code is hereby amended to read as follows:

1263. The declaration of homestead must contain:

1. A statement, showing that the person making it is the head of a family, and, if the claimant is married, the name of

the spouse; and, when the declaration is made by the wife, showing that her husband has not made such declaration, and that she therefore makes the declaration for their joint benefit;

2. A statement that the person making it is residing on the premises, and claims them as a homestead;

3. A description of the premises;

4. An estimate of their actual cash value;

5. Such declaration of homestead may further contain a statement of the character of the property sought to be homesteaded with sufficient detail to show that it is a proper subject of homestead, and that no former declaration has been made, or, if made, that it has been abandoned and if it contains such further statement and the declaration is supported by the affidavit of the declarant, annexed thereto, that the matters therein stated are true of his or her own knowledge, such declaration, when properly recorded, shall be prima facie evidence of the facts therein stated, and conclusive evidence thereof in favor of a purchaser or encumbrancer in good faith and for a valuable consideration.

CHAPTER 491.

An act to amend section one thousand two hundred sixty-seven of the Civil Code, providing what the declaration of homestead of a person other than the head of a family must contain.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1267 of the Civil Code of the State of California is hereby amended to read as follows: Original section amended. Declaration of homestead
 1267. The declaration must contain everything required by the second, third and fourth subdivisions of section 1263, and in addition thereto may contain the statement and affidavit provided for by subdivision 5 of said section, with like effect as therein provided.

CHAPTER 492.

An act to amend section six hundred seventy-one of the Code of Civil Procedure, relating to the docketing of judgments.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 671 of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1923, p 751, amended. Entries in docket.
 671. Immediately after filing the judgment roll, the clerk must make the proper entries of the judgment under appropriate heads, in the docket kept by him.

CHAPTER 493.

An act to amend section six hundred seventy-four of the Code of Civil Procedure, relating to the recording of copy of judgments, providing for the lien thereof and the extent of such lien.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

Stats 1923,
p 752,
amended
Judgment
a lien upon
recording of
abstract.

SECTION 1. Section 674 of the Code of Civil Procedure is hereby amended to read as follows:

674. An abstract of the judgment or decree of any court of record of this state, or of the United States, the enforcement of which has not been stayed on appeal, certified by the clerk of the court where such judgment or decree was rendered, may be filed with the recorder of any county and from such filing the judgment or decree becomes a lien upon all the real property of the judgment debtor, not exempt from execution, in such county, owned by him at the time, or which he may afterwards and before the lien expires, acquire. Such lien continues for five years from the date of the entry of the judgment or decree, unless the enforcement of the judgment or decree is stayed on appeal by the execution of a sufficient undertaking as provided in this code, or by the statutes of the United States, in which case the lien of the judgment or decree, and any lien or liability now existing or hereafter created by virtue of an attachment that has been issued and levied in the action, unless otherwise by statutes of the United States provided, ceases, or upon an undertaking on release of attachment, or unless the judgment or decree is previously satisfied, or the lien otherwise discharged. The abstract above mentioned shall contain the following: Title of the court and cause and number of the action; date of entry of the judgment or decree; names of the judgment debtor and of the judgment creditor; amount of the judgment or decree, and where entered in judgment book.

CHAPTER 494.

An act to amend section one thousand five hundred seventy-eight of the Code of Civil Procedure, relating to the manner of obtaining authority to mortgage or execute a deed of trust of the property of estate of decedents or of persons under guardianship.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1578 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1907,
p 988,
amended

1578. To obtain an order to mortgage or execute a deed of trust of such realty, the proceedings to be taken and the effect thereof shall be as follows: Obtaining of
order to
mortgage, etc

First—The executor or administrator of any estate, or guardian of any minor or incompetent person, or any person, interested in the estates of such decedents, minors, or incompetent persons, may file a verified petition showing: Petition.

1. The particular purpose or purposes for which it is proposed to make the note or notes and mortgage, or deed of trust, which shall be either to maintain the ward and his family or to maintain and educate the ward when a minor, or to pay the debts, legacies, or charges of administration, or to pay, reduce, extend, or renew some lien or mortgage or deed of trust already subsisting on said realty or some part thereof; or, if the application be made by the guardian of any minor or incompetent person, to erect, alter or repair buildings or other structures upon, or otherwise to improve, the realty proposed to be mortgaged, or some part thereof. Purpose

2. A statement of the facts and circumstances showing the insufficiency of the income of the estate under guardianship to maintain the ward and his family or to maintain and educate the ward when a minor and the debts, legacies, charges of administration, liens, or mortgages, or deeds of trust to be paid, reduced, extended, or renewed, as the case may be; or, if the application be made by the guardian of any minor or incompetent person for the purpose of improving the realty or some part thereof, the condition and value of all the real and personal property then belonging to the estate, a statement of all debts and obligations secured or unsecured outstanding against the estate, and the character and estimated cost of the buildings, structures or other improvements proposed to be erected, altered or repaired with the proceeds of the mortgage or deed of trust. Facts.

3. The advantage that may accrue to the estate from raising the required money by note or notes and mortgage or deed of trust, or providing for the payment, reduction, extension, or renewal of the subsisting liens or mortgages, or deeds of trust, Advantage.

as the case may be; or, if the application be made by the guardian of a minor or incompetent person for the purpose of improving the realty belonging to the estate or some part thereof, the advantage that will accrue to the estate by the making of such improvements.

Amount. 4. The amount to be raised, with a general description of the property proposed to be mortgaged, or of which a deed of trust is to be executed; and

Notice of hearing. **Second**—Upon filing such petition, the clerk must fix the day for the hearing, and give notice of at least ten days by a notice posted at the courthouse in the county where the court is held and by publication in a newspaper for the same length of time. If the notice is published in a weekly newspaper it must appear therein on at least two different days of publication; and if in a newspaper published oftener than once a week it shall be so published that there must be at least ten days from the first and last day of publication, both the first and last day being included. Said notice must set forth the name of the estate, briefly indicate the land to be mortgaged, or of which a deed of trust is to be executed, and refer to the petition for further particulars, and notify all persons interested in the estate to appear at the time and place in the notice mentioned and show cause, if any they have, why the order prayed for should not be granted.

Hearing. **Third**—At the time and at the place appointed, or at such other time and place to which the hearing may be postponed, having first received satisfactory proof that due notice of the hearing has been given, the court or judge must proceed to hear the petition and any objections that may be filed or presented thereto. If, after full hearing the court or judge is satisfied that it will be for the advantage of the estate to mortgage or execute a deed of trust of the whole or any portion of the real estate, an order must be made authorizing, empowering and directing the executor or administrator, or the guardian of such minor or incompetent person, to make such mortgage or to execute such deed of trust, and a promissory note or notes to the lender for the amount of the loan, to be secured by such mortgage or deed of trust.

Order. **Order may provide.** The court may direct that a lesser amount than that named in the petition be borrowed, and may prescribe the maximum rate of interest and the period of the loan, and may direct in what coin or currency it shall be paid, and require that the interest and the whole or any part of the principal be paid, from time to time, out of the whole estate or any part thereof, and that any buildings on the premises to be mortgaged, or of which the deed of trust is to be executed, shall be insured for the further security of the lender, and the premiums paid from such income.

Execution of note and mortgage. **Fourth**—After making the order to mortgage, or execute the deed of trust, the executor, administrator, or guardian of a minor or incompetent person shall execute and deliver the note or notes for the amount and period specified in the

order, and shall execute, acknowledge and deliver a mortgage, or deed of trust, of the premises, setting forth in the mortgage, or deed of trust, that it is made by the authority of the order, and giving the date of such order. A certified copy of the order shall be recorded in the office of the county recorder of every county in which the encumbered land, or any portion thereof, lies. The note or notes and mortgage, or deed of trust, shall be signed by the executor, administrator, or guardian as such, and shall create no personal liability against the person so signing.

Record of order.

Liability.

Fifth—Every note or notes and mortgage, or deed of trust, so made shall be effectual to mortgage or convey by means of a deed of trust, all right, title, interest and estate which the decedent, minor, or incompetent person had in the premises described therein at the time of the death of such decedent, or at the time of the appointment of the guardian of such minor or of such incompetent person, or prior thereto, and any right, title or interest in said premises acquired by the estate of such decedent, minor, or incompetent person, by operation of law or otherwise, since the time of the death of such decedent, or the appointment of the guardian of such minor or incompetent person.

Interest conveyed.

Jurisdiction of the court to administer the estate of such decedent, minor, or incompetent person shall be effectual to vest such court or judge with jurisdiction to make the order for the note or notes, and mortgage, or deed of trust, and such jurisdiction shall conclusively inure to the benefit of the mortgagee named in the mortgage, or the trustee and beneficiary in the deed of trust, his or their heirs and assigns.

Jurisdiction.

No irregularity in the proceedings shall impair or invalidate the same or the note or notes and mortgage, or deed of trust, given in pursuance thereof, and the mortgagee or the trustee and beneficiary, their heirs and assigns, shall have and possess the same rights and remedies on the note or notes and mortgage, or deed of trust, as if it had been made by the decedent prior to his death, the minor after reaching the age of maturity, or the incompetent person when legally competent.

Validity of proceedings

Provided, however, that upon any foreclosure, or sale under the deed of trust, if the proceeds of the sale of the encumbered property are insufficient to pay the note or notes, the mortgage, or deed of trust, no judgment or claim for any deficiency to satisfy the note or notes, and mortgage, or deed of trust, or the costs or expenses of sale, shall be had or allowed, except in cases where the note or notes and mortgage or deed of trust were given to pay, reduce, extend or renew a lien or mortgage, or deed of trust, subsisting on the realty, or some part thereof, at the time of the death of the decedent and the indebtedness secured by such lien or mortgage, or deed of trust, was an allowed and approved claim against said estate, or a lien upon the interest of the minor in said real estate at the time it vested in him, or upon the estate of the

Deficiency upon foreclosure.

incompetent at the time incompetency of the incompetent person was so declared by the court; and provided, also, that in cases affecting the estate of deceased persons, the part of the indebtedness remaining unsatisfied must be classed and paid with other demands against the estate, as provided in article III, chapter X, of title XI, part III of this code, with respect to mortgages, or deeds of trust, subsisting at the time of death.

CHAPTER 495.

An act to amend section one thousand five hundred seventy-nine of the Code of Civil Procedure, relating to the manner of obtaining an order to lease the real property of the estate of a decedent or of a person under guardian.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

Stats. 1909,
p. 540,
amended.
Obtaining of
order to
lease
Petition.

SECTION 1. Section 1579 of the Code of Civil Procedure is hereby amended to read as follows:

1579. To obtain an order to lease the realty, the proceedings to be taken and the effect thereof shall be as follows:

First—The executor, administrator, guardian of a minor or an incompetent person, or any person interested in the estates of such decedents, minors, or incompetent persons, must file a verified petition showing:

(a) The advantage or advantages that may accrue to the estate from giving a lease.

(b) A general description of the property proposed to be leased.

(c) The term, rental, and general conditions of the proposed lease.

Notice of
hearing.

Second—Upon filing such petition the clerk shall appoint a day for the hearing thereof and give notice of at least ten days by a notice posted in the county where the court is held, and by publication in a newspaper for the same length of time. If the notice is published in a weekly newspaper it must appear therein on at least two different days of publication; and if in a newspaper published oftener than once a week it shall be so published that there must be at least ten days from the first and last day of publication, both the first and last day being included. Said notice must set forth the name of the estate, briefly indicate the land to be leased, and refer to the petition for further particulars, and notify all persons interested in the estate to appear at the time and place in the notice mentioned and show cause, if any they have, why the order prayed for should not be granted.

Hearing

Third—At the time and at the place designated in the notice, or at such other time or place to which the hearing may be postponed, the court or judge, having first received satisfactory proof that due notice of the hearing has been

given, shall proceed to hear the petition, and any objection that may have been filed or presented thereto. If, after a full hearing, the court or judge is satisfied that it will be for the advantage of the estate to lease the whole or any portion of the real estate, an order must be made authorizing, empowering and directing the executor, administrator, or the guardian to make such lease. The order may prescribe the minimum rental or royalty to be received for the premises, and the period of the lease, which must, in no case, be longer than ten years, and may prescribe other terms and conditions of such lease; *provided*, that for the purpose of exploiting for minerals, or mineral oils or petroleum and extracting minerals therefrom, the period of the lease may be for twenty years.

Fourth—After the making of the order to lease, the executor, administrator, or guardian of a minor or of an incompetent person, shall execute, acknowledge, and deliver a lease of the premises for the term and period and with the conditions specified in the order setting forth in the lease that it is made by authority of the order, and giving the date of such order.

A certified copy of the order shall be recorded in the office of the county recorder of every county in which the leased land or any portion thereof lies.

Fifth—Every lease so made shall be effectual to demise and let, at the rent, for the term, and upon the conditions therein prescribed, the premises described therein. Jurisdiction of the court to administer the estate of the decedent, the minor, or of the incompetent person shall be effectual to vest such court and judge with jurisdiction to make the order for the lease, and such jurisdiction shall conclusively inure to the benefit of the lessee, his heirs and assigns.

No omission, error, or irregularity in the proceedings shall impair or invalidate the same, or the lease made in pursuance thereof.

CHAPTER 496.

An act to amend section one thousand five hundred eighty of the Code of Civil Procedure, relating to the sale of mining property of the estate of a decedent or of a person under guardianship.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1580 of the Code of Civil Procedure is hereby amended to read as follows:

1580. To obtain an order to enter into an agreement for the sale of, or to give an option to purchase, a mining claim, or claims, or real property, worked as a mine, the proceedings to be taken and the effect thereof shall be as follows:

First—The executor, administrator, or guardian of a minor, or of an incompetent person, or any person interested in the

Order.

Execution
of lease.

Record.

Effect.

Jurisdiction.

Validity

Stats 1913,
p. 17,
amended.Sale of
mining
property.

Petition

estate of such decedents, minors, or incompetent persons, may file a verified petition showing:

1. The advantage or advantages that may accrue to the estate from entering into such agreement or option.

2. A general description of the property affected by said agreement or option.

3. The terms and general conditions of the proposed agreement or option.

Notice of hearing.

Second—Upon filing such petition, the clerk shall appoint a day for the hearing thereof, and give notice of at least ten days, by a notice posted at the courthouse in the county where the court is held, and by publication in a newspaper for the same length of time. If the notice is published in a weekly newspaper it must appear therein on at least two different days of publication; and if in a newspaper published oftener than once a week it shall be so published that there must be at least ten days from the first and last day of publication, both the first and last day being included. Said notice must set forth the name of the estate, briefly indicate the land to be sold, and refer to the petition for further particulars, and notify all persons interested in the estate to appear at the time and place in the notice mentioned and show cause, if any they have, why the order prayed for should not be granted.

Hearing.

Third—At the time and place designated in the notice, or at such other time and place to which the hearing may be postponed, the court or judge, having first received satisfactory proof that due notice of the hearing has been given, shall proceed to hear the petition and any objection that may have been filed or presented thereto. If, after full hearing, the court or judge is satisfied that it will be for the advantage or best interest of the estate to enter into the proposed agreement or best interest of the estate to enter into the proposed agreement for sale, or option to purchase, of the mines or real property worked as a mine, an order must be made, authorizing, empowering and directing the executor, administrator or guardian to make such agreement or option to purchase. The order may prescribe the terms and conditions of such agreement or option to purchase. The court or judge may, at the time of making said order authorizing such agreement to sell, or option to purchase, fix the amount of bond to be given by the executor, administrator or guardian, and may provide for the payment into court of the proceeds from said agreement to sell or option to purchase, and that the said executor, administrator, or guardian, shall give the bond required before obtaining an order of the court for the payment to him of such proceeds from said agreement to sell or option to purchase.

Order.

Agreement to sell.

Fourth—After making the order to enter into said agreement or option to purchase, the executor, administrator or guardian of a minor or of an incompetent person shall execute, acknowledge and deliver an agreement or option to purchase containing the conditions specified in the order, setting forth

in the agreement or option to purchase that it is made by authority of the order, and giving the date of such order. A certified copy of such order shall be recorded in the office of the county recorder of every county in which the land affected by the agreement or option to purchase, or any portion thereof, is situated. If the party of the second part to said agreement to sell or option to purchase neglects or refuses to comply with the terms of the agreement to sell or option to purchase, the court must on motion of the executor, or administrator or guardian, and after notice to the purchaser, order that such agreement to sell or option to purchase be canceled.

Fifth—The executor or administrator, or the guardian, after the terms of said agreement to sell, or said option to purchase, have been complied with by the party of the second part thereto, and all payments mentioned in the same have been made according to the terms of said agreement to sell or option to purchase, must make a return of his proceedings to the court, which must be filed in the office of the clerk at any time subsequent to the compliance with said conditions and the making of said payments. Return of proceedings.

A hearing upon the return of the proceedings may be asked for in the return or by petition subsequently, and thereupon the clerk must fix the day for the hearing, of which notice of at least ten days must be given by the clerk, by notices posted in three public places in the county or by publication in a newspaper, and must briefly indicate the land or lands mentioned in the agreement to sell or option to purchase and must refer to the return for further particulars. Upon the hearing, the court must examine the return and witnesses in relation to the same. Hearing.

If it appears to the court that the terms of the said agreement to sell or option to purchase, including all payments to be made, have been complied with, the court must make an order confirming the sale, and directing conveyances to be executed. The sale, from that time, is confirmed and valid, and a certified copy of the order confirming it and directing conveyances to be executed, must be recorded in the office of the recorder of the county in which the land sold is situated. Conveyances must thereupon be executed to the purchaser by the executor or administrator, or the guardian, and they must refer to the orders of the court authorizing and confirming the sale of the property of the estate, and directing conveyances thereof to be executed and to the record of the order of confirmation in the office of the county recorder, either by the date of such recording, or by the date, volume and page of the record, and such reference shall have the same effect as if the orders were at large inserted in the conveyance. Conveyances so made convey all the right, title, interest, and estate of the decedent, in the premises, at the time of his death; if prior to the sale, by operation of law or otherwise, the estate has acquired any right, title or interest in the premises, Confirmation of sale. Conveyance.

other than or in addition to that of the decedent at the time of his death, such right, title or interest also passes by such conveyances.

CHAPTER 497.

An act to amend section one thousand seven hundred eighty-eight of the Code of Civil Procedure, relating to the giving of a bond of guardian before selling or encumbering the estate of a person under guardianship.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

Stats 1921,
p 104,
amended.
Bond of
guardian
before sale

SECTION 1. Section 1788 of the Code of Civil Procedure is hereby amended to read as follows:

1788. Every guardian authorized to sell, or mortgage, or execute deed of trust of real estate, must, before the sale is confirmed, or the mortgage or deed of trust is executed, give bond to the ward, with sufficient surety, to be approved by the court, or a judge thereof, with condition to account for the proceeds of the sale or mortgage or deed of trust, as provided in this chapter and chapter VII of this title.

CHAPTER 498.

An act to provide for the creation of a commission on uniform state laws, the appointment of commissioners thereto, and to appropriate money for traveling expenses.

[Approved by the Governor May 14, 1927. In effect July 29, 1927]

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

Uniform
state laws
commission

SECTION 1. The governor shall appoint three commissioners, each of whom shall be a member of the bar of this state in good standing, who shall constitute and be known as the "commission on uniform state laws," and upon the death, resignation or refusal to serve of any of the commissioners so appointed the governor shall make an appointment to fill the vacancy so caused, such new appointment to be for the unexpired balance of the term of the original appointee. That each commissioner shall hold office for a term of four years and until his successor is duly appointed, but nothing herein contained shall be construed to render a commissioner who has faithfully performed his duties ineligible for reappointment. No member of said commission shall receive any compensation for his services as commissioner.

Expenses

SEC. 2. The said commission shall be allowed for traveling and other expenses and actual disbursements in effectuating

the objects of this act, a sum not exceeding five hundred dollars, in the aggregate for any one year.

SEC. 3. The commission shall meet at some place in the State of California at least once in two years, and shall organize by the election of one of their number as chairman and another as secretary, who shall hold their respective office for a term of two years, and until their successors are elected and qualified. Meetings.

SEC. 4. It shall be the duty of each of said commissioners to attend the meetings of the national conference of commissions on uniform state laws, or to arrange for the attendance of at least one of their number at such national conference. They shall do all in their power to promote uniformity in state laws upon all subjects where uniformity shall be deemed desirable and practicable, and said commission shall report to the Legislature at its next session, and from time to time thereafter as said commission shall deem desirable and practicable, an account of its transactions and its advices and recommendations for legislation. It shall be the duty of said commission to bring about, as far as practicable, the passage of the various uniform acts recommended by the national conference, and to devise and recommend such additional legislation or other or further course of action as shall be deemed necessary to accomplish the purposes of this act. Duties.

SEC. 5. The sum of one thousand dollars (\$1,000) is hereby appropriated for the expenses of said commission out of any money in the state treasury not otherwise appropriated. Appropriation.

CHAPTER 499.

An act to amend section two thousand six hundred eighty-seven of the Political Code, relating to laying out roads.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2687 of the Political Code is hereby amended to read as follows: Stats 1883,
p 14,
amended.

2687. The viewers must be paid at a rate per diem, to be fixed by the board of supervisors not to exceed six dollars per day, for their services out of the road fund of the district through which the road passes, and the surveyor shall receive a per diem, not to exceed ten dollars, for the time occupied in running out and mapping the road, and making the plat and field notes, which must be filed before he receives his compensation. Viewers and
surveyors,
how paid

CHAPTER 500.

An act to amend section seven hundred and ninety-five of the Political Code, relating to the protest of a notary as evidence.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

Code amds.
1873-74,
p. 13,
amended.
Protest
prima facie
evidence

SECTION 1. Section 795 of the Political Code is hereby amended to read as follows:

795. The protest of a notary, under his hand and official seal, of a bill of exchange, or promissory note, for nonacceptance or nonpayment, specifying:

- (1) The time and place of presentment;
- (2) The fact that presentment was made and the manner thereof;
- (3) The cause or reason for protesting the bill;
- (4) The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found; is prima facie evidence of the facts recited therein.

CHAPTER 501.

An act to appropriate five thousand six hundred eighty-two dollars and sixty cents to be used for the improvement of the street or streets on and fronting on the property of the State of California, located at the Chico State Teachers College in the city of Chico.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

Appropriation street improvement in Chico

SECTION 1. The sum of five thousand six hundred eighty-two dollars and sixty cents is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be expended for the improvement of the street or streets on and fronting on the property of the State of California, located at the Chico State Teachers College in the city of Chico.

CHAPTER 502.

An act making an appropriation to meet a deficiency in the appropriation for subsidies, of the bureau of tuberculosis of the state board of health.

[Approved by the Governor May 14, 1927. In effect immediately.]

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

Appropriation. bureau of tuberculosis.

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the

appropriation for subsidies, of the bureau of tuberculosis of the state board of health.

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of section 1 of article IV of the constitution, take effect immediately.

Urgency
measure.

CHAPTER 503.

An act making an appropriation to meet the deficiency in the appropriation for the construction and furnishing of the administration building at the Santa Barbara State Teachers College.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet the deficiency in the construction and furnishing of the administration building at the Santa Barbara State Teachers College.

Appropriation Santa
Barbara
State
Teachers
College.

CHAPTER 504.

An act to amend section four thousand two hundred fifty-two of the Political Code, relating to salaries, fees and expenses of county officers in counties of the twenty-third class.

[Approved by the Governor May 14, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4252 of the Political Code is hereby amended to read as follows:

Stats 1925,
p 70,
amended.

4252. In counties of the twenty-third class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees and expenses, to wit:

Counties of
23d class:
officers and
employees.

1. The county clerk shall receive a salary of four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby, allowed to the county clerk one deputy, who shall be appointed by the county clerk, and who shall be paid a salary of two thousand four hundred dollars per annum; and two deputies, who shall be appointed by the county clerk, and who shall each be paid a salary of one thousand five hundred dollars per annum. The salaries of said deputies shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers

Clerk.

are paid; *provided*, that the county clerk be, and he is hereby allowed the sum of ten cents for the registration of each voter, which registration is taken and made outside of the office of the county clerk; *provided, further*, that in any year that a general election, primary election, special state election, or special county election within the county is held, such number of assistants as is necessary to properly prepare for and conduct said election shall be allowed, to be paid out of the general fund of the county on the presentation and filing with the board of supervisors, of duly verified claims therefor, approved by the county clerk, said compensation not to exceed five hundred dollars for each election held. The office of the county clerk shall be kept open on each and every day, except Sundays and legal holidays, from nine o'clock a.m. to twelve o'clock m., and from one o'clock p.m. to five o'clock p.m.

Sheriff.

2. The sheriff shall receive a salary of four thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be, and there hereby is, allowed to the sheriff the following deputies, who shall be appointed by the sheriff and who shall be paid salaries as follows, to wit: one undersheriff at a salary of three thousand dollars per annum; five deputy sheriffs at a salary of two thousand four hundred dollars each per annum; one deputy sheriff at a salary of one thousand eight hundred dollars per annum; one deputy sheriff at a salary of one thousand five hundred dollars per annum, who shall be the head jailer at the county jail in said county; one deputy sheriff, who shall be assistant to the head jailer and who shall receive a salary of one thousand two hundred dollars per annum, and who shall also receive his board and lodging at the county jail at the expense of the county.

Said sheriff and his deputies shall be allowed their actual traveling expenses in the performance of their duties, but no other fees or mileage of any nature or kind shall be allowed in civil or criminal matters; except that the sheriff shall have for his use the per diems allowed by law for the transportation of prisoners and insane persons to state institutions; all fees of every nature and kind collected by the sheriff shall be turned into the county treasury. The salaries of the deputies hereinbefore provided for shall be paid in monthly installments by said county at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Recorder.

3. The county recorder shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby, allowed to the recorder one chief deputy recorder of said county who shall receive a salary of one thousand eight hundred dollars per annum; one deputy recorder, who shall receive a salary of one thousand six hundred twenty dollars per annum; and there is hereby allowed to the recorder not to exceed seven copyists who may be appointed by the recorder of said county and

who shall receive a salary of one thousand two hundred dollars each per annum; which salaries shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as other county officers are paid.

4. The county auditor shall receive a salary of one thousand eight hundred dollars per annum; and there is hereby allowed to the auditor one chief deputy auditor, who shall be appointed by the auditor and who shall be paid a salary of three thousand dollars per annum; and one deputy auditor, who shall be appointed by the auditor and who shall be paid a salary of one thousand six hundred twenty dollars per annum; which salaries shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid; *provided*, that the auditor shall be allowed not to exceed the sum of five hundred dollars per annum for additional clerical assistance when needed in computing the tax roll. Auditor.

5. The tax collector shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby, allowed to the tax collector a deputy to be appointed by the tax collector and who shall receive a salary of one thousand eight hundred dollars per annum, which salary shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid; *provided*, that the tax collector shall be allowed not to exceed twelve hundred dollars per annum for necessary clerical assistance when needed. Tax collector.

6. The assessor shall receive a salary of four thousand dollars per annum; and said assessor may appoint one chief deputy, who shall receive a salary of two thousand four hundred dollars per annum; and three deputies, who shall each receive a salary of one thousand five hundred dollars per annum; which salaries shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid; also, the assessor may appoint other field deputies, whose compensation, in the aggregate, shall not exceed six thousand dollars in any one year, payable to them in installments at such time and in such amounts as may be designated by the assessor; *provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom said compensation is paid. The office of county assessor shall be kept open on each and every day, except Sundays and legal holidays, from nine o'clock a.m. to twelve o'clock m., and from one o'clock p.m. to five o'clock p.m. Assessor.

7. The county treasurer shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby, allowed to the treasurer a deputy, to be appointed by the treasurer, who Treasurer.

shall receive a salary of two thousand four hundred dollars per annum; which salary shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as other county officers are paid.

Attorney.

8. The district attorney shall receive a salary of four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby, allowed to the district attorney one chief deputy to be appointed by the district attorney, who shall receive a salary of three thousand dollars per annum; and one deputy, to be appointed by the district attorney, who shall receive a salary of two thousand seven hundred dollars per annum; and one law clerk, which office is hereby created, to be appointed by the district attorney, and who shall receive a salary of one thousand eight hundred dollars per annum; and one stenographer, which office is hereby created, to be appointed by the district attorney, and who shall receive a salary of one thousand five hundred dollars per annum; which salaries shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Admin-
istrator.

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

Supt. of
schools

11. The superintendent of schools shall receive a salary of three thousand three hundred dollars per annum. This office shall be kept open on all business days from nine o'clock a.m. to twelve o'clock m., and from one o'clock p.m. to five o'clock p.m. The superintendent of schools shall be allowed actual traveling expenses when visiting the schools of this county and such per diem as is now or may hereafter be allowed by law. for services as a member of the county board of education; *provided*, that in counties of this class there shall be, and there is hereby, allowed to the superintendent of schools a deputy to be appointed by the superintendent of schools, who shall receive from the county a salary of two thousand one hundred dollars per annum; and there is hereby allowed to the superintendent of schools one clerk to be appointed by the superintendent of schools, who shall receive a salary of one thousand five hundred dollars per annum; which salaries shall be paid by the county in equal monthly installments and at the same time and in the same manner and out of the same fund as is the salary of the superintendent of schools.

Surveyor.

12. The county surveyor shall receive a salary of two thousand five hundred dollars per annum; *provided*, that if the county surveyor shall be appointed superintendent of the permanent highways in the county constructed under bond issue, under any statute of this state providing for the appointment of such superintendent, then and in that event such county surveyor shall receive a salary of four thousand dollars

per annum; *provided*, that in counties of this class there shall be, and there is hereby, allowed to the county surveyor the following deputies, who may be appointed by the county surveyor and who shall be paid salaries as follows: One assistant county surveyor and engineer, who shall receive a salary of three thousand dollars per annum; one deputy county surveyor, who shall receive a salary of two thousand seven hundred dollars per annum; one deputy county surveyor, who shall receive a salary of two thousand four hundred dollars per annum; one deputy county surveyor, who shall receive a salary of one thousand eight hundred dollars per annum; and one deputy county surveyor, who shall receive a salary of one thousand five hundred dollars per annum; which offices are hereby created, and the salaries of said deputies and each of them shall be paid at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

13. The county librarian, two thousand one hundred Librarian. dollars per annum.

14. In counties of this class, each member of the county board of education shall receive five dollars for each day the Board of education board of education is in session, not to exceed a total of three hundred fifty dollars per annum. In addition, each member shall receive the same mileage as is allowed the members of the board of supervisors of said county. Compensation of the members of the county board of education shall be payable out of the same fund and in the same manner as is the salary of the county superintendent of schools.

15. The justices of the peace shall receive the following Justices monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered in both civil and criminal cases: In townships where the population is ten thousand or more, one hundred seventy-five dollars per month; in townships where the population is four thousand and less than ten thousand, one hundred fifty dollars per month; in townships where the population is two thousand and less than four thousand, eighty dollars per month; in townships where the population is one thousand and less than two thousand, forty dollars per month; in townships where the population is less than one thousand, twenty dollars per month. *Provided*, that the said justices of the peace shall be furnished with offices and the necessary supplies by the board of supervisors of the said county; *provided*, *further*, that there is hereby allowed one clerk, who may be appointed by the justice of the peace of the township wherein the county seat of the county is located; and said clerk so appointed shall receive a salary of twelve hundred dollars per annum; *provided*, *further*, that each justice of the peace shall, before receiving his monthly salary, file with the auditor a statement of all funds received, together with the treasurer's receipt for same; and *provided*, *further*, that no justice of the peace shall hold the office of city recorder.

Constables.

16. Constables shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships where the population is ten thousand or more, one hundred twenty-five dollars per month; in townships where the population is four thousand and less than ten thousand, eighty dollars per month; in townships where the population is two thousand and less than four thousand, seventy dollars per month; in townships where the population is one thousand and less than two thousand, fifty dollars per month; in townships where the population is less than one thousand, twenty-five dollars per month. In addition to the monthly salary herein allowed, each constable may retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; each constable shall also be allowed all necessary expenses actually incurred by him in arresting, pursuing or conveying prisoners to court or to prison, and actual expenses incurred in serving any process in any criminal case pending in said county, which said expenses shall be audited and allowed by the board of supervisors out of the county treasury.

Population of townships

17. For the purposes of subdivisions fifteen and sixteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors of said county at their regular meeting in the month of December following the election of justices of the peace and constables in said county, by multiplying by three the number of registered voters in said township as shown by the register prepared by the county clerk of said county for the general election next preceding the date of such determination. It is hereby found as a fact, that the salaries provided for in subdivisions fifteen and sixteen do not work an increase in the compensation and the same shall apply immediately to incumbents.

Supervisors.

18. Each member of the board of supervisors shall receive one thousand two hundred dollars per annum, and his necessary expenses when attending to the business of the county, other than the meetings of the board at the county seat, and twenty cents per mile in traveling from his residence to the county seat; *provided*, that not more than one mileage for any one regular session of the board shall be allowed, and not more than one mileage for any special session of the board shall be allowed.

Salaries payable monthly.

19. The salaries of all county and township officers and their deputies shall be payable in monthly installments on the first day of each month.

Jurors.

20. For acting as a grand juror in the superior court, each juror shall be paid for each day's attendance per day, three dollars. For every mile actually traveled in attending court as a grand juror in going only, twenty-five cents per mile.

CHAPTER 505.

An act to amend section three thousand sixty-five of the Civil Code, providing for liens on logs, lumber and other timber products by persons who by their own labor, or by using their live stock, machinery or appliances, or both, assist in felling, preparing, or transporting logs or in manufacturing lumber or other timber products from such logs, providing for means by which the owner of such logs and products manufactured therefrom may protect himself by a contractor's bond against any liens in excess of the contract price agreed upon between the said owner and any contractor and making such liens prior to all other liens, claims or encumbrances, except the landowner's claim for a reasonable stumpage in cases where the landowner himself is not the direct employer or contractor, as the case may be; to add a new section to the Civil Code, to be numbered three thousand sixty-five a, providing for means of enforcing such liens; to repeal an act entitled "An act giving a lien to loggers and laborers, employed in logging camps, upon the logs cut and hauled by the persons who employ them," approved March 30, 1878, together with acts amending same approved April 12, 1880, and March 8, 1887; and to repeal all other acts and parts of acts in conflict with this act.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 3065 of the Civil Code is hereby amended to read as follows:

3065. Any person who shall, by his own labor, or by using his live stock, machinery or appliances, or both, do or perform any work or render any service in connection with felling, preparing or transporting any logs, or in manufacturing lumber or other timber products from such logs, including the production of tan bark, shall have a lien upon any and all of such logs and upon any and all of the lumber and other timber products manufactured therefrom, whether said work was done or service was rendered on the logs themselves, or any of them, or in manufacturing the lumber or other timber products from them, for the value of such labor done and for the value of the use of such live stock, machinery and appliances, or both, whether said work was done or service was rendered at the instance of the owner of such logs or timber products manufactured therefrom, or of any other person acting by his authority or under him, directly or indirectly, as contractor or otherwise; and every contractor, subcontractor or other person having charge of the felling, preparing or transporting of the said logs or of their manufacture into timber products shall be held to be the agent of the said owner for the purposes of this section.

Stats. 1905,
p. 619,
amended,
Loggers
and
lumbermen's
lien.

When lien
attaches.

The liens provided for in this section shall attach from the date of the commencement of such work or labor, or the date of the commencement of the use of such live stock, machinery or appliances, as the case may be, and shall be preferred liens, prior in dignity to all other liens, claims or encumbrances, except the landowner's claim for a reasonable stumpage in cases where the landowner himself is not the direct employer or contractor, as the case may be. They shall not be limited as to amount by any contract price agreed upon between the owner of said logs or timber products manufactured therefrom and any contractor, except as hereinafter provided, but said several liens shall not in any case exceed in amount the reasonable value of the labor done, or the reasonable value of the use of the live stock, machinery or appliances for which the lien is claimed, nor the price agreed upon for the same between the claimant and the person by whom he was employed or with whom the agreement to use live stock, machinery or appliances was made, nor in any case, where the claimant was employed by a contractor, or subcontractor, shall the lien extend to any labor or the use of any live stock, machinery or appliances not embraced within, contemplated by, covered by, or reasonably necessary to the execution of, the original contract between the contractor and the owner of such logs or timber products manufactured therefrom, or any modification thereof made by or with the consent of such owner, and of which said contract, or modification thereof, the claimant shall have had actual notice before the performance of such labor or the use of such live stock, machinery or appliances.

Limitations.

Filing of
contract and
bond.

The filing of such original contract, or modification thereof, in the office of the county recorder of the county in which the timber land on which the work is to be done is situated or in which the logs are to be manufactured into timber products, as the case may be, before the commencement of the work, shall be equivalent to the giving of such actual notice by the owner to all persons performing work or using live stock, machinery or appliances thereunder. In case said original contract shall, before the work is commenced, be so filed, together with a bond of the contractor with good and sufficient sureties in an amount not less than fifty (50) per cent of the contract price named in said contract, which bond shall in addition to any conditions for the performance of the contract, be also conditioned for the payment in full of the claims of all persons performing labor, or using live stock, machinery or appliances, in the execution of such contract and shall also by its terms be made to inure to the benefit of any and all persons who perform labor or use live stock, machinery or appliances in the execution of the work to be done under the contract so as to give such persons, and their assigns or successors in interest, a right of action to recover upon said bond in any suit brought to enforce the liens provided for in this section, or in a separate suit

brought on said bond, then the court must, where it would be equitable so to do, restrict the recovery under such liens to an aggregate amount equal to the amount found to be due from the owner of the said logs or timber products manufactured therefrom to the contractor, and render judgment against the contractor and his sureties on said bond for any deficiency or difference there may remain between said amount so found to be due to the claimants for such labor and for the use of such live stock, machinery and appliances. It is the intent and purpose of this section to limit the owner's liability, in all cases, to the measure of the contract price where he shall have filed or cause to be filed, in good faith, with his original contract a valid bond with good and sufficient sureties in the amount and upon the conditions herein provided. It shall be lawful for the owner of such logs and timber products to protect himself against any failure of the contractor to perform his contract and make full payment for all work done thereunder by exacting such bond or other security as he may deem satisfactory.

Limit on
owner's
liability.

SEC. 2. A new section is hereby added to the Civil Code, to be numbered 3065a and to read as follows:

New section.

3065a. The lien created by the last preceding section shall continue in force for a period of thirty days from the time the person claiming such lien shall have ceased to do or perform the work or render the service for which said lien is claimed, while such logs, lumber or other manufactured timber products are in the county in which such labor was performed or service rendered, and said lien shall cease at the expiration of the said thirty days unless the claimant thereof, or his assignee or successor in interest, brings suit to foreclose the same, in which case the lien continues in force until the said lien foreclosure suit is finally determined and closed, and in case such proceeding be not prosecuted to trial within two years after the commencement thereof, the court may in its discretion dismiss the same for want of prosecution. If any part of the property on which the lien existed is removed from the said county, the lien continues on the balance remaining in the county to the full extent of the claim.

Time of
continuance
of lien.

The plaintiff in any such lien foreclosure suit, at the time of issuing the summons or at any time afterwards, may have the logs, lumber and other manufactured timber products upon which such lien subsists attached, as provided in this code and the Code of Civil Procedure, upon delivering to the clerk an affidavit, by or on behalf of the plaintiff, showing that: (1) the plaintiff, or his assignor or predecessor in interest, performed labor or used his live stock, machinery or appliances or both in felling, preparing or transporting the said logs or in manufacturing the said lumber or other timber products or both; (2) that such labor or use of live stock, machinery or appliances has not been paid for; (3) that the sum for which the attachment is asked does not exceed the reasonable value of the services rendered or the reasonable value of the use of the

Attachment
of property.

live stock, machinery or appliances, as the case may be; and (4) that the attachment is not sought and the action is not brought to hinder, delay or defraud any creditor or creditors of any defendant.

Joinder of claimants.

Any number of persons claiming liens under this and the next preceding section may join in the same action and when separate actions are commenced, the court may consolidate them. Whenever upon the sale of the property subject to the liens provided for in this and the next preceding section, under the judgment or decree of foreclosure of such lien or liens, there is a deficiency of proceeds, the proceeds shall be divided pro rata among the lien claimants whose liens are established, regardless of the order in which the liens were created or the order in which the suits to foreclose same were commenced, and judgment for the deficiency may be docketed against the party personally liable therefor and his sureties, in like manner and with like effect as in actions for the foreclosure of mortgages.

Action to recover debt

Nothing contained in this or the next preceding section shall be construed to impair or affect the right of any person to whom any debt may be due for work done, or for the use of live stock, machinery or appliances, to maintain a personal action to recover said debt against the person liable therefor, or his sureties, either in connection with the lien suit or in a separate action, and the person bringing such personal action may take out a separate attachment therefor, notwithstanding his lien, and in his affidavit to procure an attachment need not state that his demand is not secured by a lien, and the judgment, if any, obtained by the plaintiff in such personal action shall not be construed to impair or merge any lien held by said plaintiff under this or the next preceding section; *provided, only*, that any money collected on said judgment shall be credited on the amount of such lien in any action brought to enforce the same, in accordance with the provisions of this section.

Repealed

SEC. 3. An act entitled "An act giving a lien to loggers and laborers, employed in logging camps, upon the logs cut and hauled by the persons who employ them," approved March 30, 1878, together with acts amending same approved April 12, 1880, and March 8, 1887, and all other acts and parts of acts in conflict with this act are hereby expressly repealed.

CHAPTER 506.

An act to amend section six hundred twenty-seven b of the Penal Code, relating to the shipment of fish and game.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 627b of the Penal Code is hereby amended to read as follows: Stats 1917, p. 651, amended.

Sec. 627b. Every common carrier, its officers, agents or servants, who receives for shipment or transportation, or who ships or transports, for any one person during any one calendar day; or any person who ships or offers for shipment or transportation during any one calendar day, more than the bag limit of wild birds or wild animals or fish allowed to be taken, caught, killed or possessed during any one calendar day, is guilty of a misdemeanor. Shipment of more than bag limit.

Every common carrier, its officers, agents or servants, who receives for shipment or transportation, or who ships or transports for any one person, between sunrise of one Sunday and sunrise of the following Sunday; or any person who ships or offers for shipment or transportation between sunrise of one Sunday and sunrise of the following Sunday, more than the bag limit of wild birds or wild animals or fish allowed to be taken, caught, killed or possessed between sunrise of one Sunday and sunrise of the following Sunday, is guilty of a misdemeanor. Shipments during week

Every common carrier, its officers, agents or servants, who receives for shipment or transportation, or who ships or transports for any one person during any one season; or any person who ships or offers for shipment or transportation during any one season, more than the seasonal bag limit of wild birds or wild animals or fish allowed to be taken, caught, killed or possessed during any one season, is guilty of a misdemeanor. Shipments during season.

Every common carrier, its officers, agents or servants, who receives for shipment or transportation, or who ships or transports, or any person who ships or offers for shipment or transportation any wild birds or wild animals or fish, unless the same are at all times in open view, labeled with the name and residence of the shipper and the name and residence of the actual consignee and the exact contents as to kind and species of wild birds or wild animals or fish contained in the package offered for shipment or transportation; or any person who ships by parcel post any of the wild birds or wild animals or fish, excepting smoked, cured or dried fish, other than trout, and otherwise lawfully in possession, shall be guilty of a misdemeanor. Shipments improperly prepared.

CHAPTER 507.

An act to amend section five hundred forty-two of the Code of Civil Procedure, relating to attachment of real and personal property.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats 1923,
p 239,
amended
Attachment
of real and
personal
property.

SECTION 1. Section 542 of the Code of Civil Procedure is hereby amended to read as follows:

542. The sheriff to whom the writ is directed and delivered, must, upon receipt of instructions in writing, signed by the judgment creditor, or his attorney of record, and containing a description of the property and in the case of real property, a statement as to whether or not it is registered under the land title law, an initiative act adopted by election November 3, 1914, execute the same without delay, and if the undertaking mentioned in section 540 of this code be not given, as follows:

Real property
in name of
defendant.

1. Real property, standing upon the records of the county in the name of the defendant, must be attached, by filing with the recorder of the county a copy of the writ, together with a description of the property attached, and a notice that it is attached, and by leaving a similar copy of the writ, description and notice with an occupant of the property, if there is one; if not, then by posting the same in a conspicuous place on the property attached.

In name of
another
person.

2. Real property, or an interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached by filing with the recorder of the county a copy of the writ, together with a description of the property, and a notice that such real property, and any interest of the defendant therein, held by or standing in the name of such other person (naming him), are attached; and by leaving with the occupant, if any, and with such other person, or his agent, if known and within the county, or at the residence of either, if within the county, a copy of the writ with a similar description and notice. If there is no occupant of the property, a copy of the writ, together with such description and notice, must be posted in a conspicuous place upon the property. The recorder must index such attachment when filed, in the names, both of the defendant and of the person by whom the property is held or in whose name it stands on the records.

Personal
property.

3. Personal property, capable of manual delivery, must be attached by taking it into custody.

Corporate
stock.

4. Stocks or shares, or interest in stocks or shares, of any corporation or company, must be attached by leaving with the president, or other head of the same, or the secretary, cashier,

or other managing agent thereof, a copy of the writ, and a notice stating that the stock or interest of the defendant is attached, in pursuance of such writ.

5. In cases where the sheriff is instructed to take into possession personal property capable of manual delivery, whether the same is to be placed in a warehouse or in custody of a keeper, the sheriff may require, as a prerequisite to the taking of such property, that in addition to written instructions the attaching party or judgment creditor, or the attorney of record of each, deposit with said sheriff a sum of money sufficient to pay the expense of taking and keeping safely said property for a period of not to exceed five days, and that in the event that a further detention of said property is ordered after the period for which the fees have been deposited, the sheriff may, from time to time make a written demand upon the plaintiff or his attorney for further deposits to cover estimated expenses for periods not to exceed five days each. The demand above provided to be given to his attorney may be given by serving the same as provided in section 1011 of this code, or by depositing such notice in the post office in a sealed envelope, as first class registered mail, postage prepaid, addressed to the person on whom it is served at his last known office or place of residence. In the event that the money so demanded is not paid within five (5) days after service of said demand given as herein provided, the sheriff may release the property to the person or persons from whom the same was taken. There shall be no liability upon the part of the sheriff to take or hold personal property unless the provisions of this section shall have been fully complied with.

Expense of
taking and
keeping

6. Debts and credits and other personal property, not capable of manual delivery, must be attached by leaving with the person owing such debts, or having in his possession, or under his control, such credits and other personal property, or with his agent, or in the case of a corporation, with the president of the corporation, vice president, secretary, assistant secretary, cashier or managing agent thereof, a copy of the writ, and a notice that the debts owing by him to the defendant, or the credits and other personal property in his possession, or under his control, belonging to the defendant, are attached in pursuance of such writ, except in the case of attachment of growing crops, a copy of the writ, together with a description of the property attached, and a notice that it is attached shall be recorded or registered the same as in the attachment of real property; *provided, however*, that debts owing to the defendant by a banking corporation or association maintaining branch offices, or credits or other personal property whether or not the same is capable of manual delivery, belonging to the defendant and in the possession of or under the control of such banking corporation or association, must be attached by leaving a copy of the writ and the notice with the manager or any other officer of such banking corporation or association, at the office or branch thereof at which the

Debts and
credits.

account evidencing such indebtedness of the defendant is carried, or at which such banking corporation or association has credits or other personal property belonging to the defendant in its possession or under its control; and no attachment shall be effective as to any debt owing by such banking corporation or association if the account evidencing such indebtedness is carried at an office or branch thereof not so served, or as to any credits or other personal property in its possession or under its control at any office or branch thereof not so served.

Torrens
title regis-
tration.

7. If real property sought to be attached is registered under said land title law, an additional copy of the writ, together with a description of the Torrens title certificate, a description of the property and a notice that it is attached shall be filed with the registrar of titles of the county.

CHAPTER 508.

An act to amend section three of an act entitled "An act to create a police relief, health and life insurance, and pension fund in the several counties, cities and counties, cities and towns of the state," approved March 4, 1889, as amended.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats. 1919,
p 101,
amended.

SECTION 1. Section 3 of an act entitled "An act to create a police relief, health and life insurance, and pension fund in the several counties, cities and counties, cities and towns of the state," approved March 4, 1889, as amended, is hereby amended to read as follows:

Pensions,
to whom and
amounts.

Sec. 3. Whenever any person at the taking effect of this act, or thereafter, shall have been duly appointed or selected, and sworn, and have served for twenty years, or more, in the aggregate, as a member, in any capacity or any rank whatever, of the regularly constituted police department of any such county, city and county, city, or town which may hereafter be subject to the provisions of this act, said board shall upon the application of such person, order and direct that such person, after becoming sixty years of age, be retired from further service in such police department, and from the date of the making of such order the service of such person in such police department shall cease, and such person so retired shall thereafter, during his lifetime, be paid from such fund a yearly pension equal to one-half of the amount of salary attached to the rank which he may have held in said police department for the period of one year next preceding the date of such retirement; *provided*, that any person who comes within the purview of this section, who has otherwise complied with its provisions and who has served for thirty years or more as herein provided shall upon his application be

retired from further service upon a yearly pension equal to two-thirds of the amount of such yearly salary; *provided, further*, that any person, after becoming fifty-five years of age, who comes within the purview of this section, and who has otherwise complied with its provisions and who has served for twenty-five consecutive years, or more, as herein provided, shall upon his application be retired from further service upon a yearly pension equal to one-half of the amount of such yearly salary.

CHAPTER 509.

An act to amend section one thousand eight hundred fifty-nine of the Political Code, relating to the length of the school term.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1859 of the Political Code is hereby amended to read as follows:

1859. No school district, except one newly formed, is entitled to receive any apportionment of state or county school moneys which has not maintained a public school for at least one hundred seventy days of actual teaching during the next preceding school year. A district which is prevented by fire, flood, or prevailing epidemic or other extraordinary conditions from maintaining a school for the length of time designated in this section, or a district that has not been able to secure or hold a teacher, or a district in which the illness of the teacher has prevented the holding of the required number of days of school, which fact must be shown to the satisfaction of the superintendent of public instruction by the affidavits of the members of the board of school trustees and the county superintendent of schools, is nevertheless entitled to its apportionment of state and county school moneys. A school district is a newly formed district up to the close of the school year in which the district is formed.

Stats 1921,
p. 741,
amended
Length of
term.

CHAPTER 510.

An act to amend sections two thousand three hundred thirty-seven, two thousand three hundred thirty-eight, two thousand three hundred forty-one, two thousand three hundred forty-four and two thousand three hundred forty-six of the Political Code, relating to the powers and duties of the state department of public welfare.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats 1925,
p. 23,
amended.
Licenses
required

SECTION 1. Section 2337 of the Political Code is hereby amended to read as follows:

2337. No person, association, or corporation shall without first having obtained a license or permit therefor, in writing, from the state department of public welfare, or from an inspection service approved or accredited by such state department of public welfare:

1. Maintain or conduct any institution, boarding home or other place for the reception or care of aged persons nor receive nor care for any such person;

2. Maintain or conduct any institution, boarding home, day nursery, or other place for the reception or care of children under sixteen years of age, nor engage in the business of receiving or caring for such children, nor receive or care for any such child in the absence of its parents or guardian, either with or without compensation;

3. Engage in the finding of homes for children under sixteen years of age or place any such child in any home or other place, either for temporary or permanent care or for adoption.

Stats. 1925,
p. 23,
amended
Authority of
department.

SEC. 2. Section 2338 of the Political Code is hereby amended to read as follows:

2338. The state department of public welfare shall make such rules and regulations as it shall deem best for the government of any institution or for the performance of any service specified in section 2337 of the Political Code and the department may by a member, secretary, or duly authorized representative inspect and examine any such institution, home or place or the performance of any such service.

Delegation of
authority.

The state department of public welfare may delegate such of its authority as it may deem best to an approved and accredited inspection service which must be either the health department of counties or of other political subdivisions which maintain at least one regularly licensed physician or must be a qualified social service department, either of which has been approved in writing by the state department of public welfare.

Stats 1925,
p. 24,
amended.
Transfer of
license or
change of
location.

SEC. 3. Section 2341 of the Political Code is hereby amended to read as follows:

2341. No license may be transferred and the location of any institution, boarding home or other place specified in section 2337 of the Political Code nor the place of performance of any

service specified therein be changed without the written consent of the state department of public welfare, or an approved or accredited inspection service.

SEC. 4. Section 2344 of the Political Code is hereby amended to read as follows: Stats 1925,
p. 24,
amended.

2344. Any person, association or corporation who or which maintains or conducts or assists in maintaining or conducting as manager or officer or in any other administrative capacity any institution, boarding home or other place or performance of any service specified in section 2337 of the Political Code without first having secured a license or permit therefor, in writing, or who or which refuses to permit or interferes with such inspection as is authorized in section 2338 of the Political Code is guilty of a misdemeanor. Operating
without
license and
hindering
inspection

SEC. 5. Section 2346 of the Political Code is hereby amended to read as follows: Stats 1925,
p. 25,
amended.

2346. When a child has been relinquished by its parents or guardians for the purpose of adoption, the notary or officer before whom the relinquishment was signed must immediately file a copy of the relinquishment with the state department of public welfare whereupon the department shall have full authority to investigate all such cases. Adoption
relinquish-
ments

CHAPTER 511.

An act to amend section one thousand five hundred twenty-six of the Code of Civil Procedure, relating to the sale and conveyance of property of decedents.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1526 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1921,
p. 209,
amended.

1526. The sale of personal property may be made at public auction or private sale, for cash, or upon a credit as hereinafter provided, and after public notice given for at least ten days by notices posted in three public places in the county, or by publication in a newspaper in the county, or both, as the executor or administrator may determine, containing the time and place of sale, and a brief description of the property to be sold; *provided, however*, that if the property to be sold is perishable property, said notice of the time and place of said sale will be sufficient if given for at least one day by posting a notice thereof in three public places in the county. Public sales must be made at the courthouse door, or at some other public place, or at the residence of the decedent; but no sale shall be made of any personal property which is not present at the time of sale, unless the court shall otherwise order. If said sale is made upon a credit, then not less Public
auction or
private sale.

than twenty-five per cent of the purchase price shall be paid in cash at the time of sale, and the executor or administrator shall take the note of the purchaser for the balance of the purchase money, with a pledge or chattel mortgage of the personal property sold, to secure the payment of said balance, the terms of said note and pledge or chattel mortgage to be approved by the court at the time of confirmation of sale.

CHAPTER 512.

An act to amend section five hundred forty-eight of the Code of Civil Procedure, relating to property under attachments.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Code amdts.
1880, p 4,
amended
Sale as
under
execution
when
advisable

SECTION 1. Section 548 of the Code of Civil Procedure is hereby amended to read as follows:

548. Whenever property has been taken by an officer under a writ of attachment and it is made to appear satisfactorily to the court or a judge thereof that the interest of the parties to the action will be subserved by a sale thereof, the court or judge may order such property to be sold in the same manner as property is sold under an execution, and the proceeds to be deposited in the court to abide the judgment in the action. Such order can be made only (1) after notice to the adverse party or his attorney in case such party has been personally served with a summons in the action or. (2) after an order of service of summons by publication has been made.

CHAPTER 513.

An act to amend section one hundred twenty-two of the "bank act," approved March 1, 1909, as amended, relating to the location of the principal office of the state banking department.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats 1909,
p 110,
amended.

SECTION 1. Section 122 of the "bank act," approved March 1, 1909, as amended, is hereby amended to read as follows:

Offices of
superin-
tendent.

Sec. 122. The superintendent of banks shall have his principal office in the city of San Francisco, and may also have suitable rooms in the city of Sacramento and in the city of Los Angeles wherein to conduct the business of the state banking department. The superintendent shall from time to time obtain

the necessary furniture, stationery, fuel, lights and other proper conveniences for the transaction of such business; the expenses of which shall be paid out of the state treasury on the certificate of the superintendent and the warrant of the controller.

CHAPTER 514.

An act to amend section five hundred ninety-two of the Political Code, relating to the place of the office of the insurance commissioner.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 592 of the Political Code is hereby amended to read as follows: Stats. 1907,
p. 141,
amended.
Offices

592 The insurance commissioner must keep his office in the city of San Francisco and shall also keep an office in the city of Sacramento.

CHAPTER 515.

An act to amend section three hundred forty-nine of the Political Code, relating to the location of the offices of the departments and the residence of the heads thereof.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 349 of the Political Code is hereby amended to read as follows: Stats 1921,
p 1022,
amended
Heads of de-
partments.

349. Each department, when created, shall be conducted under the control of an officer or body as head thereof. Unless otherwise expressly provided in the constitution or in any act creating a new department, or amendatory thereof, the officer or body at the head of each department, and all members of boards created by law thereunder, shall be appointed by the governor, to hold office at his pleasure. Each department shall maintain an office and the director of each department who is a member of the governor's council shall reside at Sacramento. Each department shall adopt and keep an official seal. Office and
residence

CHAPTER 516.

An act to add a new section to the Political Code, to be numbered three hundred sixty-three i, providing for the supervision of ports by the department of public works.

[Approved by the Governor May 16, 1927. In effect July 29, 1927]

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

New section.

SECTION 1. A new section is hereby added to the Political Code, to be numbered 363*i* and to read as follows:

Supervision
of ports.

363*i*. The department of public works is hereby vested with the powers, duties, responsibilities and jurisdiction heretofore vested in the board of harbor commissioners for the port of Eureka, the board of harbor commissioners for the port of San Diego and the board of harbor commissioners for the port of San Jose. Each such port shall be in charge of a surveyor of the port, which position is hereby created.

The surveyor of the port of Eureka, the surveyor of the port of San Diego and the surveyor of the port of San Jose respectively shall be appointed by and hold office at the pleasure of the director of public works, subject to the approval of the governor, and shall respectively receive such compensation as may be fixed by the director of public works, subject to the approval of the state board of control.

The board of harbor commissioners for the port of Eureka, the board of harbor commissioners for the port of San Diego, the board of harbor commissioners for the board of San Jose, and the positions of all the members, officers, deputies and employees thereof and each of them are hereby abolished; *provided, however,* that the powers, duties, responsibilities and jurisdiction of each of them are hereby expressly continued in force, and transferred to and vested in the department of public works, to be exercised through the respective surveyor of each such port, with the same force and effect as if the name of said department had been set forth at length in the laws in which said powers, duties, responsibilities and jurisdiction are set forth.

 CHAPTER 517.

An act providing for the expenditure of money, appropriated by the Legislature of the State of California, for the rectification of the channel of the San Joaquin river in cooperation with the government of the United States in accordance with an act of congress entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes" approved by the president on January 21, 1927; authorizing the board of control to acquire rights of way therefor and

authorizing the governor on behalf of the State of California to convey said rights of way to the United States of America.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Any moneys appropriated by the Legislature of the State of California for rectification of the channel of the San Joaquin river in cooperation with the government of the United States, shall be expended in doing all those things or acts which may be necessary for the purpose of rectifying the channel of said San Joaquin river, in cooperation with the government of the United States, and under and by its direction, pursuant to the provisions of an act of congress, providing for works of improvement on the San Joaquin river in accordance with the report submitted in House Document numbered 554, sixty-eighth congress, second session, entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes" approved by the President of the United States on January 21, 1927. San Joaquin
river
channel.

SEC. 2. The board of control is hereby authorized, among other things, to obtain, either by purchase or condemnation suits, on behalf of the State of California, the rights of way required to rectify the channel of the San Joaquin river, in accordance with the provisions of an act of congress, entitled "An act authorizing the construction, repair and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President on January 21, 1927. Rights of
way.

SEC. 3. For the purpose of enabling the government of the United States of America to promptly and expeditiously rectify the channel of the San Joaquin river, in accordance with an act of congress entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved by the President on January 21, 1927, the governor of the State of California is hereby authorized and directed, on behalf of the State of California, to furnish, grant, convey, release and relinquish or to cause to be furnished, granted, conveyed, released, and relinquished to the United States of America, in fee, or by way of easement, as may be required by the United States, for the purposes herein designated, all rights of way which may hereafter be acquired by the State of California, for the purpose of rectifying the channel of the San Joaquin river. Relinquish-
ment
to U. S.

SEC. 4. The controller of the State of California is hereby authorized to draw his warrant in favor of the board of control of the State of California for such sum or sums as may be appropriated for the purpose aforesaid, the same, Warrants.

or such part thereof as shall be necessary, to be used for the purposes herein designated, and the treasurer is hereby directed to pay the same.

CHAPTER 518.

An act to amend section four thousand two hundred eighty-six of the Political Code, relating to counties of the fifty-seventh class, and salaries of officers thereof.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats 1925,
p 116,
amended
Counties of
57th class
officers and
employees.

SECTION 1. Section 4286 of the Political Code is hereby amended to read as follows:

4286. In counties of the fifty-seventh class the county and township officers shall respectively receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries and compensation, to wit:

Clerk

1. The county clerk, one thousand two hundred dollars per annum.

Sheriff.

2. The sheriff, two thousand six hundred dollars per annum.

Recorder.

3. The recorder, nine hundred dollars per annum. In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services fifty per cent of the amount collected in said office during his period of service for filing and recording mining locations and affidavits of assessment work.

Auditor.

4. The auditor, five hundred dollars per annum.

Treasurer.

5. The treasurer, one thousand five hundred dollars per annum.

Collector

6. The tax collector, five hundred dollars per annum.

Assessor.

7. The assessor, one thousand five hundred dollars per annum.

Attorney

8. The district attorney, two thousand dollars per annum.

Coroner

9. The coroner, such fees as are or may hereafter be allowed by law.

Adminis-
trator

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

Supt of
schools

11. The superintendent of schools, six hundred dollars per annum.

Surveyor.

12. The surveyor, four hundred dollars per annum.

Classification
of townships

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population, as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by the supervisors by multiplying the said total number of registered voters by three; townships having a population

of not more than one hundred shall belong to and be known as townships of the first class; townships having a population of not more than three hundred and not less than one hundred one shall belong to and be known as townships of the second class; townships having a population of not more than seven hundred fifty and not less than three hundred one shall belong to and be known as townships of the third class; townships having a population of not more than one thousand five hundred and not less than seven hundred fifty-one shall belong to and be known as townships of the fourth class; townships having a population in excess of one thousand five hundred shall belong to and be known as townships of the fifth class; *provided*, that the board of supervisors may, prior to any general election, consolidate two or more such townships into one.

14. Justices of the peace and constables each of townships of the first class shall receive an annual salary of one hundred dollars, to be paid in monthly installments as county officers are paid; justices of the peace and constables of townships of the second class shall each receive an annual salary of one hundred fifty dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the third class shall each receive an annual salary of two hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fourth class shall each receive an annual salary of three hundred dollars to be paid in monthly installments as county officers are paid; justices of the peace and constables in townships of the fifth class shall each receive an annual salary of four hundred dollars to be paid in monthly installments as county officers are paid. The salaries so received by justices of the peace and constables aforesaid shall be in full compensation for all services rendered by them. These salaries shall also apply to incumbents.

Justices and
constables.

15. Each member of the board of supervisors, sixty dollars per month, and thirty cents per mile one way to board meetings.

Supervisors

16. Jurors' fees in criminal cases shall be as follows: For attending as a grand juror or trial juror in the superior court, in criminal cases only, for each day's attendance, per day, five dollars; for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, thirty cents, and the county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror, and the auditor shall draw his warrant therefor and the treasurer shall pay the same.

Jurors.

CHAPTER 519.

An act to amend section four thousand two hundred eighty-one of the Political Code, relating to salaries, fees and expenses of officers in counties of the fifty-second class.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p 395,
amended
Counties of
52d class
officers and
employees.

SECTION 1. Section 4281 of the Political Code is hereby amended to read as follows:

4281. In counties of the fifty-second class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Clerk.

The county clerk, one thousand eight hundred dollars per annum; *provided*, that in counties of this class the county clerk shall be allowed a copyist, who shall be appointed by the county clerk and paid the salary of seventy-five dollars per month; said salary to be paid at the same time, in the same manner and out of the same fund as the salary of the county clerk; *and provided, further*, that in counties of this class, during the years when the compilation of a great register is required by law, the county clerks of the county shall be allowed the sum of ten cents per name for each affidavit legally taken for registration; said sum to be allowed and paid to said county clerks by the board of supervisors as other county charges are allowed and paid.

Sheriff

The sheriff shall receive two thousand five hundred dollars per annum, and in counties of this class, there is hereby allowed to the sheriff, one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month, which shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Recorder

The recorder, one thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist who shall be appointed by the recorder, and paid the salary of seventy-five dollars per month; said salary to be paid by the said county in monthly installments, at the time and in the same manner and out of the same fund as the salary of the recorder is paid.

Auditor

The auditor, eight hundred dollars per annum.

Treasurer

The treasurer, one thousand five hundred dollars per annum.

Tax
collector

The tax collector, one thousand two hundred dollars per annum, and ten per cent on all licenses collected by him as license collector; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector an assistant for the months of April, October and November, who shall be appointed by the tax collector and paid the salary of seventy-five dollars per month for said above-named months, said sal-

ary to be paid by the said county in monthly installments, at the time and in the same manner and out of the same fund as the salary of the tax collector is paid.

The assessor, one thousand five hundred dollars per annum; Assessor
provided, that in counties of this class there shall be and is hereby allowed to the assessor two deputies, to be appointed by him, who shall receive the salary of one hundred twenty-five dollars per month each, from the first day of March to July first of each year, said salaries to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid.

The district attorney, one thousand eight hundred dollars Attorney.
per annum.

The coroner, such fees as are now or may hereafter be Coroner.
allowed by law.

The public administrator, such fees as are now or may Adminis-
trator.
hereafter be allowed by law.

The superintendent of schools, one thousand five hundred Supt. of
schools.
dollars per annum and actual traveling expenses when visiting the schools of his county, and the sum of five dollars per day for each day's services on the board of education; said sum, together with the traveling expenses, to be allowed and paid the same as other county charges are allowed and paid; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools one deputy to be appointed by him for two months in each year at a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

During the period beginning with the date upon which this Surveyor.
act takes effect and ending upon the thirty-first day of December, 1927, the county surveyor shall receive twelve dollars per diem for office work and twenty dollars per diem for field work when engaged in county work; *provided, however*, that on and after the first day of January, 1928, he shall receive six dollars per day for office and ten dollars per day for field work; *provided, however*, that he shall be given all work for the county in which the county employs one surveyor or civil engineer. He shall also receive all actual expenses when at work in the field.

Justices of the peace in counties of this class shall receive Justices
the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them; in townships having a population of more than one thousand, fifty dollars per month; in townships having a population of more than five hundred and less than one thousand, twenty-five dollars per month; in townships having a population of less than five hundred, ten dollars per month. The board of supervisors of such counties shall

furnish and supply to the justices of the peace of the various townships in such counties the codes of the state and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business.

Constables

Constables shall receive the following salaries, to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of five hundred or more, twenty dollars per month; (2) in townships having a population of less than five hundred, ten dollars per month; *provided further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For summoning a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fee allowed by law. For transporting prisoners to the county jail, the actual expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law. It is hereby declared that the salaries provided for in this subdivision do not constitute an increase and shall apply to present incumbents.

Supervisors.

Each member of the board of supervisors to receive a flat rate of eight hundred dollars per annum, in full for all services.

Reporter

In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said courts, and for preliminary examinations in justices' courts, and at coroners' inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

For attending as a grand juror or as a trial juror in the ^{Jurors.} superior court, in criminal cases, four dollars per day for each day's attendance. For each mile actually traveled in attending upon the superior court, in going only, per mile, twenty-five cents; *provided*, that in counties of this class the grand jurors and trial jurors in criminal cases shall be paid warrants drawn by the county auditor, issued upon the order of the court, or judge thereof.

The county librarian shall receive one thousand dollars per ^{Librarian.} annum.

CHAPTER 520.

An act appropriating money to pay the claim of Alex Fagerstrom against the State of California.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. The sum of two hundred sixty dollars and thirty-seven cents is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Alex Fagerstrom against the State of California. <sup>Appropriation:
Alex Fagerstrom</sup>

CHAPTER 521.

An act to amend section four thousand two hundred sixty-three of the Political Code, relating to the salaries, fees, and expenses of the county officers of counties of the thirty-fourth class.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4263 of the Political Code is hereby amended to read as follows: <sup>Stats. 1923,
p. 922,
amended.</sup>

4263. In counties of the thirty-fourth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit: <sup>Countries of
34th class
officers and
employees.</sup>

1. The county clerk, three thousand six hundred dollars per ^{Clerk.} annum, and when a new great register of voters is required by law to be made, he shall receive his actual expense in making said register and the index thereto, and ten cents per name for every name registered. In counties of this class the county clerk may appoint one deputy county clerk at a salary of one thousand eight hundred dollars per annum and one typist at a salary of nine hundred dollars per annum, which offices are hereby created and said salaries fixed, to be paid out of the county treasury at the same time, in the same manner

and out of the same fund as salaries of county officers are paid. It is hereby found as a fact that the salary provided for in this subsection does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent.

Sheriff.

2. The sheriff, four thousand five hundred dollars per annum. In addition to the fees and expenses allowed by law as set forth in section 4300*b* of the Political Code, the sheriff shall be allowed his actual and necessary traveling expenses incurred in pursuing criminals and his actual and necessary traveling expenses incurred in the investigation of crimes committed in his jurisdiction. In counties of this class the sheriff may appoint one deputy sheriff at a salary of one thousand five hundred dollars per annum, which office is hereby created and salary fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as salaries of county officers are paid.

Recorder

3. The recorder, three thousand four hundred dollars per annum.

Auditor

4. The auditor, two thousand dollars per annum, and in lieu of fees heretofore paid him under the provisions of section 4099*a* of the Political Code he shall receive an additional sum of five hundred dollars per annum as compensation for the extra duties imposed by said section 4099*a*. In counties of this class the auditor may appoint one deputy auditor at a salary of one thousand two hundred dollars per annum, which office is hereby created and salary fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as salaries of county officers are paid.

Treasurer

5. The treasurer, two thousand dollars per annum. In counties of this class the treasurer may appoint one deputy treasurer at a salary of one thousand dollars per annum, which office is hereby created and salary fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as salaries of county officers are paid.

Tax collector.

6. The tax collector, one thousand eight hundred dollars per annum. In counties of this class, the tax collector shall be allowed to employ clerical assistance when needed, at not to exceed six hundred dollars in any one year.

Assessor

7. The assessor, three thousand five hundred dollars per annum, and his actual and necessary traveling expenses when engaged in assessing the property of his county: *provided*, such traveling expenses shall not in any one year, exceed the sum of three hundred dollars.

Attorney.

8. The district attorney, three thousand six hundred dollars per annum; *provided, however*, that in counties of this class there shall be and there is hereby allowed to the district attorney one clerk which office is hereby created. Said clerk shall receive a salary of one thousand dollars per annum which shall be paid at the same time, in the same manner and out of the same funds as the salary of the district attorney is paid.

9. The coroner, such fees as are now or may be hereafter ^{Coroner} allowed by law.

10. The public administrator, such fees as are now or may <sup>Admin-
istrator</sup> be hereafter allowed by law.

11. The superintendent of schools, one thousand eight hun- <sup>Supt of
schools.</sup> dred dollars per annum, and actual traveling expenses when visiting the schools of this county. In counties of this class the secretary of the county board of education shall receive the sum of five hundred dollars per annum, said salary to be paid by said county in monthly installments at the same time, and in the same manner and out of the same fund as the salary of the superintendent of schools. The compensation of the secretary of the county board of education of this county hereby provided is in lieu of the fees heretofore allowed under the provisions of section 1770 of this code. It is hereby found as a fact that the salary provided for in this section does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbent. In counties of this class the superintendent of schools may appoint one deputy superintendent of schools, at a salary of one thousand two hundred dollars per annum, which office is hereby created and salary fixed, to be paid out of the county treasury at the same time, in the same manner and out of the same fund as the salary of the superintendent of schools.

12. The county surveyor, one thousand five hundred dollars ^{Surveyor.} per annum, he to furnish all necessary instruments; but transportation charges for field work shall be allowed him. He shall not be required to perform county work more than two-thirds of the working days in any month, except on payment of fees now allowed by law.

13. Justices of the peace, the following salaries to be paid ^{Justices.} each month as county officers are paid, which shall be in full for all services rendered by them as such justices of the peace: In townships having a population of five thousand and more, one hundred dollars; in townships having a population of two thousand five hundred and less than five thousand, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand five hundred, forty dollars; in townships having a population of one thousand and less than one thousand five hundred, twenty-five dollars; in townships having a population of less than one thousand, ten dollars. Each justice must pay into the county treasury, once a month, all fees and all fines collected by him. In all townships having a population of less than five thousand, if there be more than one justice, the compensation or salary allowed herein shall be equally divided between them so that the sum total of their compensation shall not exceed the salary allowed herein for a single justice in such township.

14. Constables, the following salaries, which shall be paid ^{Constables.} monthly as salaries of county officers are paid, and shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of two thousand

five hundred or more, seventy dollars; in townships having a population of one thousand five hundred and less than two thousand five hundred, forty-five dollars; in townships having a population of one thousand and less than fifteen hundred, thirty dollars; in townships having a population of less than one thousand, fifteen dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all the services performed by him in civil actions. In all townships having a population of less than two thousand five hundred, if there be more than one constable, the compensation herein allowed shall be equally divided between them, so that the sum total of their monthly compensation shall not exceed the salary allowed herein for a single constable in each township. The board of supervisors shall, during each and every year, ascertain and determine the population of the several townships of the county for the purpose of ascertaining the compensation of township officers regulated by this section, in proportion to their duties.

In addition to the fees and expenses allowed by law as set forth in section 4300*d* of the Political Code, constables shall be allowed the necessary and actual traveling expenses incurred by them in the investigation of a felony committed within the township of which they are officers, and the necessary and actual traveling expenses incurred by them in pursuing criminals charged with the commission of a felony.

Supervisors. 15. Each supervisor, one thousand two hundred dollars per annum, for all services performed by him as supervisor, member of the board of equalization and road commissioner.

Jurors. 16. Grand jurors, and trial jurors in the superior court in civil and criminal cases, shall receive, as compensation for each day's attendance, per day three dollars and for each mile actually and necessarily traveled in attendance as such, in going only, per mile twenty-five cents.

Effect of act. 17. It is hereby found as a fact that the provisions herein made for expenses of the sheriff and constables of counties of the thirty-fourth class do not work an increase in compensation and it is intended that the same apply immediately to the present incumbents.

Same 18. It is hereby found and declared that all deputies, assistants, and other subordinate officers provided for herein are additional deputies and assistants necessary and proper to be allowed to the incumbent principals and shall be effective at once during their present terms of office.

CHAPTER 522.

An act to amend section four thousand two hundred sixty-nine of the Political Code, relating to the salaries, fees and expenses of county officers of counties of the fortieth class.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4269 of the Political Code is hereby amended to read as follows:

4269. In counties of the fortieth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

Stats. 1925,
p. 265,
amended
Counties of
40th class.
officers and
employees

1. The county clerk, three thousand dollars per annum, and the said county clerk may appoint one deputy county clerk, which said office of deputy county clerk is hereby created. The salary of such deputy county clerk is hereby fixed at one thousand eight hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers are paid; *provided*, that in each year in which a new and complete or supplemental registration of voters is required by law, the county clerk shall appoint as many deputy registration clerks as may be necessary for the convenient registration of voters in the county, which deputy registration clerks shall receive as compensation for their services the sum of ten cents per name, for each and every voter registered by them; said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of the county of a duly verified claim therefor, approved by the county clerk; *provided, further*, that the county clerk shall appoint one additional deputy to compile the great register, and for mailing sample ballots, at a compensation not to exceed the sum of one thousand two hundred dollars for each such registration.

Clerk.

2. The sheriff, four thousand dollars per annum, and his actual traveling expenses in the pursuit or arrest of criminals either in or out of his county; *and, provided*, that in counties of this class there shall be, and is hereby created the office of undersheriff, to be appointed by the sheriff, who shall be paid a salary of one thousand eight hundred dollars per annum; which salary of said undersheriff herein provided for shall be paid out of the same fund and in the same manner and at the same times as the salaries of other county officers are paid. Said undersheriff shall receive his actual traveling expenses in the pursuit or arrest of criminals either in or out of his county. In counties of this class the sheriff may appoint one deputy to act as jailer at an annual salary of one thousand eight hundred dollars.

Sheriff.

3. The recorder, one thousand five hundred dollars per annum; and the said recorder may appoint one deputy

Recorder.

recorder, which said office of deputy recorder is hereby created. The salary of such deputy recorder is hereby fixed at one thousand five hundred dollars per annum, such salary is to be paid at the same time and in the same manner as the salary of county officers is paid.

Auditor. 4. The auditor, one thousand five hundred dollars per annum.

Treasurer. 5. The treasurer, one thousand five hundred dollars per annum; and the said treasurer may appoint one deputy treasurer, which said office of deputy treasurer is hereby created. The salary of such deputy treasurer is hereby fixed at one thousand five hundred dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers is paid.

Tax collector. 6. The tax collector, one thousand five hundred dollars per annum, which shall be in full for all services as tax collector and as license collector.

Assessor. 7. The assessor, three thousand dollars per annum. In counties of this class the assessor may appoint one deputy assessor, which office is hereby created, and who shall receive an annual salary of one thousand five hundred dollars. The said assessor may appoint one office deputy assessor, which said office of office deputy assessor is hereby created, who shall serve as such only during five months of each calendar year. Said office deputy assessor shall receive a salary of one hundred dollars per month, payable during the period of said services, at the same time and in the same manner as the salary of county officers is paid. The said assessor may also appoint one additional deputy assessor, who shall be designated as a "field deputy assessor," which said office of "field deputy assessor" is hereby created, who shall serve as such only during five months of each calendar year. Said "field deputy assessor" shall receive a salary of one hundred dollars per month payable during the period of such service, at the same time and in the same manner as the salary of county officers is paid.

Attorney. 8. The district attorney, three thousand dollars per annum. Said district attorney may appoint one clerk to the district attorney, which said office of clerk is hereby created. Said clerk to the district attorney shall receive a salary of one hundred dollars per month, payable at the same time and in the same manner as the salary of county officers is paid.

Coroner. 9. The coroner, such fees as are now or may be hereafter allowed by law.

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

Supt of schools. 11. The superintendent of schools, two thousand seven hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. The foregoing salary of the superintendent of schools shall be in full for all services rendered, including the services rendered by such superintendent of schools as a member of the county board of education. Said

superintendent of schools may appoint one deputy superintendent of schools, which said office of deputy superintendent of schools is hereby created, who shall serve as such only during ten months of each calendar year. The salary of such deputy superintendent of schools is hereby fixed at seven hundred fifty dollars per annum, such salary to be paid at the same time and in the same manner as the salary of county officers are paid.

12. The surveyor, one thousand two hundred dollars per annum; and in addition thereto he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work for the county. Surveyor.

13. In townships having a population of ten thousand or more, the justice of the peace shall receive a monthly salary of one hundred fifty dollars per month, and the constable of said township shall receive a monthly salary of one hundred dollars per month. Justice and constable.

The above salary shall be in full compensation of said justice of the peace and said constable in criminal cases; *provided*, that in addition to the salary herein allowed, said constable shall be paid out of the treasury of the county, his actual traveling expenses when engaged in the service of a warrant of arrest or any other paper in a criminal case.

14. Each member of the board of supervisors, one thousand two hundred dollars per annum, and mileage when acting as road commissioner, twenty-five cents per mile one way; *provided*, the amount of mileage shall not exceed the sum of three hundred dollars in any one year. Supervisors.

15. In counties of this class grand jurors and trial jurors in the superior court shall each receive for each day's attendance the sum of three dollars, and mileage to be computed at the rate of fifteen cents per mile for each mile actually and necessarily traveled from their residences to the county seat, in going only. Such fees and mileage shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county. Jurors.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof, and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 523.

An act to amend sections nine hundred forty-eight and nine hundred forty-nine of the Code of Civil Procedure, and to repeal section nine hundred forty-seven of the said code, relating to undertakings upon appeal.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Original
section
repealed.
Stats. 1905,
p. 155,
amended.
Justification
of sureties
on appeal
bonds.

SECTION 1. Section 947 of the Code of Civil Procedure is hereby repealed.

SEC. 2. Section 948 of the Code of Civil Procedure is hereby amended to read as follows:

948. The adverse party may except to the sufficiency of the sureties to any of the undertakings mentioned in this chapter, at any time within thirty days after notice of the filing of such undertaking; and unless they or other sureties, within twenty days after the appellant has been served with notice of such exception, justify before a judge of the court below, upon five days' notice to the respondent of the time and place of justification, execution of the judgment, order, or decree appealed from is no longer stayed; and in all cases where an undertaking is required on appeal by the provisions of this title, a deposit in the court below of the amount of the judgment appealed from, shall be equivalent to filing the undertaking; and in all cases the undertaking or deposit may be waived by the written consent of the respondent.

Stats. 1921,
p. 85,
amended
Stay of
proceedings
on perfecting
appeal

SEC. 3. Section 949 of the Code of Civil Procedure is hereby amended to read as follows:

949. In cases not provided for in sections 942, 943, 944 and 945, the perfecting of an appeal stays proceedings in the court below upon the judgment or order appealed from; but the court in its discretion may require an undertaking in an amount to be fixed by it conditioned for the performance of the judgment or order appealed from if the same is affirmed or the appeal is dismissed; *provided*, that where such judgment or order appealed from directs the sale of perishable property the court below may order the property to be sold and the proceeds thereof to be deposited with the clerk of the court to abide the judgment of the appellate court. But such appeal does not stay proceedings, without a writ of supersedeas, where it adjudges the defendant guilty of usurping, or intruding into, or unlawfully holding a public office, civil or military, within this state, or where the order grants, or refuses to grant, a change of the place of trial of an action, or where it orders a corporation or its officers or agents, or any of them, to give to a person adjudged to be a director, stockholder or member of such corporation a reasonable opportunity to inspect or take copies of such books, papers or documents of the corporation as the court finds that such director, stock-

holder or member is entitled by law to inspect or copy, or where it adjudges a building or place to be a nuisance, and as a part of the judgment in the case orders and directs the closing of the building or place against its use for any purpose for any period of time.

CHAPTER 524.

An act to amend sections five hundred thirty-seven and five hundred thirty-eight of the Code of Civil Procedure, relating to attachment.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 537 of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1905,
p. 433,
amended.

537. The plaintiff, at the time of issuing the summons, or at any time afterward, may have the property of the defendant attached, as security for the satisfaction of any judgment that may be recovered, unless the defendant give security to pay such judgment, as in this chapter provided, in the following cases: Attachment,
when it may
be issued

1. In an action upon a contract, express or implied, for the direct payment of money, where the contract is made or is payable in this state, and is not secured by any mortgage or lien upon real or personal property, or any pledge of personal property, or, if originally so secured, such security has, without any act of the plaintiff, or the person to whom the security was given, become valueless.

2: In an action upon a contract, express or implied, against a defendant not residing in this state, or who has departed from the state, or who can not after due diligence be found within the state, or who conceals himself to avoid service of summons.

3. In an action against a defendant, not residing in this state, or who has departed from the state, or who can not after due diligence be found within the state, or who conceals himself to avoid service of summons, to recover a sum of money as damages, arising from an injury to property in this state, in consequence of negligence, fraud, or other wrongful act.

SEC. 2. Section 538 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1905,
p. 434,
amended.

538. The clerk of the court must issue the writ of attachment upon receiving an affidavit by or on behalf of plaintiff showing: Affidavit
for
attachment.

1. The facts specified in section 537 which entitle him to the writ;

2. The amount of the indebtedness claimed, over and above all legal set-offs or counterclaims, or the amount claimed as damages; and

3. That the attachment is not sought, and the action is not prosecuted, to hinder, delay, or defraud any creditor of the defendant.

CHAPTER 525.

An act to amend section three of the prepared milk act relating to the preparation of certain products for poultry or stock feed.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats 1923,
p 509,
amended
Milk
containing
foreign fats
or oils.

SECTION 1. Section 3 of the prepared milk act is hereby amended to read as follows:

Sec. 3. It shall be unlawful for any person, firm, corporation or association, by himself, his servant or agent, or as the servant or agent of another, to manufacture, sell, exchange or have in possession with intent to sell or exchange, any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim milk, or any of the fluid derivatives of any of them to which has been added any fat or oil other than milk fat, either under the name of said products, articles or the derivatives thereof, or under any fictitious or trade name whatsoever; *provided, however*, that the fat naturally contained in chocolate and not separated therefrom is hereby declared not to be a fat or oil within the meaning of this act; *and provided, further*, that the addition to the products commonly known as condensed skim milk, condensed buttermilk, or semisolid buttermilk of not more than five per cent of pure cod liver oil shall not be deemed to be a violation of the provisions of this act, so long as the resultant product shall be sold for poultry or stock feed; *and provided, further*, that said product shall not be sold, offered for sale, or kept on hand for sale for human consumption.

CHAPTER 526.

An act to amend section four thousand two hundred seventy-three of the Political Code, relating to fees and salaries of officers in counties of the forty-fourth class.

[Approved by the Governor May 16, 1927 In effect July 29, 1927]

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

Stats 1925,
p 108,
amended.
Counties of
44th class;
officers and
employees.

SECTION 1. Section 4273 of the Political Code is hereby amended to read as follows:

4273. In counties of the forty-fourth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, fees and expenses, to wit:

1. The county clerk, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand

Clerk

five hundred dollars per annum which office is hereby created. He shall appoint said deputy.

2. The sheriff, three thousand six hundred dollars per annum, and his reasonable and necessary expenses incurred in the performance of the duties of his office in criminal matters; said expenses to be allowed by the board of supervisors as other county charges are allowed. He shall also have one deputy at a salary of one thousand eight hundred dollars per annum, which office is hereby created; said deputy shall be appointed by the sheriff. He shall also have one deputy at a salary of one thousand five hundred dollars per annum, which office is hereby created. Said deputy shall be appointed by the sheriff.

The salary and allowance above named shall be compensation in full and the said sheriff shall pay over to the county all mileage, fees or other commissions received by him for service in civil matters.

3. The recorder, one thousand nine hundred dollars per annum. He shall also have one deputy at a salary of seven hundred fifty dollars per annum.

4. The auditor, eight hundred dollars per annum. He shall also have one deputy at a salary of seven hundred fifty dollars per annum.

5. The treasurer, two thousand dollars per annum. He shall also have one deputy at a salary of one hundred twenty-five dollars per month, said deputy to be employed for not to exceed five months in any one year.

6. The tax collector, one thousand dollars per annum, and ten per cent of all licenses collected by him as license collector. He shall have one deputy for a period of four months in each year, at a salary of one hundred twenty-five dollars per month, which office is hereby created. Said deputy shall be appointed by the tax collector. The tax collector shall also be allowed one per cent of all money collected by him as taxes from municipalities, irrigation districts, sanitary districts, or improvement districts.

7. The assessor, three thousand dollars per annum and six per cent of all unsecured personal taxes collected by him, except only such portion of said tax as belongs to the school fund. He shall also have one deputy for a period of four months in each year, beginning March first and ending June thirtieth, at a salary of one hundred twenty-five dollars per month each, said deputy shall be appointed by the assessor. He shall also be allowed one deputy, to be known as a poll tax deputy, at a salary of one hundred fifty dollars per month. Such deputy shall not be employed for more than four months in any one year. Said deputy shall be appointed by the assessor. The provisions of this section, so far as they relate to the poll-tax deputy in the office of the assessor, shall not be operative in the event that the Legislature at its forty-sixth session shall pass a general law providing for the appointment and salaries of deputy poll tax collectors.

- Attorney. 8. The district attorney, two thousand four hundred dollars per annum. He is hereby allowed a stenographer at a salary of six hundred dollars per annum.
- Coroner. 9. The coroner, such fees as are now or may hereafter be allowed by law.
- Administrator. 10. The public administrator, such fees as are now or may hereafter be allowed by law.
- Supt. of schools. 11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county. The superintendent of schools is hereby allowed additional office help. Such additional help shall receive compensation at the rate of five dollars per day, not to exceed in the aggregate sixty days in any one year.
- Surveyor. 12. The county surveyor shall receive ten dollars per diem, when engaged in county work; *provided, however*, that he shall be given all work for the county in which the county employs one surveyor or civil engineer. He shall also receive all actual expenses when at work in the field.
- Justices. 13. Justices of the peace in counties of this class shall receive the following monthly salaries, to be paid each month in the same manner, at the same time, and out of the same funds as the county officers are paid. In townships having a population of over four thousand, one hundred twenty-five dollars per month; in townships having a population of over three thousand and less than four thousand, seventy-five dollars per month; in townships having a population of less than three thousand, twenty dollars per month. They shall also receive the fees that are now or may hereafter be allowed by law; and shall receive such sums as may be necessary to maintain their offices; *provided*, that such sum shall not be in excess of twenty per cent of their salary as allowed herein. The board of supervisors of such county shall furnish and supply to the justices of the peace of the various townships the codes of the state and amendments thereto and all necessary stationery, legal blanks and forms for the proper conduct of business. For the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three.
- Constables. 14. Constables in counties of this class shall receive the following monthly salaries, to be paid each month in the same manner and at the same time and out of the same funds as the county officers are paid. In townships having a population of four thousand or over, one hundred dollars per month; in townships having a population of over three thousand and less than four thousand, fifty dollars per month; and in townships having a population of less than three thousand, twenty-five dollars per month; and in addition thereto all necessary and reasonable expenses for performing the duties of their office in criminal matters. In addition to the monthly salaries

allowed herein, each constable may receive for his own use in civil cases the fees now or hereafter allowed by law.

15. Each member of the board of supervisors, one thousand ^{Supervisors.} dollars per annum, and mileage from residence to the county seat, at each sitting of the board, at twenty-five cents per mile; which said salary and mileage shall be in full for all services.

16. In counties of this class, the official reporter of the ^{Reporter.} superior court shall receive a salary of one hundred dollars per month, to cover all work done in criminal cases, both in the superior and justice's courts of the county; and shall receive as compensation for taking notes in civil cases tried in the superior court a per diem of ten dollars, and for transcription of said notes, when required during the progress of the trial, he shall receive the sum of twenty-five cents per folio for the original, and five cents per folio for one copy, in both criminal and civil cases; but if such transcription is not required until after the conclusion of the trial, then he shall receive the sum of ten cents per folio for the original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

17. Grand jurors, and trial jurors, in criminal cases, shall ^{Jurors} receive the following fees and mileage: (1) Grand jurors and jurors in the superior court in criminal cases, shall be paid three dollars per day for each day's attendance and for each mile actually traveled in going only, while acting as jurors, twenty-five cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each such juror for said per diem and mileage, and the treasurer shall pay the same.

18. For attending as a trial juror in criminal cases only, in any justice's court of the county, for each day's attendance, two dollars and fifty cents. The justice of the peace shall certify to the auditor the number of days' attendance of each juror, and the auditor shall then draw his warrant therefor, and the treasurer shall pay the same.

19. For attending as a witness in criminal cases only, in ^{Witnesses.} the superior court of the county, for each day's attendance, the sum of three dollars, and for each mile actually traveled in going, one way only, while acting as juror, twenty-five cents.

20. For attending as a witness in criminal cases only, in any justice's court, for each day's attendance the sum of two dollars, and for each mile actually traveled in going only, while acting as a witness twenty-five cents, one way. The judge of the superior court, or the justice of the peace shall certify to

the auditor the number of days attendance of each witness, and the auditor shall thereupon draw his warrant therefor and the treasurer pay the same.

Effect of
act

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 527.

An act to amend section nine hundred twenty-seven h, of the Code of Civil Procedure to provide for the performance by the marshal of the municipal court of the duties imposed upon the constable and providing for the fees to be charged therefor.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats 1921,
p. 119,
amended
Informal
pleadings

SECTION 1. Section 927h, of the Code of Civil Procedure is hereby amended to read as follows:

927h. No formal pleading, other than the said claim and notice, shall be necessary and the hearing and disposition of all such actions shall be informal, with the sole object of dispensing speedy justice between the parties. No attachment or garnishment shall issue from the small claims court, but execution may issue in the manner prescribed in chapter IX of the Code of Civil Procedure of the State of California and upon the payment of the fees allowed by law for such services; *provided*, that in any city or city and county wherein a municipal court shall have been established, the marshal of the municipal court is charged with the performance of the duties imposed upon the sheriff and constable.

CHAPTER 528.

An act to amend an act entitled "An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this state, providing for escheats in certain cases, prescribing the procedure therein, requiring reports of certain property holders to facilitate the enforcement of this act, prescribing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith," submitted by the initiative and adopted and approved by the electors of the State of California.

November 2, 1920, as amended, by adding two new sections numbered nine a and nine b.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section to be known as section 9a is hereby added to the act cited in the title thereof and to read as follows: Stats 1921,
p lxxxv,
amended

Sec. 9a. In any action or proceeding, civil or criminal, by the State of California, or the people thereof, under any of the provisions of this act, when the proof introduced by the state, or the people thereof, establishes the acquisition, possession, enjoyment, use, cultivation, occupation, or transferring of real property or any interest therein, or the having in whole or in part the beneficial use thereof by any defendant, or any of such fact, and the complaint, indictment or information alleges the alienage and ineligibility to United States citizenship of such defendant, the burden of proving citizenship or eligibility to citizenship shall thereupon devolve upon such defendant. Citizenship
must be
proved by
defendant.

SEC. 2. A new section, to be known as section 9b, is hereby added to said act and to read as follows: Stats 1921,
p lxxxv,
amended

Sec. 9b. In any action or proceeding, civil or criminal, by the State of California, or the people thereof, under any of the provisions of this act, when the complaint, indictment or information, alleges the alienage and ineligibility to United States citizenship of any defendant, proof by the state, or the people thereof, of the acquisition, possession, enjoyment, use, cultivation, occupation or transferring of real property or any interest therein, or the having in whole or in part of the beneficial use thereof by such defendant, or of any such facts, and in addition proof that such defendant is a member of a race ineligible to citizenship under the naturalization laws of the United States, shall create a prima facie presumption of the ineligibility to citizenship of such defendant, and the burden of proving citizenship or eligibility to citizenship as a defense to any such action or proceeding shall thereupon devolve upon such defendant. Citizenship
or eligibility
must be
proved by
defendant.

The Legislature hereby declares that its purpose in adopting this section is not to modify, limit or affect in any manner the provisions of section 9a of this act.

CHAPTER 529.

An act to amend section four thousand two hundred forty-four of the Political Code, relative to fees and compensation of officers in the counties of the fifteenth class.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats 1923,
p. 1127,
amended.
Counties of
15th class
officers and
employees

SECTION 1. Section 4244 of the Political Code is hereby amended to read as follows:

4244. In counties of the fifteenth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Clerk.

1. The county clerk, two thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk one chief deputy who shall be paid the sum of two thousand four hundred dollars per annum, and three deputies who shall be paid a salary of two thousand one hundred dollars each per annum, and two deputies who shall be paid a salary of one thousand five hundred dollars each per annum; the said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of the county officers are paid; *and provided, further*, that in each year in which a new and complete registration of voters is required by law, said county clerk shall appoint an additional deputy or deputies, who shall receive the sum of seven and one-half cents per name for taking affidavits of registration, and claims for their service at said rate shall be presented to and allowed by the board of supervisors as other claims are presented and allowed; *and provided, further*, that all fees and commissions received by this office shall be turned over to the county and become the property of the county. All the provisions in this paragraph, are to apply to the present incumbents.

Sheriff.

2. The sheriff, three thousand three hundred dollars per annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county; *provided*, that in counties of this class there shall be and there is hereby allowed to the sheriff, one undersheriff whose salary is hereby fixed at the sum of two thousand four hundred dollars per annum; one chief deputy sheriff at the salary of two thousand one hundred dollars per annum; one deputy sheriff, to act as finger print expert and photographer, at a salary of one thousand eight hundred dollars per annum; one deputy sheriff, to act as jailer at a salary of one thousand eight hundred dollars per annum; one deputy sheriff to act as assistant jailer at a salary of one thousand eight hundred dollars per annum; one deputy

sheriff, at a salary of one thousand eight hundred dollars per annum; one deputy sheriff to act as office deputy at a salary of one thousand five hundred dollars per annum; two deputy sheriffs to act as court bailiffs in the several departments of the superior court at a salary of one thousand five hundred dollars each per annum; and one matron whose salary shall be and is hereby fixed at one thousand two hundred dollars per annum; said deputies and matron to be appointed by the sheriff and their salaries to be paid by the county in equal monthly installments at the time and in the manner and out of the same fund that the salaries of county officers are paid.

All fees and commissions, except as hereinbefore in this paragraph mentioned, shall be turned over to the county and become the property of the county.

All paragraphs relating to the salaries of deputies shall apply to the incumbents.

3. The recorder, two thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder two deputies who shall be appointed by the recorder, and shall be paid the following salaries, to wit: One chief deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum. The salaries of the said deputies shall be paid by the county in equal monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid; *and provided, further*, that the recorder is hereby allowed as many copyists as may be required, who shall receive as compensation the sum of four cents per folio for recording any instrument or notice. The compensation of such copyists shall be paid monthly by the county at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All fees and commissions received by this office shall be turned over to the county and become the property of the county. All provisions in this paragraph are to apply to the present incumbents.

4. The auditor, two thousand eight hundred dollars per annum. In counties of this class there shall be, and there is hereby allowed to the auditor the following deputies, whose offices are hereby created and who shall be appointed by the auditor and receive the following salaries: One chief deputy, two thousand four hundred dollars per annum; one deputy, one thousand eight hundred dollars per annum; one deputy, one thousand five hundred dollars per annum; one deputy, one thousand two hundred dollars per annum, and such other assistants as the auditor may require; *provided*, that the compensation of such other assistants shall not in the aggregate exceed the sum of one thousand dollars in any one year; *and provided, further*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts and the persons to whom said compensation is paid.

The salaries of said deputies and assistants herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid. The provisions of this paragraph shall apply to the incumbents.

Treasurer

5. The treasurer, two thousand eight hundred dollars per annum. In counties of this class there shall be, and there is hereby allowed to the treasurer one deputy who shall be appointed by the treasurer and shall receive from the county a salary of two thousand four hundred dollars per annum, to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All fees pertaining to this office and coming under the supervision of the official capacity to be credited to the county. The provisions of this paragraph shall apply to the incumbents.

Tax collector

6. The tax collector, two thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the tax collector the following deputies and assistants, whose offices are hereby created and who shall be appointed by the tax collector: One deputy at a salary of two thousand four hundred dollars per annum; and such assistants as the tax collector may require; *provided*, that the compensation of such assistants shall not, in the aggregate exceed the sum of six thousand dollars in any one year; *and provided*, that the tax collector shall file with the county auditor a verified statement showing in detail, the amounts and the persons to whom said compensation is paid; the salaries of the said deputy and other assistants shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid. The provisions of this paragraph shall apply to the incumbents.

Assessor.

7. The assessor, two thousand eight hundred dollars per annum, and his actual traveling expenses, while away from his office on county business; *provided*, that in counties of this class there shall be and there is hereby allowed to the assessor the following deputies and assistants, whose offices are hereby created and who shall be appointed by the assessor: One chief deputy at a salary of two thousand four hundred dollars per annum, one deputy at a salary of one thousand eight hundred dollars per annum; two deputies at a salary of one thousand four hundred dollars each per annum; one deputy who shall be employed as draftsman at a salary of two thousand two hundred dollars per annum; one stenographer at a salary of one thousand one hundred dollars per annum; one chief valuation deputy at a salary of two thousand one hundred dollars per annum; one field deputy at a salary of two thousand dollars per annum and the necessary traveling expenses of all such deputies and such other deputies and assistants as the assessor may require, together with their necessary traveling expenses and whose compensation and expenses in the aggregate shall

not exceed ten thousand dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid. The salaries and traveling expenses of such deputies and assistants and stenographers shall be paid by the said county in monthly installments and at the same time and in the same manner and out of the same fund as county officers are paid. All fees and commissions, including poll tax, collected by this office, shall be turned over to the county and become the property of the county. The provisions of this paragraph shall apply to incumbents.

8. The coroner, such fees as are now, or may hereafter be allowed by law. Coroner.

9. The public administrator, such fees as are now, or may hereafter be allowed by law. Admin-
istrator.

10. The district attorney, two thousand eight hundred dollars per annum and actual traveling expenses while away from his office on county business; *provided*, that in counties of this class there shall be and there is hereby allowed to the district attorney one chief deputy to be appointed by the district attorney who shall be paid the salary of three thousand six hundred dollars per annum, which deputy shall devote his entire time to the duties of his office; one deputy to be appointed by the district attorney who shall be paid the salary of two thousand four hundred dollars per annum, which deputy shall devote his entire time to the duties of his office; one deputy to reside at Blythe or vicinity who shall be paid a salary of five hundred dollars per annum; one stenographer at a salary of one thousand five hundred dollars per annum, and such additional assistants as the district attorney may require and whose compensation in the aggregate shall not exceed five hundred dollars in any one year; *and provided*, that the district attorney shall file with the county auditor a verified statement showing in detail the amounts, and the persons to whom said compensation is paid. The salaries of such deputies, stenographer and assistants shall be paid by said county in monthly installments and at the same time and in the same manner and out of the same fund that the county officers are paid. The provisions of this paragraph shall apply to the incumbents. Attorney

11. The superintendent of schools, two thousand eight hundred dollars per annum; his office shall be kept open on all business days from nine a.m. to five p.m.; he shall be allowed his actual traveling expenses when visiting the schools of the county; *provided*, that in counties of this class there shall be and there is hereby allowed to the superintendent of schools one deputy to be appointed by him who shall receive from the county a salary of two thousand four hundred dollars per annum; one stenographer at a salary of one thousand two hundred dollars per annum. The salaries of said deputy and stenographer herein provided for shall be paid by said county in monthly installments at the same time and in the Supt. of
schools

same manner and out of the same fund that the salaries of county officers are paid. The provisions of this paragraph shall apply to the incumbents.

Surveyor

12. The surveyor, two thousand eight hundred dollars per annum and in addition thereto all necessary field assistants; *provided*, that in counties of this class there shall be and there is hereby allowed the surveyor three deputies who shall be appointed by the surveyor of the said county, and who shall be paid salaries as follows: One deputy at a salary of two thousand seven hundred dollars per annum; one deputy at a salary of two thousand four hundred dollars per annum and one deputy at a salary of one thousand five hundred dollars per annum. The salaries of the said deputies herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salaries of county officers are paid. All necessary expenses for field assistants shall be paid by the county, and the actual cost of preparing assessor's maps, whenever a complete set of such maps is ordered prepared by the board of supervisors. The provisions of this paragraph shall apply to the incumbents.

Township officers.

13. From and after the first Monday after the first day of January, 1915, the officers of townships in counties of this class shall be one justice of the peace and one constable. anything in the provisions of section 4014 of this code to the contrary notwithstanding.

Justices.

14. Justice of the peace Township having population of twelve thousand or more. Clerk. Justices of the peace in other townships. The justice of the peace in townships having a city or a portion thereof, situated therein and having a population of twelve thousand or more, one thousand five hundred dollars per annum, payable in monthly installments, which shall be in full for all services rendered by him in both civil and criminal cases tried before him, and he shall each month pay to the county treasurer all fines, commissions and fees collected by him as such justice of the peace, including fees for celebrating marriages and returning certificates thereof to the county recorder; *and provided, further*, that the board of supervisors of counties of the fifteenth class shall furnish each justice of the peace in townships having a population of twelve thousand or more, with a suitable office in which to hold court and also furnish the necessary furniture, books, blanks and supplies for said court; *and provided, further*, that in townships having a population of twelve thousand or more there shall be and there is hereby allowed to the justice of the peace, one clerk which office is hereby created who shall be appointed by the justice of the peace of said township, subject to the approval of the board of supervisors of the county, and whose salary is hereby fixed at the sum of one thousand five hundred dollars per annum, payable in equal monthly installments out of the same fund and in the same manner and at the same time as the salary of the

justice of the peace is paid. Said clerk shall take the oath of office prescribed for county officers and give a bond in the sum of one thousand dollars conditioned for the faithful discharge of the duties of his office, which bond shall be approved and filed in the same manner as are bonds of county officers. He shall keep a record of the proceedings of said court and issue all processes ordered by the justice of said court and receive and pay into the county treasury all fines, forfeitures and fees paid into said court. He shall render each month to the county auditor and the county treasurer, an exact account under oath of all fines, forfeitures and fees paid and collected and he shall prepare bonds, and justified bail when the amount has been fixed by the court or justice, and may administer and certify oaths and shall remain in the courtroom of said court during court hours and during such other reasonable times as may be necessary for the proper performance of his duty. He shall have the custody of all records and papers of said court. In townships having a population of six thousand and less than twelve thousand the justice of the peace therein shall receive seventy-five dollars per month; in townships having a population of four thousand and less than six thousand, thirty-five dollars per month; in townships having a population of one thousand five hundred and less than four thousand, twenty-five dollars per month; in townships having a population of one thousand and less than one thousand five hundred, fifteen dollars per month, and in all other townships in said county, ten dollars per month; *provided, however*, that in all townships having an area equal to or exceeding one thousand square miles such salary shall not be less than fifty dollars per month. Each justice of the peace must pay into the county treasury once each month all fines collected by him in criminal cases and the auditor shall withhold a warrant for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. All provisions of this paragraph to apply to present incumbents.

15. Constables. Constables in townships having one or more cities, or portions thereof situated therein, and having a population of twelve thousand or more, one thousand five hundred dollars per annum, payable in monthly installments, and their actual traveling expenses when engaged in official business outside of such townships, which shall be in full for all services rendered by them in all civil and criminal business. They shall charge and collect such fees as are allowed by law, and they shall each month pay into the county treasury all fees, forfeitures, fines and commissions collected by them in the discharge of their duties as such constables. In townships having a population of six thousand and less than twelve thousand the constable shall receive fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of one thousand five hundred

and less than four thousand, twenty dollars per month; and in all other townships in said county ten dollars per month; *provided*, that in all townships having an area equal to or exceeding one thousand square miles such salary shall not be less than fifty dollars per month; *provided, further*, that in addition to the salaries herein allowed, each constable except constables in townships having a city or portion thereof situated therein, and having a population of twelve thousand or more shall receive for their own use in civil cases the fees allowed by law, and shall be paid out of the treasury of the county his actual traveling expenses outside of his own township, but within his county, for the service of the warrant of arrest or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile actually traveled outside of his county both going and returning from the place of arrest or other service, five cents per mile; and for transporting prisoners to the county jail, the actual cost of transportation.

Population of townships.

16. Population of townships. The population of several judicial townships for the purpose of fixing compensation of township officers shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, every odd-numbered year.

Supervisors

17. Supervisors. Each supervisor, one thousand five hundred dollars per annum, payable in monthly installments, and ten cents per mile both ways for traveling expenses from his residence to the place of meeting of the board at the county seat, and the necessary actual expenses incurred by him while engaged in county business outside of his district, not exceeding in the aggregate the sum of three hundred dollars per annum.

Supervisors' bonds

18. Each member of the board of supervisors of counties of the fifteenth class shall be required to obtain and keep in force a public liability bond in the amount of fifty thousand dollars indemnifying said supervisor against public liability for any unlawful act or omission as supervisor, said bond to inure to the benefit of any and all persons who may be injured or aggrieved by any unlawful act or omission of said supervisor in his official capacity; *provided*, that the premium or charge for such bond shall not exceed one-half of one per cent per annum on the amount of such bond; *and provided, further*, that premium or charge for such bonds shall be paid by the said county in the manner that the premiums or charges for the bonds of public officials are paid.

Constitutionality.

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

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of
act.

CHAPTER 530.

An act to amend section eleven of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915, as amended.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 11 of an act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, to provide for the collection of such assessments, the sale of the property affected thereby and for the payment of the bonds so issued," approved June 11, 1915, as amended, is hereby amended to read as follows: Stats. 1923,
p. 414,
amended

Sec 11. (a) In the event of such bonds being so issued, then the assessments, which shall be unpaid, as shown on the list filed by the superintendent of streets and determined by the city council, and any reassessments which may be issued thereon or in lieu thereof, together with interest thereon, shall remain and constitute a trust fund for the redemption and payment of said bonds and for the interest which may be due thereon. Such assessments and reassessments and each installment thereof and the interest and penalties thereon shall be and shall continue to constitute a lien against the lots and parcels of land on which made, until the same be paid, but for a period not exceeding the time within which an action might be brought on the last series of bonds issued upon the security of such unpaid assessments. Such lien shall be prior and superior to all other liens, except the lien for state, county and municipal taxes and public improvement Unpaid
assessments
a trust fund
and a lien.

assessments and reassessments which may have priority thereover; *provided, however*, that unmaturred installments, interest and penalties shall not be deemed to be within the terms of any general warranty of title.

Reassess-
ment.

(b) Whenever any assessment heretofore issued or which may be hereafter issued is or shall be void or unenforceable, for any cause, or if bonds shall have been, or shall be, issued hereunder to represent or be secured by any assessments and such issuance shall not have been or shall not be effective through the curative provisions in relation thereto under said street work act or under this act to make them valid and enforceable, then, in any such events a reassessment therefor may be issued. Such reassessment shall be issued upon the demand of the owner or holder of bonds aggregating one-third of the principal amount outstanding and shall be issued and made in the manner and form provided by said street work act. When so issued the reassessment made shall stand and constitute a trust fund for the redemption and payment of the original bonds so issued; *provided*, that the city council may call in the original issue of bonds outstanding and issue new bonds upon the security of the reassessment in lieu thereof. The city council may determine that new serial bonds shall be issued upon the security of such assessment, in which event it shall so declare in the notice of hearing upon such reassessment and set forth therein the description of said bonds as provided for in section 4 hereof. In such event upon confirmation of the reassessment said council may issue said bonds after notice by the clerk as provided in section 5 thereof. Upon calling in by the city council of the original issue of bonds outstanding, the council may direct the city treasurer to, and the treasurer shall thereupon, advance the maturity of said bonds outstanding bearing interest in the manner provided in section 9 hereof, notwithstanding that there may not be surplus moneys in the redemption fund with which to pay same. Such new bonds shall be issued in an aggregate amount equal to the total balance of the reassessment unpaid and shall bear interest from the date of recordation of the reassessment paid and shall bear interest from the date of recordation of the reassessment at the rate fixed by the council. After such issuance of said new bonds and upon surrendering of the bonds outstanding, new bonds shall be issued ratably to the holders of the original bonds outstanding, each holder of such original bonds being entitled to such proportion of the new bonds as the total amount of the principal and interest due him on his original bonds, as of the date of such recordation of the reassessment, bears to the total amount of the principal of such new bonds. In making distribution the council shall have authority to assign the different bonds and allot maturities in such manner as to it shall seem equitable.

New bonds.

(c) In the event of nonpayment of any assessment or reassessment or installment thereof, or of any interest thereon, together with any penalties and other charges accruing under the taxation ordinance of the city and not later than four years after the due date of the last installment of principal, as a cumulative remedy, the same when due and delinquent may by order of the council be collected by suit brought in the superior court to foreclose the lien thereof. The costs shall be fixed and allowed by the court and shall include a reasonable attorneys' fee, interest, penalties and other charges and advances as herein provided, and when so fixed and allowed by the court shall be included in the judgment. The court shall have the power to adjudge and decree a lien against the lot or parcel of land covered by the assessment or reassessment for the amount of the judgment and to order said premises to be sold on execution as in other cases of the sale of real estate by the process of said court, with the same rights of redemption. On appeal, the appellate courts shall have the same power to adjudge and decree a lien and order such premises to be sold on execution as is herein provided for the superior court. The foreclosure suit shall be governed and regulated by the provisions hereof, and also where not in conflict herewith by the codes of this state. The city shall have the right to advance and pay county or other taxes wherever necessary to protect its interest in property against which there is a delinquent assessment. It may also at its discretion temporarily transfer moneys into the redemption fund from other funds in which such moneys are not immediately needed, the moneys so transferred to be used to pay sums due from such redemption fund and to be retransferred therefrom out of the first available receipts. Upon the ordering of any such foreclosure suits the tax collector shall be credited upon the assessment roll then in his hands with the amount charged against him on account of such assessments or reassessments, ordered to suit and be relieved of further duty in regard thereto.

(d) Such action shall be brought in the name of the city, and may be brought at any time prior to the expiration of four (4) years subsequent to the date of delinquency of the last installment due or to become due thereunder. The complaint may be brief and include substantially only the following allegations with reference to the assessments sought to be collected: That on a date stated the council passed its resolution ordering certain work to be done, without describing the same; that work was done thereunder, that an assessment and warrant to pay the cost thereof was duly given and made; that same was returned on a stated date; that certain property (describing it) was therein assessed a stated amount; that bonds upon the security of such assessment were duly issued giving the date of said bonds, their interest rate and the number of years the last installment of same were to run and that same were duly issued under this act, but it shall be unnecessary to state

Collection of
delinquent
tax by suit.

Procedure

Counsel
fee.

the amount, number, denomination or other term thereof; that on a date stated a certain sum came due against said property on said assessment and had not been paid and that the council had directed the action to foreclose. The amount of penalties, costs and interest due shall be calculated as hereinafter set forth in section 12 hereof up to the date of the judgment. In such action plaintiff upon recovering judgment shall be entitled to a reasonable counsel fee to be allowed by the court and taxed as costs.

CHAPTER 531.

An act to amend section four thousand two hundred fifty-nine of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirtieth class.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats 1925,
p. 34,
amended.
Counties of
30th class
officers and
employees.

SECTION 1. Section 4259 of the Political Code is hereby amended to read as follows:

4259. In counties of the thirtieth class the officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, three thousand six hundred dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law for issuing hunting and fishing licenses and for naturalization of citizens; *and provided*, that in counties of this class, there shall be and is hereby allowed to the county clerk one deputy to be appointed by said county clerk who shall be paid a salary of two thousand four hundred dollars per annum, one deputy to be appointed by said county clerk who shall be paid a salary of one thousand eight hundred dollars per annum, and one deputy (who shall be a stenographer) to be appointed by said county clerk who shall be paid a salary of one thousand five hundred dollars per annum, which salary of said deputies herein provided for shall be paid out of the same fund, at the same time, and in the same manner as the salaries of other county officers are paid; *provided, further*, that in any year when a new and complete registration of voters, or a supplemental registration of voters, is required by law the county clerk may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts, and that each of said deputies so appointed for such purpose shall receive as compensation therefor the sum of ten cents for each elector registered by such deputy, said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of said county a duly verified claim therefor approved by said county clerk; *provided*,

further, that in any year when a general election, primary election, special state election, special county election, or special district election ordered by the board of supervisors, is held, there shall be allowed to said county clerk such number of assistants as is necessary to properly prepare for and conduct any of said elections and which said assistants shall be paid out of the general fund of the county on the presentation and filing with the board of supervisors duly verified claims therefor approved by said county clerk.

2. The sheriff, three thousand five hundred dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law, and his actual traveling expenses; *and, provided*, that in counties of this class there shall be and is hereby created the office of undersheriff, to be appointed by the sheriff, who shall be paid a salary of two thousand dollars per annum; also one deputy, to be appointed by the sheriff, who shall be paid a salary of one thousand six hundred eighty dollars per annum, and also one deputy, to be appointed by the sheriff, who shall be paid a salary of one thousand six hundred eighty dollars per annum, which salaries of said under sheriff and said deputy sheriffs herein provided for, shall be paid out of the same fund and in the same manner and at the same time as the salaries of other county officers are paid. Sheriff.

3. The recorder, two thousand dollars per annum and six cents for each folio recorded. Recorder.

4. The auditor shall receive as compensation three thousand dollars per annum; *and provided*, that in counties of this class there shall be and there is hereby allowed the auditor a deputy, who shall be appointed by said auditor and who shall receive a salary of one thousand eight hundred dollars per annum and also one deputy, who shall be appointed by said auditor and who shall receive a salary of one thousand five hundred dollars per annum, which salaries of said deputies herein provided for shall be paid out of the same fund, at the same time, and in the same manner as the salaries of other county officers are paid; *provided, further*, that in counties of this class there shall be, and there is hereby allowed the auditor such additional assistants as may be required and whose compensation in the aggregate shall not exceed one thousand two hundred dollars in any one fiscal year. Auditor.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required by the auditor by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbents.

5. The treasurer, two thousand seven hundred dollars per annum. Treasurer

6. The tax collector shall receive as compensation for the services required of him by law, or by virtue of his office, three thousand dollars per annum. The tax collector may appoint Tax collector

one deputy, which office of deputy tax collector is hereby created, who shall receive a salary of one thousand five hundred dollars per annum, payable at the same time, out of the same funds, and in the same manner as the salaries of other county officers are paid; *and provided, further*, that in counties of this class there shall be and hereby is allowed to the tax collector such additional assistants as may be required and whose compensation in the aggregate shall not exceed one thousand five hundred dollars in any one fiscal year. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required by the tax collector by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

Assessor.

7. The assessor, four thousand dollars per annum, and such fees and commissions as are now or may hereafter be allowed by law; *and provided*, that in counties of this class there shall be and there is hereby allowed the assessor, a deputy, who shall be appointed by said assessor and who shall receive a salary of two thousand four hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of county officers are paid; *provided, further*, that in counties of this class there shall be and there is hereby allowed the assessor, two copyists for a period not exceeding four months in any one year, at a salary of one hundred dollars each per month.

It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required of the assessor by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

Attorney.

8. The district attorney, two thousand seven hundred fifty dollars per annum; he may also appoint an assistant district attorney, which office is hereby created, whose salary shall be one thousand six hundred dollars per annum; and in counties of this class he may also appoint a clerk, who shall be a stenographer, which office clerk to the district attorney is hereby created, whose salary shall be one thousand five hundred dollars per annum; the salaries of said assistant district attorney and clerk shall be payable as the salaries of other county officers.

Coroner

9. The coroner, such fees as are now or may be hereafter allowed by law.

Admin-
istrator.

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

Supt of
schools

11. The superintendent of schools, two thousand dollars per annum until the first Monday in January, 1923, from and after which date the superintendent of schools shall receive as compensation for the services required of him by law, or by virtue of his office, three thousand dollars per annum. The superintendent of schools shall be allowed his actual traveling expenses when visiting the schools of his county;

and provided, that in counties of this class there shall be and there is hereby allowed the superintendent of schools a deputy superintendent, who shall be appointed by said superintendent of schools and who shall receive a salary of one thousand six hundred eighty dollars per annum and also one clerk, who shall be appointed by said superintendent of schools and who shall receive a salary of one thousand two hundred dollars per annum, which salaries of said deputies herein provided for shall be paid out of the same fund, at the same time and in the same manner as the salaries of other county officers are paid.

12. The surveyor, one thousand five hundred dollars per annum for all work performed for the county; *provided*, that in counties of this class there shall be and hereby is allowed to the surveyor one assistant to be appointed by the surveyor, whose salary shall be nine hundred dollars per annum, payable at the same time, out of the same fund and in the same manner as the salary of the surveyor is paid; and in addition thereto the surveyor shall be allowed actual traveling and other necessary expenses, incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats, or block book for the use of the county assessor he shall be allowed only the actual cost of preparing the same. Surveyor

13. Justices of the peace in counties of this class shall receive the following monthly salaries to be paid each month in the same manner, at the same time and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them: In townships having a population of more than five thousand, two hundred dollars per month; in townships having a population of more than seventeen hundred and less than five thousand, one hundred twenty-five dollars per month; in townships having a population of more than one thousand five hundred and less than seventeen hundred, seventy-five dollars per month; in townships having a population of more than one thousand and less than fifteen hundred, fifty dollars per month; in townships having a population of less than one thousand, thirty-five dollars per month. The board of supervisors of such counties shall furnish and maintain for the use of justices of the peace in townships having a population of two thousand five hundred or more, an office suitable for use as a courtroom, equipped with the necessary furniture for the proper and convenient conduct of business therein. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of this state and amendments thereto, and all necessary stationery, legal blanks and forms for the proper and convenient conduct of business. Justices

14. The constables shall receive the following salaries to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in Constables

criminal cases, and in all other criminal matters: In townships having a population of more than five thousand, one hundred fifty-five dollars per month; in townships having a population of more than seventeen hundred and less than five thousand, one hundred twenty-five dollars per month; in townships having a population of more than fifteen hundred and less than seventeen hundred, seventy-five dollars per month; in townships having a population of more than one thousand and less than fifteen hundred, fifty dollars per month; in townships having a population of less than one thousand, thirty-five dollars per month; *provided*, that each constable shall be allowed and paid out of the treasury of the county for traveling expenses in his own district, for the service of a warrant of arrest or any other process in a criminal case, or other criminal matters (when such service is in fact made) both going and returning, twenty cents per mile; and shall also be allowed and paid mileage at the rate of twenty cents per mile for every mile actually traveled within his county, both going and returning, in making an arrest or conveying prisoners to prison or to court, and also all other necessary expenses incurred in the performance of any of his duties other than in civil cases; said mileage and other expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury. In addition to the monthly salary allowed him herein each constable shall receive for his own use, the fees in civil cases, which are now or may hereafter be allowed by law, and shall also be allowed mileage at the rate of fifteen cents per mile for every mile actually traveled within his county.

Supervisors.

15. Each member of the board of supervisors, one thousand two hundred dollars per annum, payable in monthly installments, and for serving as road commissioner two hundred dollars per annum; also each shall be allowed paid his actual necessary traveling expenses incurred by him while engaged in the county business outside of his district whether within or without the boundaries of his county, also his actual necessary expenses in attending the annual state convention of members of county boards of supervisors; *provided*, that the expense of each member attending such convention shall not exceed forty dollars in any one year; also each supervisor shall be allowed and paid his traveling expenses, while supervising the roads of his district, at the rate of twenty cents per mile for each mile so traveled; *provided*, that the amount so allowed and paid shall not exceed the sum of one hundred dollars in any one month.

Reporter.

16. In counties of this class the official phonographic reporter of the superior court shall receive as compensation for his services the fees and compensation now or hereafter provided by law, and in addition thereto shall receive ten dollars per day when not actually engaged in reporting in said court, but when in attendance on said court in compliance with and as provided by section 271 of the Code of Civil Procedure, the

said per diem of ten dollars to be paid in the same manner as provided in criminal cases.

17. Grand and trial jurors in the superior court shall receive for each day's attendance per day the sum of three dollars. In justices' courts in civil cases the jurors sworn to try the cases shall receive for each day's attendance per day the sum of two dollars. All jurors shall receive for each mile actually and necessarily traveled from their residence to the place of service the sum of ten cents per mile; *provided*, that in the justices' courts mileage shall be allowed only to those sworn to try the case. Jurors.

18. Witnesses subpoenaed in criminal cases and in cases of dependent and delinquent persons shall receive two dollars per day and ten cents per mile for every mile actually traveled. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed. Witnesses.

19. Sealer of weights and measures, two thousand four hundred dollars per annum; *provided*, that the salary of the sealer of weights and measures herein provided for shall be paid at the same time and in the same manner as the salary of other county officers are paid; *and provided, further*, that the sealer of weights and measures shall be allowed the necessary expenses incurred in the discharge of his official duties. Sealer of weights and measures.

CHAPTER 532.

An act to amend section six hundred fifty-three d of the Penal Code of the State of California, relating to retaining wages of employees upon public works.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 653d of the Penal Code of the State of California is hereby amended to read as follows: Stats 1905,
p 667,
amended

653d. Every person who employs laborers upon public works, and who takes, keeps, or receives for his own use any part or portion of the wages due to any such laborer or laborers from the state or municipal corporation or district for which such work is done is guilty of a felony. Retaining wages of employees

CHAPTER 533.

An act to amend section four thousand two hundred eighty-seven of the Political Code, relating to fees and salaries of county and township officers in counties of the fifty-eighth class.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats 1913,
p. 1277,
amended.
Counties of
58th class:
officers.

SECTION 1. Section 4287 of the Political Code is hereby amended to read as follows:

4287. In counties of the fifty-eighth class county officers shall receive as compensation for services required of them by law, or by virtue of their office, the following salaries and compensation, to wit:

1. The county clerk, six hundred twenty-five dollars per annum.
2. The sheriff, eight hundred seventy-five dollars per annum.
3. The recorder, six hundred twenty-five dollars per annum.
4. The auditor, two hundred fifty dollars per annum.
5. The treasurer, seven hundred fifty dollars per annum.
6. The tax collector, three hundred seventy-five dollars per annum.
7. The assessor, seven hundred fifty dollars per annum.
8. The district attorney, one thousand two hundred fifty dollars per annum.
9. The coroner, ten dollars per month and such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, two hundred fifty dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justice of the peace, ten dollars per month and such fees as are now or may be hereafter allowed by law.
14. Constables, ten dollars per month and such fees as are now or may be hereafter allowed by law.
15. Each supervisor, six dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat, going only, and only one mileage shall be allowed for any regular session of the board; and when serving as road commissioner five dollars per day; *provided, however,* that five per cent only shall be allowed the sheriff or tax collector as fees for collecting licenses in counties of this class.

CHAPTER 534.

An act to amend section three thousand six hundred seventy-eight of the Political Code, relating to revenue and taxation.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 3678 of the Political Code is hereby amended to read as follows:

3678. To assist the assessor and the tax collector in the performance of their duties, the auditor must transmit to those officers, on or before the tenth day after the first Monday in March of each year, statements or copies of certificates of all properties from which tax liens have been removed by redemption, cancellation or otherwise.

Stats 1917,
p. 430,
amended.

Statement of
tax lien
removals.

CHAPTER 535.

An act authorizing the state director of institutions, with the approval of the state board of control, to grant to the county of San Bernardino for highway and road purposes the use of certain lands belonging to the State of California situated in San Bernardino.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. The state director of institutions subject to the approval of the department of finance is hereby authorized to grant to the county of San Bernardino the use of the following described land or so much thereof as may be necessary as a right of way for highway and road purposes: Beginning at a point that is north twenty-five feet from an iron pipe that is at the southeast corner of lot nine, block fifty-one, as shown on map of San Bernardino Rancho, recorded the tenth day of March, 1857, with county recorder, San Bernardino county, California. Thence west, parallel to and twenty-five feet north of the southerly boundary of lots eight and nine, one thousand seven hundred twenty and five-tenths feet to a point on line between lot seven and eight, thence south twenty-five feet to two-inch iron pipe, thence east to north and south center line of lot five, thence south on said line twenty-five feet, thence east twenty-five feet south and parallel to southerly boundary of lots eight, nine and ten, block fifty-one, to east line of the west ten acres of lot three, thence north twenty-five feet to a point, thence west along the lot line between three and ten to the place of beginning and containing one and ninety-seven hundredths acres more or less.

Grant to San
Bernardino
county.

CHAPTER 536.

An act to amend section forty-two of the act known as the improvement act of 1911, approved April 7, 1911, as amended.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p. 245,
amended.

SECTION 1. Section 42 of the act known as the improvement act of 1911, approved April 7, 1911, as amended is hereby amended to read as follows:

Superin-
tendent of
construction

Sec. 42. The superintendent of streets (or the city engineer, if the city council has by resolution directed that the work be done under his direction and to his satisfaction, as provided in section 18 of this act) shall, when in his judgment it is necessary appoint a suitable person or persons to take charge of and superintend the construction and improvement of any work authorized by this act, whose duty it shall be to see that the contract made for the doing of said work is strictly fulfilled in every respect and in case of any departure therefrom to report the same to the superintendent of streets, or to the city engineer, if appointed by him. Such person shall be allowed for his time actually employed in the discharge of his duties such compensation as shall be just, but not to exceed ten dollars per day. The sum to which the party so employed shall be entitled shall be deemed to be incidental expenses within the meaning of those words as defined by this act.

CHAPTER 537.

An act to amend section four of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a state real estate department and the office of real estate commissioner; to provide for the enforcement of said act and penalties for the violation thereof; and repealing an act entitled 'An act to define real estate brokers, agents, salesmen, solicitors; to provide for the regulation, supervision, and licensing thereof; to create the office of real estate commissioner; and making an appropriation therefor,' approved June 1, 1917, and all acts or parts of acts inconsistent with the provisions of this act," approved May 27, 1919, as amended, relating to the location of the office and branch offices of the real estate commissioner and to the appointment of deputies in the real estate department.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats. 1919,
p. 1253,
amended.

SECTION 1. Section 4 of an act entitled "An act to define real estate brokers and salesmen; to provide for the regulation, supervision and licensing thereof; to create a state real estate

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

Sec. 4. The real estate commissioner shall have his principal office in the city of Sacramento, and may establish branch offices in the city and county of San Francisco, in the city of Los Angeles and in such other cities as the commissioner may deem necessary, subject to the approval of the department of finance. In the real estate department, in addition to exemptions authorized and prescribed by other provisions of law, the position of two deputies, to be designated by the real estate commissioner, shall be exempt from the provisions of the civil service law.

CHAPTER 538.

An act to provide that in case the people of the city of Alameda should vote to exclude any of their salt marsh, tide or submerged lands, and thereafter the people of the city of Oakland should vote to annex the same, then the city of Alameda through its proper officials may grant said lands to the city of Oakland.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. If, under and pursuant to the general laws of the state, the people of the city of Alameda should vote to exclude any of their salt marsh, tide or submerged lands, and thereafter the people of Oakland should vote to annex said lands, then and in that event the city of Alameda, through its proper officials, is hereby empowered to grant said lands to the city of Oakland in trust for the same uses and purposes and upon the same conditions that said lands were acquired from the state, and such grant from the city of Alameda to the city of Oakland shall have the same force and effect as if it were made by the Legislature to the city of Oakland in the first instance.

CHAPTER 539.

An act to amend section four thousand two hundred forty-eight of the Political Code, relating to the salaries, fees and expenses of officers in counties of the nineteenth class.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats 1925,
p. 275,
amended.
Counties of
19th class:
officers and
employees

SECTION 1. Section 4248 of the Political Code is hereby amended to read as follows:

4248. In counties of the nineteenth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Clerk.

1. The county clerk, three thousand six hundred dollars per annum, and such fees as are allowed by law for issuing hunting and fishing licenses, and for the naturalization of persons desiring to become citizens; also five hundred dollars additional per year for the registration of voters. He shall also be allowed to appoint one chief deputy, which office of chief deputy is hereby created, who shall receive as compensation the sum of two thousand one hundred dollars per annum payable out of the same fund and in the same manner as the salaries of other county officers are paid. He shall also be allowed to appoint one copyist, which office of copyist is hereby created, who shall receive as compensation the sum of one thousand five hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid; *and provided, further*, that in any year when a registration of voters is required by law, that said county clerk may appoint such number of deputies, who are hereby designated and shall be known as registration deputies, with full power to register electors as may be necessary for the convenient registration of voters in their respective precincts or townships, each of said registration deputies to receive the sum of ten cents per name for each elector registered by him. The compensation of such registration deputies for such registration of electors shall be paid out of the general fund of the county on a duly verified claim therefor approved by said county clerk and allowed by the board of supervisors of said county.

Sheriff.

2. The sheriff, four thousand five hundred dollars per annum, and the fees or commissions for the service of all papers whatsoever issued by any court outside of the superior court in and for his county. He shall appoint a jailer to take charge of the branch county jail, at a salary of one thousand five hundred dollars per annum, an undersheriff at a salary of two thousand one hundred dollars per annum, a deputy jailer at a salary of two thousand dollars per annum, who shall act as a jailer for the county jail, and a deputy jailer at a salary

of two thousand dollars per annum, and the salaries of which deputies shall be paid by the county in the same manner and out of the same fund as the salaries of other county officers are paid.

3. The recorder, three thousand dollars per annum. He shall also be allowed one deputy, which office of deputy recorder is hereby created, who shall receive as compensation the sum of two thousand one hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officials are paid. He may also appoint such copyists as may be required for the recording of all papers, notices and documents in his office, who shall receive as compensation for their services the sum of six cents per folio for actual work done in copying and comparing any instrument to be recorded (except maps and plats) and for making copies of any records or papers. The compensation of the copyists herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; *provided*, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as such copyists and the amount due to each for such copying and comparing. All fees collected by said recorder for filing and recording of instruments and other documents, maps and plats, or for copies made from records shall be paid into the county treasury. Recorder

4. The auditor, three thousand dollars and such fees as are allowed by law. The auditor shall also be allowed one deputy, which office of deputy auditor is hereby created, who shall receive as compensation the sum of two thousand one hundred dollars per annum. In addition to said deputy the county auditor shall have the right to employ from time to time in his office such additional assistants as may be required to promptly perform the work required to be done therein. Such assistants shall receive a salary not to exceed five dollars each for each day they are actually and necessarily employed and not to exceed the sum of seven hundred fifty dollars in any one year. The deputy and assistants herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the auditor is paid. Auditor.

5. The treasurer, three thousand dollars per annum. He shall also be allowed one deputy which office of deputy treasurer is hereby created, who shall receive as compensation the sum of two thousand one hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid. Treasurer

6. The tax collector, three thousand dollars per annum and his actual and necessary expenses when engaged in the collection of taxes in the various townships of the county; *provided*, *however*, such expenses shall not in any one year exceed the sum of one hundred dollars. He shall also be allowed one Tax collector.

deputy, which office of deputy tax collector is hereby created, who shall receive as compensation the sum of two thousand one hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of the other county officers are paid. In addition to said deputy, the county tax collector, shall have the authority to employ from time to time in his office one additional assistant as may be required to promptly perform the work necessary therein. Said assistant shall receive a salary not to exceed five dollars per day and not to exceed the sum of seven hundred fifty dollars in any one year. The deputy and assistant herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

Assessor.

7. The assessor, four thousand dollars per annum, and his actual and necessary traveling expenses, when engaged in assessing the properties of his county; *provided*, such traveling expenses shall not in any one year exceed the sum of two hundred dollars. He shall also be allowed one deputy which office of deputy is hereby created, who shall receive as compensation two thousand one hundred dollars per annum, and one office deputy for the months of March, April, May and June each year which office of deputy is hereby created, who shall receive as compensation one hundred dollars per month during the months of March, April, May and June of each year. The salaries of which deputies payable out of the same fund and in the same manner as the salaries of other county officers are paid, and such additional deputies and clerks as the assessor may appoint, at a salary not to exceed five dollars per day each, not to exceed one thousand dollars per annum, said additional deputies and clerks to be paid for their services on the presentation and filing with the board of supervisors of said county, duly verified claims therefor. The assessor shall also receive six per cent of all personal property taxes collected by him and all fees and commissions allowed him by law for collection of poll taxes and preparation of roll of persons subject to military duty.

Attorney.

8. The district attorney, three thousand dollars per annum. In counties of this class the district attorney may appoint a deputy district attorney, which office of deputy district attorney is hereby created, and said deputy district attorney shall receive as compensation for all services performed, the sum of two thousand four hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of other county officials are paid. He shall be allowed one stenographer which office of stenographer is hereby created, who shall receive as compensation one thousand five hundred dollars per annum, payable out of the same fund and in the same manner as the salaries of other county officers are paid.

9. The coroner, such fees as are now or may hereafter be ^{Coroner.} allowed by law.

10. The public administrator, eight hundred dollars per <sup>Admin-
istrator.</sup> annum.

11. The superintendent of schools, three thousand dollars <sup>Supt of
schools.</sup> per annum and traveling expenses while visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of the superintendent of schools; *provided*, the superintendent of schools may appoint one deputy which office of deputy is hereby created, who shall receive as compensation the sum of one thousand eight hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid.

12. The surveyor, three thousand dollars per annum and ^{Surveyor.} in addition thereto all necessary expenses, such as transportation and pay for help which may be necessary for the performance of county duties. He shall also be allowed to appoint one clerk, which office of clerk is hereby created and who shall receive as compensation the sum of one thousand five hundred dollars per annum.

13. Justices of the peace, the following monthly salaries, to ^{Justices.} be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them: In townships having a population of six thousand or more, one hundred fifty dollars per month; in townships having a population of one thousand five hundred and less than six thousand, one hundred dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of five hundred and less than one thousand, twenty dollars; in townships having a population of less than five hundred, ten dollars. Each justice must pay into the county treasury, once a month, all fines and fees collected by him in criminal and civil cases as provided for by law.

14. Constables, the following salaries which shall be paid ^{Constables.} monthly as salaries of the county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of one thousand eight hundred and more, one hundred twenty-five dollars; in townships having a population of one thousand five hundred and less than one thousand eight hundred, eighty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such as are now or may be hereafter allowed by law for all services performed by him in civil actions. For the purpose of this

section, the basis of calculation for fixing the compensation of justices and constables above mentioned, the population of the different townships of the county shall always be based upon the figures as shown by the last United States census; *provided, however,* that whenever the census of any township or townships shall have been taken under the provisions of this title, said census may become the basis of calculation.

Supervisors. 15. Each member of the board of supervisors, one thousand two hundred dollars per annum for all services rendered including mileage and including services as road commissioners; *provided,* that when required to go on business to any point outside of the county, they shall be allowed actual expenses.

Board of education 16. Each member of the county board of education shall receive ten cents per mile for traveling from his or her residence to the county seat; *provided,* that mileage be not allowed for more than two meetings in any one month.

Effective 17. Sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, and the provisions of section 14 relating to townships having a population of one thousand eight hundred and more shall go into effect ninety days after final adjournment of the Legislature.

Fees The salaries herein allowed are in full compensation for all duties performed by either principals or their deputies and all fees of every kind collected by each officer or his deputy except the assessor and his deputies as provided in section 7 of this act shall be paid into the county treasury as provided by law except that the county clerk, sheriff, auditor, assessor, coroner, and constables, shall each be allowed the fees and commissions as provided for in subdivision 1, 2, 4, 7, 9, and 14, respectively, of this act.

Effect of act SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 540.

An act to amend section six of an act entitled "An act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof," approved April 16, 1915, as amended, relating to the application and payment of fees for licenses,

registration of licentiates and payment of fees for such registration.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 6 of an act entitled "An act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious disease, regulating the practice of embalming in connection with the care and disposition of the dead and providing penalties for the violation thereof," approved April 16, 1915, as amended, is hereby amended to read as follows:

Stats. 1915,
p. 81,
amended.

Sec. 6. From and after the first day of August, 1915, to January 1, 1916, every person at the time engaged in the practice of embalming or preparing for transportation of human bodies dead of contagious or infectious diseases or embalming human bodies dead from any cause whatever within the State of California, shall make a written application to the said board of embalmers for a license, such application to be signed by the applicant with the statement that he or she is possessed of skill and knowledge of said science of embalming and the care and disposition of the dead, and has reasonable knowledge of sanitation and the disinfection of bodies of deceased persons, and the apartments, clothing and bedding, in case of infectious or contagious diseases, and the statements therein contained to be duly certified before an officer authorized to take acknowledgments, and upon payment of five dollars, the board shall issue to said applicant a license to practice said science of embalming and the care and disposition of the dead. Such license shall be signed by the president and secretary of the board and attested by its seal. Said board shall immediately upon issuance of a license, as heretofore provided, or upon any reinstatement of any licentiate as provided under section 13, register the said applicant or reinstated licentiate as a duly licensed embalmer.

License
before 1916.

Every embalmer shall annually, during every year in which he or she desires to continue such practice, pay to the secretary of said board, on such date as said board shall determine, a fee of two dollars for a renewal of registration.

Renewal.

CHAPTER 541.

An act to add a new section to be known as section twenty-two and three-quarters to an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts,' and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all

acts or parts of acts inconsistent herewith," approved May 19, 1915, approved May 28, 1917, as amended, relating to boundary lines of fish and game districts.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats. 1917,
p. 1055,
amended

SECTION 1. A new section to be numbered 22 $\frac{3}{4}$ is hereby added to an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts' and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith, approved May 19, 1915," approved May 28, 1917, as amended.

District
four "G."

Sec. 22 $\frac{3}{4}$. Fish and game district four G shall consist of and include all lands lying within the county of Riverside within the following boundaries:

Beginning at the northwest corner of section twenty-eight, township three south, range three east; thence in a southerly direction up the ridge between the branches of Snow creek to the summit of Mount San Jacinto; thence in a southerly direction along the summit of the main ridge of Marion mountain; thence to Tahquitz peak; thence in a southeasterly direction along the summit of the main ridge of Antsell rock, and thence following the ridge to the intersection of the east boundary line of the Cleveland national forest in the southeast corner of section twenty-four of township five south, range three east; thence in a northerly direction along the boundary line of said national forest to the northeast corner of section one of township four south, range three east; thence in a northwesterly direction along the boundary line of said national forest to point of beginning.

CHAPTER 542.

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

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p. 445,
amended.
Tree
squirrels.

SECTION 1. Section 626g of the Penal Code is hereby amended to read as follows:

626g. Every person who at any time hunts, pursues, kills or destroys, or has in his possession any species of tree squirrel is guilty of a misdemeanor.

CHAPTER 543.

An act providing for the maintenance and operation in whole or in part of any street lighting system or systems within municipalities; providing for the letting of contracts therefor; providing for the formation of lighting maintenance districts in such municipalities to pay all or any part of the expenses of such maintenance and operation; providing for the levying of special assessment taxes on lands within such districts; and providing for municipalities paying any part of such expenses and making advances to the district fund.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Whenever the public interest or convenience may require, the legislative body of any municipality in this state, in which one or more street lighting systems consisting of poles, posts, pipes, conduits, lamps and other necessary works and appliances or any thereof, have been installed or have been ordered by said legislative body to be installed in or along the whole or any part of any one or more of the public ways in such municipality for street lighting purposes, may determine and order that the expenses of maintaining and operating such system or systems, including the cost of necessary repairs, replacements, fuel, power and all other items necessary for proper maintenance and operation, or the expense of any one or more of the foregoing items, be assessed, either partly or wholly, upon lands in such municipality lying within a district to be benefited by and to be assessed to pay the costs of such maintenance and operation, and may under this act form such districts which shall be known as lighting maintenance districts. Any number of public ways and one or more street lighting systems may be included in one district, but the district, the public ways and the street lighting system or systems must lie entirely within the municipality whose legislative body forms the district.

Formation of
municipal
lighting
maintenance
districts.

SEC. 2. Before forming any district hereunder or ordering all or any part of the expenses of maintenance and operation of any such street lighting system or systems to be assessed upon the lands within a district formed hereunder, the legislative body of a municipality shall adopt a resolution declaring its intention so to do. Before adopting such resolution of intention, said legislative body shall order the city engineer to prepare and file with said legislative body a report which shall contain substantially the following matters: a statement of the public way or ways or portions thereof to be lighted; a general description of the lighting system or systems to be maintained and operated thereon; a statement of the general items of maintenance and operation proposed to be

Resolution
of intention

Report and
map.

furnished such system or systems, and such items may include electric power, gas, repairs, replacements, or any or all thereof, and any other items necessary for the proper maintenance and operation of such street lighting system or systems; a statement of the estimated cost of such maintenance and operation for the first year and of the estimated amount of electric power necessary for such system or systems each year; and said legislative body shall order said engineer to prepare and file with said report a map or plat of the district to be benefited by said maintenance and operation, and to be assessed to pay the expenses thereof, or some portion of such expenses, showing on such map or plat the public way or ways to be lighted under the proceedings and the approximate location of the lights to be maintained and operated thereon. Said report and map shall be presented to said legislative body and examined by it, and may be modified at any time prior to the adoption of the resolution of intention. When approved by said legislative body, whether with or without modifications, said report and map shall be filed with the clerk of said legislative body. The resolution of intention shall contain a statement of the public way or ways or portions thereof to be lighted, a general description of the lighting system or systems to be maintained and operated thereon, a statement of the general items of expense of maintenance and operation proposed to be furnished for such street lighting system or systems, the expenses of which items are to be assessed in whole or in part against the lands within the district (exclusive of improvements), and such items may include electric power, gas, repairs, replacements, or any or all thereof, and any other items necessary for proper maintenance and operation of such street lighting system or systems. Such resolution shall also state the estimated amount of gas or electric power necessary for such system or systems each year, and the estimated cost of such gas or electric power for the first year, and the estimated cost for the first year of any of the other items of maintenance and operation described in said resolution. Said resolution shall contain a general description of the boundaries of the district which the legislative body shall declare the district to be benefited by said maintenance and operation and to be assessed to pay the costs thereof, or some portion of said costs, and shall state the number of years that said maintenance and operation shall be furnished for such system or systems (which shall not exceed five years from the date of formation of the district), and said legislative body may, in its discretion, in said resolution of intention order that a certain percentage of the costs of such maintenance and operation shall be paid out of the treasury of such municipality from such fund as said legislative body may designate. Said resolution shall refer to said map or plat on file with the clerk of said legislative body for the boundaries of the district to be assessed, the public way or ways to be lighted and the approximate location of the lights thereon.

Contents of
resolution.

Said legislative body shall in said resolution designate a time when and a place where any and all persons owning land or having any interest in lands within the district liable to be assessed for the expenses of said maintenance and operation or any portion thereof may be heard and any of said persons may present any objections that they may have by protest. Said protests must be in writing and filed with the clerk of the legislative body of the city at or before the time set for hearing. Protests.

SEC. 3. After the passage of said resolution of intention, the clerk of said legislative body shall publish the same by at least two insertions in a daily or weekly newspaper of general circulation in such municipality designated by said governing body for that purpose. Copies of said resolution headed "Notice of formation of lighting maintenance district" in letters not less than one inch in length, and signed by the city clerk shall be posted by the superintendent of streets along all open streets within said district, not more than three hundred feet apart and not less than three in all. First posting of said notice and publication of said resolution of intention (they need not be simultaneous) shall be at least twenty days before the date set for the hearing of protests. Notice of intention.

SEC. 4. At the time and place fixed for the hearing of protests or at any time to which said hearing may be regularly adjourned, said legislative body shall hear evidence, if any, introduced in support of said protests or any of same. Said legislative body may at said hearing modify the maintenance and operation as stated in the resolution of intention by omitting one or more of the items stated therein, and may modify the boundaries of the district, but may not modify such boundaries so as to include any land not within the district as described in the resolution of intention, and may change the percentages of the total maintenance and operation cost which will be paid by the municipality and by the district; *provided, however,* that the percentage to be paid by the district shall not be increased without further notice and hearing given in the same manner as notice of the original hearing. Said legislative body may by a four-fifths vote deny all protests and its decision thereon shall be final and conclusive. If any protests on matters which cannot be modified as hereinbefore provided are sustained, the proceedings shall be abandoned but may be renewed at any time. No land shall be included within said district which in the judgment of said legislative body will not be benefited by the said maintenance and operation as finally determined by said legislative body. If no protests are filed, or, if all protests filed, after hearing, be denied, or if any of the modifications hereinbefore authorized be made and said legislative body, after hearing evidence on the question of benefits, determines that the territory within the boundaries of the district, as finally determined, will be benefited by said maintenance and operation, as finally determined, then the legislative body Hearing.

Jurisdiction
and final
resolution

shall be deemed to have acquired jurisdiction to proceed further in accordance with the provisions of this act, and may, thereupon, by final resolution, order said district formed, describing the boundaries thereof, as finally determined, and order that said maintenance and operation, as finally determined, (stating the items thereof and the estimated cost of the same for the first year) shall be furnished from time to time as necessary and that all expenses of said maintenance and operation, or such percentage of said expenses as said legislative body has finally determined shall be paid by said district, shall thereafter be paid by special assessment taxes to be levied upon all the lands within such district (exclusive of improvements), and shall specify the percentages of such expenses to be paid by said district and by the municipality respectively.

Special
assessment
tax.

SEC. 5. A certified copy of said final resolution shall be filed with the assessor who makes the assessment for general city taxes. Thereafter the said assessor in making up the city assessment roll shall segregate the property included within such district on the assessment roll under the district designation contained in said resolution. Each year during the existence of said district (except that for the first year the estimate in said final resolution of the cost of the items of maintenance and operation, as finally determined by said legislative body, shall be used) at least thirty days prior to the making of the general tax levy for municipal purposes, the city engineer shall furnish to the legislative body of said city an estimate of the expenses of said maintenance and operation for the next year as said maintenance and operation were determined in said final resolution. Thereafter the legislative body of said city, at the time of making the next general tax levy in said city, and in the manner for such general tax levy provided, shall levy a special assessment tax upon all the lands (exclusive of improvements) within said maintenance district sufficient to raise that percentage of the sum required in said estimate which was determined in said final resolution as the percentage of said maintenance and operation to be raised from such district. Such special assessment tax shall be levied, computed, entered, collected and enforced at the same time, in the same manner, by the same persons and with the same penalties as other taxes for municipal purposes and when collected shall be paid into the city treasury to the credit of the fund of such lighting maintenance district and be used only for the payment of the expenses of such district. Said legislative body shall have power to control and order the expenditure of said moneys for the purposes of maintenance and operation stated in said resolution forming such district; *provided, however*, that if at the expiration of any year there shall be an unexpended balance in such fund, said balance shall, to that extent, reduce the fund to be raised from the district for the next year and any balance remaining in said

fund at the end of the term for which a district is formed shall be used (so far as it will go) to furnish electric current for the system or systems maintained and operated from funds raised from such district in whole or part. At the time of making said special assessment tax levy each year said legislative body shall appropriate from the fund designated in the resolution of intention or from any other available fund a sum sufficient to pay that percentage of the total expenses of said maintenance and operation which is to be paid by the municipality. Said legislative body may also transfer to the fund of such lighting maintenance district from the general fund of such municipality sufficient funds to pay all or any part of the percentage of the yearly expenses of said maintenance and operation which is to be paid from funds raised from the district. The amount of money so transferred shall be deemed a loan to the fund to be raised from the lands within the district and shall be repaid to the general fund from the first money thereafter coming into the fund of such lighting maintenance district from taxes levied upon lands within such district.

City's share
of expenseLoan to
district
fund

SEC. 6. The legislative body of any city in which a maintenance district is formed shall have power to make all contracts and all necessary provisions for the furnishing of the maintenance and operation finally determined for the lighting system or systems maintained and operated in whole or part from funds of such districts. Such contracts shall be made in the same manner and after the same notice and by the same persons as other municipal contracts for such items of maintenance and operation in such city are made; *provided, however*, that if any of such contracts in any city are not required to be made after competitive bidding, that such contracts shall be let only after competitive bidding and the official or officials whose duty it is to let contracts for such item or items for such city shall give or cause to be given a notice inviting sealed proposals or bids on such item or items, and fix a time and place at which same will be opened and declared in public, and the contract shall be awarded to the lowest responsible bidder; *provided, however*, that if deemed for the public good any and all bids may be rejected and in such case readvertisement shall be had in the same manner as before. Notice shall be published at least twice and the first publication shall be at least ten days before the time set for opening such sealed proposals.

Contracts.

SEC. 7. The term "public way" as used in this act shall be deemed to mean and shall include all public highways, roads, streets, avenues, boulevards, alleys, parkways and other rights of way of the public within a municipality. The term municipality as used in this act shall mean and include any incorporated town or city heretofore organized and now existing and any incorporated town or city hereafter organized.

"Public
way" and
"municipal-
ity."

Alternative
system.

SEC. 8. This act shall in no wise affect any other act or acts now existing or which may hereafter be passed covering the same subject matter nor apply to any proceedings had thereunder but it is intended to and does provide an alternative system for providing for the maintenance and operation of a street lighting system or systems within municipalities and of accomplishing the purposes comprehended herein, and it shall be in the discretion of any legislative body of any municipality to proceed under the provisions either of this act or of any other such act, but when any proceedings are commenced under this act, the provisions of this act and of such amendments hereto as may hereafter be passed and no other shall apply to all such proceedings, and any provisions contained in any of such other acts or any acts in conflict herewith shall be of no effect as to proceedings commenced under this act.

Construction
of act.

SEC. 9. This act and all of its provisions shall be liberally construed to the end that the purposes hereof may be effective. No error, defect, irregularity, informality and no neglect or omission of any officer of any municipality in any proceeding taken hereunder, which does not affect the jurisdiction of the legislative body to order the formation of a district hereunder, shall avoid or invalidate such proceedings. The sole acts necessary and essential to confer jurisdiction upon the legislative body to order the formation of a district hereunder and the furnishing of maintenance and operation shall consist of the adoption of a resolution of intention and the publication of the same, as in this act provided.

Constitutionality.

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

Short
title

SEC. 10. This act shall be known as, and whenever cited, referred to, or amended, may be designated as the "Municipal lighting maintenance district act of 1927" and by such designation shall be sufficiently identified in any proceeding hereunder or in any court action or proceeding or legislative enactment in which this act is referred to.

CHAPTER 544.

An act providing for the exchange of certain lands of the state, situate in a national park, and for the management and control of the lands acquired in exchange.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Public lands of the State of California, situated within the exterior boundaries of a national park, which in the judgment of the surveyor general are more valuable for timber, or recreational uses than for any other purpose, may be exchanged for timber lands or other public lands of the United States of equal value, in one or more compact tracts, situated in the State of California. The surveyor general is hereby authorized to select the lands of the State of California to be so exchanged and to arrange with the proper officials of the United States for their exchange. No lands shall be accepted in exchange under the provisions of this act without the approval of the surveyor.

Exchange
of state
land in
national
parks

SEC. 2. Whenever in the judgment of the surveyor general it would be to the advantage of the State of California to exchange any of its public lands situated within the exterior boundaries of a national park, which are chiefly valuable for timber or recreational uses, for timber lands or other public lands of equal value of the United States in one or more compact tracts, the surveyor general shall so certify to the governor, who shall thereupon execute, on behalf of the State of California, any and all deeds or other instruments of conveyance necessary to effect such exchange; *provided, however*, that all lands acquired by exchange under this act shall be subject to the laws governing state lands of the class from which the exchange was made.

Certificate
and
conveyance

CHAPTER 545.

An act to add a new section, to be numbered thirteen, to an act entitled "An act to establish and support a bureau of labor statistics," approved March 3, 1883, as amended, relating to the collection of facts, information, and statistics to promote the education, employment and general welfare of the deaf.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to an act entitled "An act to establish and support a bureau of labor

Stats. 1883,
p. 30,
amended.

statistics," approved March 3, 1883, as amended, to be numbered 13 and to read as follows:

Statistics of
and aid to
the deaf.

Sec. 13. The commissioner shall collect statistics of the deaf, ascertain what trades or occupations are most suitable for them and best adapted to promote their interests, and he shall use his best efforts through the state free employment service to aid them in securing such employment as they may be fitted to engage in. He shall cooperate with other agencies as directed by the governor in keeping a census of the deaf and obtaining facts, information and statistics as to their condition in life with a view to the betterment of their lot. He shall endeavor to obtain statistics and information of the condition of labor and employment and education of the deaf in other states with a view to promoting the general welfare of the deaf in this state.

CHAPTER 546.

An act to validate the organization and existence of county water districts.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

County
water
districts
validated

SECTION 1. Whenever the board of supervisors of any county has heretofore declared any portion of such county, including one or more municipal corporations, or part thereof, therein situated to be a county water district under the provisions of an act entitled "An act to provide for the incorporation and organization and management of county water districts, and to provide for the acquisition of water rights or construction thereby of water works and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, or under the provisions of such act as amended, and such district has existed as such for a period of six months prior to the taking effect of this act, all acts and proceedings of such board of supervisors and all acts of all public officers leading up to and including the formation of such district are hereby legalized, ratified and confirmed and declared valid for all intents and purposes and any such district is hereby declared to be a legal, valid and subsisting county water district.

CHAPTER 547.

An act to amend section one thousand five hundred twenty-three of the Code of Civil Procedure, relating to the sale of personal property by executors and administrators.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1523 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1921, p 193, amended. Sales necessary or advisable.

1523. If claims against the estate have been allowed, and a sale of property is necessary for their payment, or for the expenses of administration, or for the payment of legacies, the executor or administrator may sell all or so much of the personal property as may be necessary therefor. He may also make a sale from time to time, so long as any personal property remains in his hands, and sale thereof is necessary. If it appear for the best interests of the estate, he may, at any time after filing the inventory, in like manner sell the whole or any part of the personal property belonging to the estate whether necessary to pay debts or not. Any such sale shall take effect only upon confirmation by the court, except in the sale of stocks or bonds when the court has, upon a verified petition previously presented, made its order authorizing the sale and transfer thereof, and fixing the terms and conditions upon which the same is to be made.

CHAPTER 548.

An act amending section four thousand two hundred forty of the Political Code, relating to salaries and compensation of officers in counties of the eleventh class.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4240 of the Political Code is hereby amended to read as follows: Stats. 1925, p 62, amended

4240. In counties of the eleventh class, officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries: Counties of 11th class officers and employees.

1. The county clerk, four thousand dollars; *provided*, that said clerk shall have the following deputies: One chief deputy, who shall act as clerk of the board of supervisors, and who shall be paid a salary of two thousand four hundred dollars per annum; one deputy clerk who shall be paid a salary of one thousand nine hundred twenty dollars per annum; two deputies who shall act as courtroom clerks and shall each be paid a salary of one thousand eight hundred dollars per annum. Clerk

In the event that the Legislature shall hereafter increase the number of superior judges in any county of this class, an additional courtroom deputy shall be appointed by said county clerk at a salary of one thousand five hundred dollars per annum, who shall perform the duties and act in place of the deputy provided for by section 4290 of the Political Code. The county clerk shall perform the duties of registrar of voters and shall appoint additional deputies who shall act as registration deputies for the purpose of registering electors outside of the county courthouse grounds, and such deputies shall be paid the sum of ten cents per name for each affidavit of registration taken by them and the claims of such deputies for such service shall be presented to, and allowed by the board of supervisors as other claims against the county are presented and allowed. The county clerk shall also be allowed not to exceed four additional deputies for a period of not to exceed ten months during each and every even numbered year, which said deputies shall receive as compensation for their services, four dollars per day each, during such time as they may serve as such deputies. The county clerk shall pay into the county treasury to the credit of the salary fund at the close of each month, all fees and commissions received by said county clerk during the month, accompanied by a statement of the sources from which said fees and commissions have been received.

Sheriff.

2. The sheriff, four thousand dollars per annum; *provided*, that said sheriff shall have the following deputies and assistants: One deputy who shall act as undersheriff; and who shall be paid a salary of two thousand one hundred dollars per annum; four deputies, each of whom shall be paid a salary of one thousand eight hundred dollars per annum; two deputies to act as bailiffs at a salary of one hundred fifty dollars each per month; one deputy who shall be paid a salary of one thousand five hundred dollars per annum, and a matron who shall also perform the duties of cook and whose compensation shall be three dollars per day and her board at the jail of said county while performing such duties. The sheriff shall receive and retain for his use, the compensation allowed by the state for the transportation of prisoners to and from the state prisons, and for conveying persons to and from the insane asylums, state hospitals and other state institutions. All other fees and mileage received by the sheriff shall be paid into the county treasury and placed to the credit of the salary fund. In the event that the Legislature shall hereafter increase the number of superior judges in any county of this class, an additional deputy shall be appointed by said sheriff to act as bailiff at a salary of one hundred twenty-five dollars per month.

Recorder.

3. The county recorder, three thousand six hundred dollars per annum; *provided*, that said recorder shall have the following deputies and assistants: One chief deputy who shall be paid a salary of two thousand one hundred dollars per annum; three deputies, each of whom shall be paid a salary

of one thousand five hundred dollars per annum; two comparing clerks, each of whom shall be paid a salary of one hundred dollars per month; and such copyists as are necessary to perform the duties of the office, who shall receive a compensation of three cents per folio for each folio of any instrument recorded and necessary to be transcribed by said recorder, and which said compensation shall be paid out of the salary fund of such county. All fees collected by the county recorder shall be paid into the county treasury and placed to the credit of the salary fund.

4. The county auditor, three thousand dollars per annum; Auditor. *provided*, that said auditor shall have the following deputies and assistants: Three deputies, each of whom shall be paid a salary of one thousand eight hundred dollars per annum; one deputy who shall be paid a salary of one thousand five hundred dollars per annum, and such additional assistants each year as the board of supervisors may consider necessary to promptly perform the work required to be done in the office of said auditor, said assistants to be employed by said auditor and to be paid a compensation of not to exceed four dollars per day while actually employed, and the compensation of such assistants shall not in the aggregate, exceed the sum of one thousand five hundred dollars in any one year. It shall be the duty of the county auditor in counties of this class to prepare for the board of supervisors, the reports required by sections 4099 and 4049a of the Political Code, and all fees and commissions received by the county auditor shall be paid by him into the county treasury and placed to the credit of the salary fund.

5. The county treasurer, three thousand dollars per annum; Treasurer. *provided*, that said treasurer shall have one deputy who shall be paid a salary of one thousand nine hundred twenty dollars per annum; and one deputy who shall be paid a salary of one thousand five hundred dollars per annum.

6. The tax collector, three thousand dollars per annum, in Tax collector full compensation for all services performed as tax collector and ex officio license collector; *provided*, that said tax collector shall have the following deputies and assistants: One chief deputy who shall be paid a salary of one thousand nine hundred twenty dollars per annum; two deputies, each of whom shall be paid a salary of one thousand five hundred dollars per annum; three copyists from the first day of July each year to the first day of September each year, each of whom shall be paid a salary of one hundred dollars per month; fifteen clerks for a period of not to exceed two months in any one year, each of whom shall receive a salary of one hundred dollars per month, and such additional assistants during each year as the board of supervisors may consider necessary to promptly perform the work required to be done in the office of said tax collector, said assistants to be employed by said tax collector and to be paid a compensation of four dollars per day while actually employed, and such compensation shall not in

the aggregate exceed the sum of one thousand dollars per annum. All fees and commissions paid to the tax collector and ex officio license collector, shall be paid into the county treasury and placed to the credit of the salary fund.

Assessor.

7. The county assessor, four thousand dollars per annum; *provided*, that said assessor shall be allowed the following deputies and assistants: One deputy, who shall be known as chief deputy, and who shall be paid a salary of one thousand nine hundred twenty dollars per annum; one deputy who shall be paid a salary of one thousand five hundred dollars per annum; one copyist and stenographer, who shall be paid a salary of one thousand two hundred dollars per annum; three copyists for a period not exceeding six months in each year, each of whom shall be paid a salary of one hundred dollars per month; six field deputies for a period not exceeding four months in each year, each of whom shall be paid a salary of six dollars per day; twelve field deputies for a period not exceeding four months in each year, each of whom shall be paid a salary of seven dollars per day. All fees and commissions, including all sums collected by the assessor or his deputies as personal property taxes, shall be paid in to the county treasury monthly as collected, with a statement of account of each collection.

Attorney

8. The district attorney, four thousand two hundred dollars per annum; *provided*, that the district attorney shall have the following deputies and assistants: An assistant district attorney who shall be paid a salary of three thousand three hundred dollars per annum; one deputy who shall be paid a salary of three thousand dollars per annum; one deputy who shall be paid a salary of two thousand seven hundred dollars per annum; one deputy who shall be paid a salary of two thousand four hundred dollars per annum; one stenographer who shall be paid a salary of one hundred twenty-five dollars per month, and one stenographer who shall be paid a salary of one hundred dollars per month.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Admin-
istrator.

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

Supt of
schools

11. The superintendent of schools, as full compensation of all services required of him by law, including his duties as a member of the county board of education, three thousand dollars per annum, and actual and necessary traveling expenses when visiting the schools of his county; *provided*, that the superintendent of schools shall have the following deputies: One chief deputy who shall be paid a salary of two thousand two hundred dollars per annum; a second deputy who shall be paid a salary of one thousand eight hundred dollars per annum, and one deputy who shall be paid a salary of one thousand five hundred dollars per annum, said chief deputy and said second deputy to be qualified teachers, competent to perform the duties of said office, either in the field or in said office.

12. The county surveyor three thousand dollars per annum; ^{Surveyor} *provided*, that the surveyor shall have the following deputies and assistants: One deputy who shall be paid a salary of two thousand dollars per annum; one field inspector who shall be paid a salary of two thousand dollars per annum; one field and office assistant who shall also act as stenographer and who shall be paid a salary of one thousand five hundred dollars per annum. In addition the county surveyor shall be allowed all necessary traveling and other expenses incurred by himself or by said deputy, field inspector or assistant in the performance of all work in the field and in the discharge of the duties of his office, and said surveyor shall also have power to employ such inspectors, chainmen, rodmen and other field help as may be necessary to perform the duties of his office in the field and for the proper supervision and inspection of all highways, bridges, structures and other engineering work, which the said county surveyor may be required by the board of supervisors to supervise or inspect, while under construction, and the compensation of said inspectors and other help shall be a proper charge against the county, and shall be paid out of the county general fund upon the presentation of proper claims therefor to the board of supervisors in any county of this class. The county surveyor shall do all surveying and engineering work for the county, including the preparation of plans and specifications for the construction of bridges; and in any county of this class, whenever a portion of the county general fund has been appropriated for the construction of highways or bridges, or bonds have been issued under the provision of section 4088 of the Political Code for the construction of bridges or highways, the county surveyor may at any time during the planning, laying out or construction of said bridges or highways, employ all necessary inspectors, draftsmen and field or office help for the purpose of assisting said county surveyor in planning, laying out or supervising and inspecting the construction of such bridges or highways, and the compensation of all persons so employed shall be paid out of the fund created for such work upon the presentation of proper claims therefor to the board of supervisors; ^{Employees} *provided*, *however*, that before employing any inspectors and field or office help, the surveyor shall first obtain the consent of the board of supervisors to such employment, and said inspectors and field or office help shall not be employed for a period longer than may be necessary to actually complete said bridges or highways, and the compensation of all such persons employed as inspectors, draftsmen, field or office help, shall be prescribed by the board of supervisors. ^{Supt of maintenance} The board of supervisors shall have the power to appoint the county surveyor, superintendent of maintenance of permanent highways constructed under bond issues, direct tax or county general funds, and such surveyor, in the event of such appointment, must perform the duties of such superintendent of maintenance,

and when so appointed, shall receive a salary of eight hundred dollars per annum. He shall be allowed all necessary help to perform the duties of such superintendent of maintenance, the compensation of which help shall be fixed by the board of supervisors, and which said board shall furnish such superintendent of maintenance with necessary equipment and funds to properly perform such work.

Classification
of
townships.

13. For the purpose of regulating the compensation of the justices of the peace and constables in counties of the eleventh class the townships of said counties are hereby classified as follows: Townships having a population of fifteen thousand and more shall belong to and be known as townships of the first class. Townships having a population of not less than ten thousand and under fifteen thousand shall belong to and be known as townships of the second class. Townships having a population of not less than six thousand and under ten thousand shall belong to and be known as townships of the third class. Townships having a population of not less than three thousand and under six thousand shall belong to and be known as townships of the fourth class. Townships having a population of not less than one thousand and under three thousand shall belong to and be known as townships of the fifth class. Townships having a population under one thousand shall belong to and be known as townships of the sixth class; *provided*, that for the purposes of this section the population of the several townships of the counties of this class shall be ascertained by the board of supervisors by multiplying the number of registered voters at the last preceding general presidential election by three.

Justices
and their
clerks.

14. Justices of the peace in townships of the first and second class shall be paid a salary of one hundred seventy-five dollars per month and in each justice's court in townships of the first class there shall be one justice's clerk who shall be appointed by the justice of the peace and who shall hold office at the pleasure of the said justice of the peace and who shall be paid a salary of one hundred twenty-five dollars per month and which shall be payable in the same manner and out of the same funds as county officers are paid. For each justice's court in townships of the second class there shall be one justice's clerk who shall be appointed by the justice of the peace and who shall hold office at the pleasure of the said justice of the peace and who shall be paid a salary of one hundred dollars per month and which shall be payable in the same manner and out of the same funds as county officers are paid. Said justice's clerks shall take the oath of office prescribed for county officers and execute an official bond in the sum of two thousand dollars conditioned upon and for the faithful discharge of the duties of the office of the justice's clerk and which bond shall be approved and filed in the same manner as are bonds of county officers and the premium for said bonds shall be a charge against the county. Said justice's clerks may appoint as many deputies as may be necessary

for the prompt and faithful discharge of the duties of their office, said appointments to be made and filed in the same manner as the appointment of other county officers; *provided, however,* that the said deputies shall serve without compensation from the county. Said justice's clerks shall be authorized to administer all oaths, take and certify affidavits and shall be authorized to issue and sign writs, summons, notices and all other process in any action or proceedings in the justice's court of the township for which said clerks have been appointed, or pending before any justice of the peace in said township, in the name of the justice before whom the same is pending, or out of whose court the same is issued and all such instruments shall be issued and signed in substantially the following form:

“-----
 Attest: Justice of the Peace

 Clerk.”

All legal papers of every kind in actions or proceedings in such justice's court, including all proceedings pending in said court as a small claims court, shall be issued by the said justice's clerk in the manner and form hereinbefore set forth, and said justice's clerk shall issue, sign and certify any and all papers, transcripts or records which are required to be issued, signed or certified by said justice of the peace. All pleadings and papers required to be filed in the said justice's court shall be filed with such justice's clerk and such clerk shall be authorized and is empowered to make entry in the official docket, and other books required to be kept by said justice of the peace, of the actions and proceedings in said court, and such clerk shall have all the powers of justice's clerks now and hereafter provided by law. All fees for the issuance of all process, or other fees, which are by law allowed for any official service of the justice of the peace, must be paid in advance to the clerk of said justice's court, and together with all fees, fines, forfeitures or penalties received in said justice's court shall be paid into the county treasury, and said justice's clerk shall render on or before the first Monday of each month to the county auditor, an exact account under oath of all fines, forfeitures, penalties and fees received by him or collected by said court.

Justices of the peace in townships other than townships of the first and second classes, shall be paid the following monthly salaries, to wit: In townships of the third class one hundred twenty-five dollars per month; in townships of the fourth class, one hundred dollars per month; in townships of the fifth class, fifty dollars per month; in townships of the sixth class, thirty dollars per month; and all salaries provided for by this section shall be in full compensation for all services rendered by said justices of the peace and justice's clerks, in both civil and criminal cases, and all such fees as are allowed

by law in civil cases shall be paid by all justices and justice's clerks into the county treasury.

Offices, etc.

The board of supervisors may provide a suitable office and court room, including furniture, telephone, stationery, books and supplies for each of the justices of the peace in this county, and the expense of the same, shall be a charge against the county; *provided, however*, the total expense of the office, court room, furniture, telephone, stationery, books, and supplies furnished to any justice of the peace in any fiscal year shall not exceed twenty-five per cent of the salary of that justice of the peace for the said fiscal year.

Constables

15. Constables shall be paid the following monthly salaries each month in the same manner as the salaries of county officers are paid, and said salaries shall be in full compensation for all services rendered by them in both civil and criminal cases: In townships of the first, second and third class, one hundred fifty dollars per month; in townships of the fourth class, one hundred dollars per month; in townships of the fifth class, seventy-five dollars per month; in townships of the sixth class, thirty dollars per month. All such fees as are now or may be hereafter allowed by law in civil cases shall be paid by all constables into the county treasury. In addition to the monthly salary herein provided, each constable shall be allowed all expenses necessary and actually incurred by him, in the execution of all criminal and civil process.

Statements
by justices
and
constables

16. It shall be the duty of each and every justice of the peace and constable to file in the office of the board of supervisors on or before the first Monday of each and every month, a full and complete statement showing all business, both civil and criminal, done during the preceding month. The statement of the constable shall contain a full and correct account of all process served in both civil and criminal actions, and his statement of criminal actions, together with the mileage from the office of such constable to the place of arrest. All justices of the peace shall file a full and correct statement of all civil and criminal actions, and fees received therefrom, said statements to be sworn to before some officer entitled by law to administer oaths; *provided*, that in townships of the first class, such statement may be made and sworn to by the justice's clerk.

Supervisors.

17. Each supervisor shall be paid a salary of two thousand four hundred dollars per annum for all personal service performed by him as supervisor, member of the board of equalization and road commissioner. Each supervisor shall also receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed by the board of supervisors and paid out of the county general fund; *provided*, that the amount so allowed to such supervisor for such expense shall not exceed one hundred dollars per month; *and provided*, that each supervisor shall furnish his own means of conveyance and shall render each month an itemized statement, showing the miles

actually traveled in the pursuance of his duties as a supervisor for which he shall be allowed mileage at twelve and a half cents per mile as expenses, up to the amount above specified.

18. The county librarian, two thousand four hundred dollars per annum. Librarian.

19. All fees and sums required by law to be paid into the county treasury by any county or township officer shall be so paid on the first Monday in each month after collection. Payments to treasury.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 549.

An act to amend section four thousand two hundred seventy-nine of the Political Code, relating to the salaries, fees and expenses of officers in counties of the fiftieth class.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4279 of the Political Code is hereby amended to read as follows: Stats 1925, p. 159, amended.

4279. In counties of the fiftieth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit: Counties of 50th class officers and employees.

1. The county clerk, two thousand dollars per annum, except in the years when a general election is held, and in such years he shall receive two thousand three hundred dollars per annum, and said clerk may appoint one deputy clerk, which office is hereby created, who shall receive a salary of nine hundred dollars per annum. The deputy herein provided for shall be paid at the same time and in the same manner and out of the same fund as the clerk is paid. Clerk.

2. The sheriff, four thousand dollars per annum. He shall have one deputy at one thousand eight hundred dollars per annum, which office is hereby created. Sheriff.

3. The recorder, one thousand eight hundred dollars per annum. He shall have one deputy, which office is hereby created, at a salary of nine hundred dollars per annum. Recorder

4. The auditor, four hundred dollars per annum. Auditor.

5. The treasurer, two thousand dollars per annum. Treasurer.

6. The tax collector, seven hundred fifty dollars per annum. Tax collector.

7. The assessor, two thousand six hundred dollars per annum. He shall have one deputy, which office is hereby Assessor.

created, at a salary of five hundred dollars per annum; *provided, however*, that such compensation shall be in full for all services of every kind and description rendered by the assessor; *and it is further provided*, that in counties of this class from and after the date upon which this act takes effect, the assessor shall pay into the county treasury for the use of the county all commissions and fees which would otherwise be allowed to him by the provisions of section 4290 of the Political Code, as compensation for the services therein mentioned.

Attorney.
Coroner.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Admin-
istrator.

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

Supt. of
schools.

11. The superintendent of schools two thousand dollars per annum and actual traveling expenses when visiting the schools of the county. Said superintendent of schools may appoint one stenographer, which office is hereby created, who shall render assistance to the county superintendent of schools and, when available, to the district attorney or other county officer or officers, and who shall receive a salary of one thousand five hundred dollars per annum. The stenographer herein provided for shall be paid at the same time and in the same manner and out of the same fund as the superintendent of schools is paid.

Surveyor.

12. During the period beginning with the date upon which this act takes effect and ending upon the thirty-first day of December, 1927, the county surveyor shall receive twenty dollars per diem when engaged in county work; *provided, however*, that on and after the first day of January, 1928, he shall receive ten dollars per diem when engaged in county work; *provided, however*, that he shall be given all work for the county in which the county employs one surveyor or civil engineer. He shall also receive all actual expenses when at work in the field.

Classifica-
tion of
townships.

13. Justices of the peace. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors upon the enactment of this act, and also at the time of formation of any new township or townships. The board may determine such population by multiplying by three the number of registered voters at the last general election next preceding the date of such determination.

Townships having a population of one thousand two hundred or more shall belong to and be known as townships of the first class; townships having a population of six hundred and less than one thousand two hundred shall belong to and be known as townships of the second class; townships having a population of three hundred and less than six hundred shall belong to and be known as townships of the third class;

townships having a population of less than three hundred shall belong to and be known as townships of the fourth class.

There shall be but one justice of the peace for each town-^{Justices.}ship of this class of counties. Justices of the peace shall receive the following salaries: In townships of the first class the sum of nine hundred dollars per annum; in townships of the second class the sum of one hundred eighty dollars per annum; in townships of the third class the sum of one hundred twenty dollars per annum; in townships of the fourth class the sum of sixty dollars per annum.

Such salaries shall be paid in the same manner and out of the same funds as the salaries of county officers are paid and shall be compensation in full for all services rendered.

All fees received by justices of the peace shall be paid into the county treasury every month.

14. Constables, such fees as are now or may hereafter be^{Constables.} allowed by law.

15. Each supervisor, one thousand dollars per annum and^{Supervisors.} mileage from residence to the county seat at each sitting of the board of twenty cents per mile; said compensation to be in full for services either as supervisor or for mileage as road commissioner.

15a. There is created for counties of the fiftieth class the^{Librarian.} office of county librarian; the librarian shall be appointed by the board of supervisors for a term of four years and shall receive a salary of two thousand one hundred dollars per annum, to be paid in equal monthly installments at the same time and in the same manner as other county officers are paid.

16. Reporter, in counties of this class, the official reporter^{Reporter.} of the superior court shall receive a salary of seventy-five dollars per month to cover all work done in criminal cases, both in the superior court and justices' courts of the county, and shall receive as compensation for taking notes in civil cases tried in the superior court a per diem of ten dollars. He shall also receive as compensation for transcribing notes whether in civil or criminal cases, the amount now or to be hereafter provided by law, such compensation for transcribing to be paid in such manner as now or may hereafter be provided by law. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

17. The license collector, the sum of one thousand fifty^{License collector} dollars per annum; *provided, however*, that such compensation shall be in full for all services of every kind and description rendered as such license collector; *and it is further provided*, that in counties of this class from and after the date upon which this act takes effect, the said license collector shall pay into the county treasury for the use of the county all commissions and fees which would otherwise be allowed to him as now provided by law as compensation for the services therein mentioned. The provisions of this subdivision are not intended to increase the compensation of the incumbent of such office but are intended to change the compensation of the

license collector from the fee system to a fixed salary basis and shall take effect ninety days after the final adjournment of the forty-sixth session of the Legislature.

Jurors. 18. Grand and trial jurors, three dollars per day, and such mileage fees as may be allowed by law.

Witnesses. 19. Witnesses in attendance upon either the superior or justices' courts shall receive two dollars per day and such mileage fees as may be allowed by law.

CHAPTER 550.

An act to amend section four thousand two hundred fifty of the Political Code, relating to the salaries, fees and expenses of officers of counties of the twenty-first class.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats 1925,
p 682,
amended
Counties of
21st class
officers and
employees

SECTION 1. Section 4250 of the Political Code is hereby amended to read as follows:

4250. In counties of the twenty-first class, the county and township officers shall receive as full compensation for the services required of them by law, or by virtue of their office, the following salaries and fees, to wit:

Clerk

1. The county clerk, three thousand five hundred dollars per annum, and such fees as are now, or may be hereafter allowed by law, and in any year when a new great register of voters is required by law, he shall receive, in addition thereto, ten cents per name for each person registered. He may appoint one chief deputy who shall receive a salary of two thousand four hundred dollars per annum; one deputy who shall receive a salary of two thousand one hundred sixty dollars per annum; four deputies who shall each receive a salary of one thousand six hundred eighty dollars per annum; and one deputy at a salary of one thousand three hundred eighty dollars per annum; two copyists each at a salary of one thousand two hundred dollars per annum; and during any year when an official primary election is held in the county, he may appoint four additional deputies, to serve for a period of four months only, at a monthly salary of seventy-five dollars. The deputies, clerks and copyists herein provided for shall be paid by the county at the same time and in the same manner and out of the same fund as the county clerk is paid. In any year when a new registration of voters is required by law, he may appoint such number of deputies as may be necessary for the convenient registration of voters in their respective precincts, such deputyships and offices being hereby created. Each of said deputies shall be paid by the county the sum of ten cents per name for each elector registered by him. Said compensation to be paid out of the gen-

eral fund of the county, on the presentation and filing with the board of supervisors of the county, of a duly verified claim therefor, approved by the county clerk. All fees, commissions and perquisites from whatever source received and collected by the county clerk, except the said sum of ten cents per name received by him for each person registered, shall be paid into the county treasury, and shall belong to the county. In counties of this class, the county clerk is hereby allowed his costs for transportation incurred in connection with elections. Claims for such costs of transportation shall be made upon verified claims and approved by the board of supervisors.

2. The sheriff, four thousand five hundred dollars per annum; *provided*, there shall be and there hereby is allowed to the sheriff the following deputies, which offices are hereby created, who shall be appointed by the sheriff, and shall be paid salaries as follows: One chief deputy at a salary of two hundred dollars per month, one deputy at a salary of two hundred dollars per month, one deputy to act as jailer at a salary of one hundred seventy-five dollars per month, five deputies at a salary of one hundred seventy-five dollars each per month. The salaries of the deputies and employees herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same funds as the salary of the sheriff is paid. In criminal cases, and actions in which the county is interested, the sheriff shall receive only actual expenses incurred and no more. All claims against the county shall be itemized and sworn to by the sheriff or chief deputy, and filed with the board of supervisors monthly before the tenth day of each month. Expense accounts to be sworn to and filed as separate claims. A monthly statement of all fees collected from whatever source derived, duly subscribed and sworn to by the sheriff or chief deputy shall be filed with the county treasurer on or before the tenth day of each month. The board of supervisors may allow the sheriff a sum not less than thirty-seven and one-half cents per day for feeding each prisoner committed to his custody. Prisoners shall be fed three meals each day. The changes in this subdivision made shall apply to the incumbent and shall be in lieu of all fees, commissions, and mileage.

3. The recorder, three thousand five hundred dollars per annum; and said recorder may appoint four deputy recorders, one of whom shall receive a salary of two thousand one hundred dollars per annum, and two who shall receive a salary of one thousand eight hundred dollars each per annum, and one who shall receive a salary of one thousand five hundred dollars per annum. He may appoint such copyists as may be required for the recording of all papers, notices or documents in his office, except maps or plats, who shall receive for their services the sum of six cents per folio; and for copies of any paper or record six cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments out of

the same fund as the recorder is paid. All fees, commissions and perquisites collected by the recorder, from whatever source received, shall be paid into the county treasury. The recorder shall file monthly, on or before the tenth day of each month, with the county auditor, a verified statement showing in detail the fees received by him, and the amounts paid to copyists or other employees in his office, and the names of the persons to whom the same were paid.

Auditor

4. The auditor, three thousand five hundred dollars per annum. He may appoint two deputies, one of whom shall receive a salary of two thousand seven hundred dollars per annum; and one who shall receive a salary of one thousand eight hundred dollars per annum; and one clerk at a salary of one hundred dollars per month; and ten copyists for one month each year, at a salary of one hundred dollars per month each. The deputies, clerk and copyists herein provided for, shall be paid by the county in monthly installments in the same manner and out of the same funds as the auditor is paid.

Treasurer

5. The treasurer, three thousand five hundred dollars per annum. He may appoint one deputy, which office is hereby created, at a salary of one thousand eight hundred dollars per annum. The salary of said deputy shall be paid by the county at the same time and in the same manner and out of the same funds as the treasurer is paid.

Tax collector.

6. The tax collector, three thousand five hundred dollars per annum. He may appoint one deputy, which office is hereby created, at a salary of two thousand one hundred dollars per annum; also one stenographer at a salary of one thousand five hundred dollars per annum; five stenographers at a salary of one hundred dollars per month each for not to exceed three months in each year; three index clerks at a monthly salary of one hundred twenty-five dollars per month each for not to exceed three months in each year; two cashiers at a salary of six dollars and fifty cents per day each, not to exceed four months in each year; three copyists at a salary of fifty dollars each per month for not to exceed three months in each year; two typists at a monthly salary of ninety dollars each per month for not to exceed four months in each year; three clerks at a salary of one hundred thirty-five dollars each per month for not to exceed four months in each year. The tax collector is hereby declared to be the ex officio license collector, at a salary of five hundred dollars per annum, and is to be allowed the actual and necessary expenses incurred by him in the performance of his official duties.

The salary and compensation of each of said deputies, stenographers, clerks and copyists shall be paid out of the county treasury in equal monthly installments, at the same time and in the same manner as other county officials are paid.

7. The assessor, four thousand dollars per annum. In Assessor. counties of this class there shall be and there hereby is allowed to the assessor, the following clerks, deputies and employees, who shall be paid salaries as follows: One chief deputy assessor at a salary of two thousand one hundred dollars per annum; one deputy assessor at a salary of one hundred fifty dollars per month; one deputy transfer clerk at a salary of two hundred dollars per month; four copyists at a monthly salary of one hundred dollars each per month for not exceeding six months in each year; two typists at a salary of one hundred twenty dollars each per month for not exceeding six months in each year; seven field deputies at a salary of six dollars per day each for not exceeding four months in each year.

The salaries of all deputies, clerks and employees shall be paid by the county at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. The assessor shall receive no compensation or commissions for the collection of personal taxes, or compiling the military roll, and all commissions, perquisites and fees from whatever source received, collected by him, shall be paid into the county treasury, and shall belong to the county. The changes herein made are intended to place the office of the assessor on a fixed salary basis, in lieu of the assessor's present compensation, fees and commissions allowed him by law, and shall apply to the incumbent.

8. The district attorney, three thousand five hundred dollars per annum; and said district attorney may appoint a stenographer, which office is hereby created, who shall receive a salary of one hundred twenty-five dollars per month; and one stenographer who shall receive a salary of one thousand two hundred dollars per annum; and one deputy district attorney, which office is hereby created, who shall receive a salary of two thousand seven hundred dollars per annum. Said stenographers and deputy shall be paid by the county at the same time and in the same manner and out of the same fund as the district attorney is paid. The district attorney shall be allowed, in addition to the monthly salary herein allowed, the sum of sixty dollars per month, which shall be in full for all his traveling and other personal expenses in criminal cases and civil actions in which the county is interested, as provided for in subdivision two of section 4307 of the Political Code. Attorney

8a. The county librarian, two thousand four hundred dollars per annum, payable at the same time and in the same manner and out of the same fund as the salaries of other county officials; *provided*, that there shall be and there hereby is allowed to the county librarian, one deputy, whose salary shall be one thousand five hundred dollars per annum, and one deputy whose salary shall be one thousand three hundred twenty dollars per annum, and nine librarian custodians at a salary of fifteen dollars each per month and eight librarian Librarian

custodians at a salary of ten dollars each per month. The county librarian shall also be allowed actual and necessary traveling expenses.

Coroner.

9. The coroner, such fees as are now or may be hereafter allowed by law.

Admin-
istrator.

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

Supt of
schools.

11. The superintendent of schools, three thousand five hundred dollars per annum, and said superintendent of schools may appoint a clerk, which office is hereby created, who shall receive a salary of one hundred seventy-five dollars per month, and two additional clerks at a salary of five dollars per day when actually employed, which salaries shall not exceed in the aggregate the sum of one hundred fifty dollars per annum. Said clerks shall be paid by the county at the same time and in the same manner and out of the same fund as the superintendent of schools is paid. In counties of this class, the superintendent of schools shall receive the sum of sixty dollars per month for traveling and other expenses in visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools.

Surveyor.

12. The surveyor, three thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed to the surveyor, one deputy whose salary is hereby fixed at the sum of two thousand seven hundred dollars per annum; one stenographer whose salary is hereby fixed at the sum of one thousand five hundred dollars per annum; two draftsmen who shall each receive a salary of one dollar and twenty-five cents per hour; four draftsmen who shall each receive a salary of one dollar per hour; one transitman who shall receive a salary of one dollar and twenty-five cents per hour; two transitmen who shall each receive a salary of one dollar per hour; three rodmen who shall each receive a salary of seventy-five cents per hour; twelve chainmen who shall each receive a salary of seventy-five cents per hour and four inspectors who shall each receive a salary of one dollar per hour, which offices are hereby created. *It is further provided* that the county surveyor shall be and he is hereby allowed all necessary expenses for work performed for the county by virtue of his office, and all necessary expenses and transportation for work performed in the field. Whenever the county surveyor is directed by the board of supervisors or assessor to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor or said board, he shall be and he is hereby allowed only the actual cost of preparing the same.

The said county surveyor shall render to the auditor of said county a sworn statement, showing therein the kind and nature of work performed, the dates, amounts to be paid to assistants and the amounts paid for expenses.

The deputy, stenographer, draftsmen, transitmen, rodmen, chainmen and inspectors herein provided for shall be appointed by the county surveyor and their salaries shall be paid by said county, in equal monthly installments, at the same time and in the same manner and out of the same fund as are the salaries of the county officers of this class.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them, and of all fees. In townships having a population of three thousand five hundred or more, one hundred seventy-five dollars per month; in townships having a population of not less than one thousand five hundred and not more than three thousand five hundred, one hundred twenty dollars per month; in all townships having a population less than one thousand five hundred, ninety-five dollars per month. All fees collected by justices of the peace shall be paid into the county treasury, and shall belong to the county. The provisions of this subdivision shall apply to the incumbents. Justices.

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, one hundred sixty-five dollars per month; in townships having a population of not less than one thousand five hundred nor more than three thousand five hundred, one hundred thirty dollars per month; in all townships having a population of less than one thousand five hundred, ninety dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions; and he shall also be allowed his actual and necessary expenses incurred in executing any warrant outside of his county issued by a magistrate or justice of his county. Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury. Constables

15. Each supervisor, one thousand eight hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; *provided*, that when a supervisor is also road commissioner he shall receive in addition to the twenty cents per mile allowed to him by law as such road commissioner his actual traveling expenses, and additional expenses not in any one year to exceed the sum of three hundred dollars. The changes as to salary made in this subdivision shall apply to incumbents. Supervisors.

16. Whenever it has been determined by the board of supervisors or by vote of the people to build, construct or repair any public road, bridge or building in the county, the board of supervisors may thereupon employ such expert mechanics, Skilled and technical employees.

draughtsman, engineers and inspectors as the board deems necessary to render skilled or technical services in connection with and for the purposes of such work, and shall define their duties and fix their compensation. At any time deemed necessary, the board of supervisors shall have power to employ road masters who shall patrol the highways of the county as directed by the board and who shall have and exercise the powers of peace officers. The compensation of such employees shall be designated by the board, upon claims presented to and approved by said board.

Traffic
officer

17. The county traffic officer, two thousand one hundred dollars per annum, payable at the same time and in the same manner and out of the same fund as salaries of other county officers are paid; *provided*, that there shall be and there is hereby allowed to the county traffic officer six deputies, which offices are hereby created. Said deputies shall be appointed by said traffic officer and shall each receive a salary of one thousand eight hundred dollars per annum; the salaries of such deputies shall be paid at the same time and in the same manner as the salaries of county officers are paid. The board of supervisors shall provide motorcycles or other vehicles and gasoline and oil for the purpose of propelling the same, for such traffic officers and shall pay all of the expense of the upkeep of said machines. All of the provisions of this paragraph are to apply to the office of county traffic officer and his deputies whenever said office of county traffic officer is created by law.

Justices'
office
rent and
expenses.

18. In townships having a population of three thousand five hundred or more, justices of the peace shall be allowed for their office rent, and expenses, the sum of sixty dollars each per month, in addition to the monthly salaries herein allowed. In townships having a population of less than three thousand five hundred, justices of the peace shall be allowed for their office rent, and expenses the sum of forty dollars each per month in addition to the monthly salaries herein allowed. Each justice of the peace must pay into the county treasury monthly, all fees and fines collected by him; and he must keep a book open for the inspection of the public, during office hours, in which must be entered at once and in detail the amount of all fees and fines collected by him. The auditor must withhold warrants for salary and office rent until a sworn statement has been filed with him, of all cases tried, and fees and fines collected; and the same are paid into the county treasury. No justice of the peace shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undecided, that has been submitted to him for decision for a period of thirty days; said affidavit to be filed with the auditor of the county.

19. In counties of this class, grand jurors and trial jurors ^{Jurors.} in the superior court shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, in going only, per mile, the sum of twenty cents; such mileage to be allowed but once during each session such jurors are required to attend.

20. In counties of this class, there shall be appointed by ^{Matron} the sheriff, a suitable woman as jail matron, who shall have the care of female persons confined in the county jail. She shall be paid a salary of seventy-five dollars per month to be paid by the county in monthly installments at the same time and in the same manner and out of the same fund that the salary of the sheriff is paid.

SEC. 2. The provisions of this act, so far as they are ^{Effect of act.} substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 551.

An act to amend section four thousand two hundred seventy-eight of the Political Code, relating to salaries and fees of officials in counties of the forty-ninth class.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4278 of the Political Code is hereby ^{Stats. 1925, p. 113, amended.} amended to read as follows:

4278. In counties of the forty-ninth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: ^{Counties of 49th class: officers and employees.}

1. The county clerk, one thousand five hundred dollars per ^{Clerk.} annum.

2. The sheriff, three thousand five hundred dollars per ^{Sheriff.} annum, and a jailer at fifty dollars per month, to be paid out of the county treasury; *provided*, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and, provided further*, that the sheriff shall also receive for his own use and benefit the mileage, fees and commission for all services of all papers whatsoever issued by any court of the state.

3. The recorder, one thousand five hundred dollars per ^{Recorder.} annum. In counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for

the county recorder is hereby created, and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid.

Auditor. 4. The auditor, one thousand dollars per annum. In counties of this class the auditor may appoint a copyist for service in his office, which office of copyist for the county auditor is hereby created, and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid.

Treasurer. 5. The treasurer, one thousand five hundred dollars per annum.

Tax collector. 6. The tax collector, one thousand two hundred dollars per annum and ten per cent of all licenses collected by him; and a deputy, at four dollars per day for not more than one hundred days in any one year, to be paid out of the county treasury.

Assessor. 7. The assessor, two thousand five hundred dollars per annum and two deputies at a salary of five dollars each per day for not more than one hundred days in any one year, and two deputies additional, at a salary of five dollars each per day for not more than fifty days in any one year; such deputies to be paid out of the county treasury.

Attorney. 8. The district attorney, two thousand dollars per annum and necessary traveling expenses to be allowed by the board of supervisors.

Coroner. 9. The coroner, such fees as are now or may be hereafter allowed by law.

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

Supt of schools. 11. The superintendent of schools, two thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

Surveyor. 12. The surveyor, the sum of ten dollars per day for all services performed by him by virtue of his office and his necessary traveling expenses when performing official work in the field, such compensation and expenses to be allowed by, and paid on the order of, the board of supervisors; *provided*, he shall be given all work for the county in which the county employs a surveyor or civil engineer.

Township officers. 13. In counties of this class, the township officers shall receive the following compensations, to wit: In townships having a population of over four thousand, justices of the peace shall receive a monthly salary of sixty dollars per month, and constables a monthly salary of sixty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and

constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of more than twenty-seven hundred, and not exceeding four thousand, justices of the peace shall receive a monthly salary of thirty dollars per month, and constables a monthly salary of forty dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of more than one thousand nine hundred and less than twenty-seven hundred, justices of the peace shall receive a monthly salary of twenty-five dollars per month and constables a monthly salary of thirty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of less than one thousand nine hundred, justices of the peace shall receive a monthly salary of twenty dollars per month and constables a monthly salary of twenty-five dollars per month. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases; *provided*, that where a constable shall be required to travel outside of his own township, in serving or executing a warrant of arrest or any other paper in a criminal case, he shall be allowed, in addition to the salary hereinbefore provided, his actual expenses incurred in serving or executing the same, to be allowed by the board of supervisors; for transporting prisoners to the county jail, the actual expenses of such transportation; *and, provided further*, that for the purpose of this subdivision, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election of each township, by five. In addition to the above salaries allowed said justices of the peace and constables, for their services in criminal cases, they may retain for their own use the fees allowed by law in civil cases.

14. Each supervisor, one thousand two hundred dollars per annum, in full payment for services as member of the board of supervisors, as member of the board of equalization and as road commissioner, and twenty cents per mile, going only, in traveling from his residence to the county seat at each session of the board. Each supervisor shall also receive his necessary and actual itemized traveling expenses when traveling outside the county of Calaveras by order of the board on busi-
Supervisors.

ness connected with this office; said traveling expenses not to exceed one hundred dollars per year per supervisor.

Jurors.

15. For attending as a grand juror, or a trial juror in criminal and civil cases in the superior court, for each day's attendance, three dollars; for each mile actually traveled one way as such grand juror, or trial juror, in the superior court, under summons or order of the court, twenty-five cents. The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

Effect of act

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 552.

An act to prohibit the possession of machine rifles, machine guns and submachine guns capable of automatically and continuously discharging loaded ammunition of any caliber in which the ammunition is fed to such guns from or by means of clips, disks, drums, belts or other separable mechanical device, and providing a penalty for violation thereof.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Possession of machine guns.

SECTION 1. On and after the date upon which this act takes effect every person, firm or corporation, who within the State of California possesses any firearm of the kind commonly known as a machine gun shall be guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed three years or by a fine not to exceed five thousand dollars or by both such fine and imprisonment.

Provided, however, that nothing in this act shall prohibit police departments and members thereof, sheriffs, and city marshals or the military or naval forces of this state or of the United States from possessing such firearms for official use in the discharge of their duties.

"Machine gun" defined

SEC. 2. The term machine gun as used in this act shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

CHAPTER 553.

An act to amend section four hundred fifty-two a of the Civil Code, relating to the incorporation of mutual benefit associations.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 452a of the Civil Code is hereby amended so as to read as follows: Stats. 1913,
p. 12,
amended

452a. Associations of any number of persons may be formed for the purpose of paying the nominee of any member a sum, upon the death of the member, not exceeding three dollars for each member of the association, but not exceeding, in any case, the sum of three thousand dollars. Such association may be formed by filing articles of incorporation and certified copies thereof in the manner prescribed by, and subject to the conditions set forth in section 296 of this code. Such articles must state the name of the corporation, its general purposes, its principal place of business, its term of existence, not exceeding fifty years, the number of its directors and the names and residences of the directors selected or appointed to serve for the first year. The articles of incorporation must be signed by not less than twenty-five members of such association and must be acknowledged by them as required by section 292. Formation of
mutual
benefit
associations

CHAPTER 554.

An act to amend section one of an act entitled "An act authorizing the state director of institutions with the approval of the state board of control to grant to the county of Los Angeles for highway and road purposes the use of certain lands belonging to the State of California situated in Los Angeles county," approved May 18, 1925.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1 of "An act authorizing the state director of institutions with the approval of the state board of control to grant to the county of Los Angeles for highway and road purposes the use of certain lands belonging to the State of California situated in Los Angeles county," approved May 18, 1925, is hereby amended to read as follows: Stats 1925,
p. 322,
amended

Section 1. The state director of institutions is hereby authorized to grant to the county of Los Angeles the use of the following described land or so much thereof as may be necessary as a right of way for highway and road purposes: Land along
King road
granted to
Los Angeles
county.

That portion of the one hundred twenty-four and three hundred eighty-nine thousandths acres of land designated as

"lands to be conveyed to State Reform School" as shown on map recorded in book seven hundred twenty-four, pages two hundred sixty-six and two hundred sixty-seven of deeds, records of Los Angeles county, within a strip of land fifty feet wide, lying northerly of and adjacent to King road, as shown on map recorded in book two thousand and sixteen, pages one fifty-five and one hundred fifty-seven of deeds, records of said county.

CHAPTER 555.

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

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p. 156,
amended.
Game
refuges.

SECTION 1. Section 626s of the Penal Code is hereby amended to read as follows:

626s. Fish and game districts one "A," one "B," one "C," one "D," one "E," one "F," one "G," one "H," one "I," one "J," one "K," one "L," one "M," one "N," one "O," one "P," one "Q," two "A," three "A," three "B," three "C," three "D," three "E," three "F," three "G," four "A," four "B," four "C," four "D," four "E," four "F," and four "G," inclusive, are hereby designated as game refuges.

Every person who hunts, pursues, takes, kills or destroys, or has in his possession any species of bird or mammal or parts thereof, or any firearms in any game refuge, except under written permit from the board of fish and game commissioners, is guilty of a misdemeanor; *provided*, that nothing in this section shall prohibit the hunting and possession of waterfowl in fish and game districts four "A" and four "E" in accordance with the provisions prescribed in this chapter; *provided*, *further*, that nothing in this section shall prohibit the taking of any fish in any game refuge by such means and in such manner as may be prescribed in this chapter for the taking of fish in the main districts in which the refuge is located.

Every person who, in fish and game district number twenty-six takes, catches, kills or has in his possession any fish is guilty of a misdemeanor.

Penalties.

Every person found guilty of a violation of any of the provisions of this section shall be punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail in the county in which conviction shall be had, not less than twenty-five days nor more than one hundred fifty days, or by both such fine and imprisonment. All fines and forfeitures collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 556.

An act to amend section one thousand six hundred eighty-seven of the Political Code, relating to the salaries of teachers.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1687 of the Political Code is hereby amended to read as follows: Stats 1923, p. 583, amended.

1687. In all schools having more than two teachers, beginners shall be taught by teachers who have had at least two years' experience, or by teachers who have had training equivalent to such experience as determined by the state department of education. In cities teachers of beginners shall be ranked in the salary schedule with the highest salaried teachers in the elementary grades of equal training and experience; *provided, however,* that the provisions of this section shall not apply to teachers of classes established and maintained under the provisions of section 1662 and of section 1618 of the Political Code; *and provided, further,* that uniform allowance may be made in any schedule of salaries for years of training and for years of service; and in no case shall the governing board of a school district draw orders for the salary of any teacher in violation of this provision, nor shall any superintendent draw any requisition for the salary of any teacher in violation thereof. Experienced teachers for beginners

CHAPTER 557.

An act to amend section one thousand seven hundred twenty-three of the Code of Civil Procedure, relating to establishment of the fact of death.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1723 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1921, p. 441, amended

1723. When the death of a person terminates a life estate or a homestead right, or vests a homestead, or affects a joint tenancy, or vests with one the title to community property without the necessity of administration, any person whose interest in land is affected by such death may file in the superior court of the county of which the decedent was a resident, or if the decedent be a nonresident then in any county in which any of the land is situated, a verified petition setting forth those facts and particularly describing the land and his interest therein, and naming all persons who claim or might claim an interest therein as personal representative, heir or devisee of the decedent, so far as known to the petitioner. Establishment of fact of death

The clerk must set the petition for hearing by the court and give notice thereof by causing notice of the time and place of hearing to be posted at the court house in the county where the court is held at least ten days before the hearing, provided the court may order such further notice to be given as in his judgment may seem proper. Written notice of the time and place of hearing, together with a copy of the petition, must be served upon any person named in the petition as representative, heir or devisee of the decedent, in the same manner as a summons, at least ten days before the time set for the hearing or to which it may have been postponed.

The court shall take evidence in support of the petition and of any issues raised, and may render judgment thereon establishing such termination of estate or investiture of title and determining to whom the property belongs by reason thereof.

All persons so served shall be concluded by the judgment; but the court, in its discretion, may proceed without personal service being made, in which event, as to persons not so served, the decree shall be conclusive only of the fact of such death.

Any inheritance tax which becomes payable by reason of such death must be paid before such decree is made.

A certified copy of the decree shall be recorded in the office of the recorder of each county in which any part of the land is situated.

CHAPTER 558.

An act to add new sections to article two b of chapter three of title one of part three of the Political Code to be numbered three hundred sixty-one e, three hundred sixty-one f, and three hundred sixty-one g, creating in the department of agriculture a division of land settlement, defining the powers and duties and providing for the administration thereof.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

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

New section

SECTION 1. A new section is hereby added to the Political Code to be numbered 361e and to read as follows:

Land settle-
ment
division

361e. There is hereby created in the department of agriculture an additional division to be known as the division of land settlement. This division shall be in charge of a chief, who shall be appointed by and hold office at the pleasure of the director of agriculture and receive such annual salary as may be fixed by the director with the approval of the governor.

Board

The state land settlement board is hereby continued in existence for the purpose of performing such functions as have heretofore been exercised by said board as a body corporate. Henceforth said board shall consist of but three members, the director of agriculture, the state engineer and the director of finance, all acting ex officio. The members of the

state land settlement board shall receive no additional compensation for their services as ex officio members of said board, but shall be allowed their actual necessary expenses incurred in the performance of their duties. The director of agriculture shall be chairman of said board. Two members of the board shall constitute a quorum, and such quorum may exercise all the powers and authority conferred upon the board.

SEC. 2. A new section is hereby added to the Political Code to be numbered 361f and to read as follows: New section

361f. The department of agriculture shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the state land settlement board and of the several members, officers, deputies and employees of said board, and whenever by the provisions of any statute or law now in force or that may hereafter be enacted a duty or jurisdiction is imposed or authority conferred upon said board or any of said members, officers, deputies or employees or upon any other person by any statute, the enforcement of which is hereby transferred to the department, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of agriculture with the same force and effect as though the title of said department of agriculture had been specifically set forth and named therein in lieu of the names of any such board, member, office, officer, deputy or employee thereof as the case may be. Succession to duties, powers, etc

For the purposes of this article the terms "state land settlement board," "member of state land settlement board" or similar designation shall be construed to mean and refer to the "department of agriculture."

The positions of all officers, deputies and employees under the state land settlement board are and each of them is hereby abolished and shall have no further legal existence, but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction, together with all lawful rules and regulations established thereunder, are hereby expressly continued in force. Positions abolished

The department of agriculture is hereby invested with the power and is charged with the duty of administering and enforcing all laws now or hereafter imposing any duty, power or function upon said board or upon any members, offices, officers, deputies or employees herein transferred to said department. The department shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of said board, offices and officers. Administration and enforcement of laws

SEC. 3. A new section is hereby added to the Political Code to be numbered 361g and to read as follows: New section.

361g. From and after the date upon which this act takes effect the department of agriculture shall be and is hereby authorized and empowered to expend the moneys in any Expenditure of land settlement funds.

appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of all the statutes, the enforcement of which is hereby committed to the department or for the use, support or maintenance of any board, commission, office or officer that is abolished by the provisions of section 361e of this code and whose duties, powers and functions are by the provisions of said section transferred to and conferred upon the department of agriculture, such expenditures to be made in accordance with law in carrying out the purposes for which such appropriations were made or such special funds created.

CHAPTER 559.

An act to repeal sections six hundred thirty-five a, six hundred thirty-five b, six hundred thirty-five c, six hundred thirty-five d, six hundred thirty-five e, six hundred thirty-five f, six hundred thirty-five g, six hundred thirty-five h, six hundred thirty-five i, six hundred thirty-five j, six hundred thirty-five k and six hundred thirty-five l of the Political Code.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Investment
companies

SECTION 1. Sections 635a, 635b, 635c, 635d, 635e, 635f, 635g, 635h, 635i, 635j, 635k and 635l of the Political Code are hereby repealed.

Return of
cash and
securities.

SEC. 2. The state treasurer is hereby authorized and directed to return to the owner thereof any and all cash or securities which may have been deposited with him pursuant to provisions of section 635b of the Political Code.

CHAPTER 560.

An act to amend sections five, six and seven of an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended, relating to domestically raised fish.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Stats 1917,
p. 942,
amended

SECTION 1. Section 5 of an act entitled "An act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of

propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared," approved March 17, 1911, as amended, is hereby amended to read as follows:

Sec. 5. Domesticated trout or other domesticated fish propagated and raised in this state under the license granted in accordance with the provisions of this act, may be transported, sold or offered for sale, when not alive, during the entire calendar year when duly tagged according to the rules and regulations to be prescribed by the fish and game commission.

Sale, etc.,
of dead
fish.

Sec. 2. Section 6 of said act is hereby amended to read as follows:

Stats 1917,
p 942,
amended.
Fish tags.

Sec. 6. The fish and game commission will furnish to each person to whom a license or a permit has been issued under the provisions of this act, metallic tags inscribed with the letters "C. F. & G. C." Each applicant shall pay to the fish and game commission for such tags the actual cost of said tags. One of each of said tags shall be affixed to each domesticated trout or other domesticated fish raised under the provisions of this act and transported, sold or offered for sale, and said tag shall remain so fixed until said domesticated trout or other domesticated fish has been prepared for consumption. The possession of any domesticated trout or other domesticated fish without such tag affixed thereto shall be a violation of this act. Only tags so furnished shall be used; no tag shall be used more than once.

This section shall not apply to fish transported, sold or offered for sale alive, under the provisions of section 7 hereof.

Sec. 3. Section 7 of said act is hereby amended to read as follows:

Stats 1917,
p 942,
amended.

Sec. 7. Live trout or other domestically raised fish may be sold and transported only when accompanied by a permit issued by the fish and game commission, and not otherwise, and no such permit shall be issued unless said fish are consigned to a person duly licensed under the provisions of section 2 hereof.

Sale, etc.,
of live fish.

CHAPTER 561.

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

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 626k of the Penal Code is hereby amended to read as follows:

Stats 1923,
p. 48,
amended.

626k. Every person who buys, sells, offers or exposes for sale, barter, or trade, any quail, partridge, partridge-like birds, dove, pheasant, grouse, sage hen, rail, ibis, plover, or any snipe or other shore bird (*Limicolæ*) or any wild duck, or wild

Certain
game not
to be sold

goose, or any deer meat, whether taken or killed in the State of California, or shipped into the state from any other state, territory, or foreign country, is guilty of a misdemeanor.

CHAPTER 562.

An act to authorize the director of agriculture to provide for the certification of fruits, vegetables and other farm products, to cooperate with the United States department of agriculture in carrying out the provisions of this act, to provide for the payment of fees, to establish a fruit and vegetable certification fund and revolving fund for the purpose of carrying out the provisions of this act.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Short title SECTION 1. This act shall be known, and for any and all purposes may be designated and referred to, as "The California fruit and vegetable certification act."

Certification of agricultural products. SEC. 2. To promote the development of the California fruit, vegetable and agricultural industry the director of agriculture, and his duly authorized employees or agents, may investigate and certify to shippers or other financially interested parties the grade, quality and condition of fruit, vegetable or other farm products under such rules and regulations as he may prescribe, including the payment of such fees as will be reasonable; *provided*, that certificates issued by authorized employees or agents of the director of agriculture and certificates issued under authority of an act of the United States congress, and in accordance with the rules and regulations of the Secretary of Agriculture of the United States, shall be received in all courts of the State of California as prima facie evidence of the truth of the statements therein contained. Such investigation shall not be made or such certificates issued by any person not specially authorized by the director of agriculture. Any certificate issued by the state under the provisions of this act, or by any person, firm, company, corporation or organization shall truly state the grade, quality and condition of the product or products certified, and a true copy of any such certificate shall be furnished to the director of agriculture, or to the county horticultural commissioner of the county where the shipment originated, on demand made in writing.

Exceptions. Nothing in this act contained shall apply to any investigation made or any certificate issued by any person, firm or corporation in respect to canned or dried fruit shipped, packed or stored by it or to any investigation made or any certificate issued by any bona fide chamber of commerce, board of trade or other bona fide nonprofit association of producers or merchants in respect to canned or dried fruit sold, shipped,

packed or stored by any of its members or other persons for whom it may make any such inspection or issue any such certificate.

The director of agriculture is authorized to cooperate with Cooperation the United States department of agriculture in carrying out the provisions of this act.

SEC. 3. All moneys collected under the provisions of this Fund act shall be paid into the "Fruit and vegetable certification fund," which fund is hereby created, and of which ten thousand dollars (\$10,000), may be used as a revolving fund, subject to the approval of the state board of control. All moneys in the state treasury deposited to the credit of the "standardization fund" under the provisions of "The California fruit and vegetable standardization act of 1925," approved May 23, 1925, as heretofore existing, shall be merged with and become a part of the "Fruit and vegetable certification fund" created under this act. The "Fruit and vegetable certification fund" shall be held subject to the uses of the director of agriculture for the sole and express purpose of carrying out the provisions of this act.

SEC. 4. Within ninety days after the end of each fiscal Annual financial statement year the director of agriculture shall prepare a statement showing the receipt and expenditure during the fiscal year of funds provided for in this act, and shall, upon written request, forward a copy of this report to any party financially interested in the inspection work conducted under the authority of this act.

SEC. 5. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality.

CHAPTER 563.

An act to amend section six hundred forty-two of the Political Code, relating to the duties of the fish and game commissioners.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 642 of the Political Code is hereby Stats. 1915, p. 727, amended. amended to read as follows:

642. It is the duty of the fish and game commissioners: Duties Enforcement of laws

1. To see that the laws for the protection and preservation of wild animals, wild birds, fishes, mollusks, crustacea and all other forms of aquatic animals and plants are strictly

- enforced, and for that purpose from time to time to employ such deputies, with or without pay, clerks, assistants and other employees as they may need to discharge in proper manner the duties imposed upon them by law; all deputies appointed as provided herein shall be public officers and shall have all the powers and authorities of sheriffs and other peace officers to make arrests for violations of such laws and to serve all processes and notices, throughout the state, and every deputy so appointed, receiving a salary of less than twenty-five dollars a month, except employees of the federal government and emergency employees for a limited period on a per diem basis, shall furnish to the State of California a surety bond in the sum of two thousand five hundred dollars (\$2,500) for the faithful performance of his duties and the premium on such bond shall be paid out of the fish and game preservation fund. The fish and game commissioners, or their deputies, shall inspect all buildings, other than dwellings, and all receptacles, other than the clothing actually worn by a person at the time of inspection, where game or fish may be stored or placed, and all boxes and packages containing fish or game that are held for transportation by any transportation company or common carrier, and it shall be the duty of the fish and game commissioners, or their deputies, to inspect regularly all boats, markets, stores and other buildings, except dwellings, where game or fish is held for sale or storage, and all boxes and packages containing fish or game that are held for transportation by any transportation company or common carrier.
2. The fish and game commissioners, or their deputies, shall seize and take possession of all game or fish, or any part thereof, which has been caught, taken, killed or had in possession, or held under control, or sold or offered for sale, or shipped or offered for shipment, contrary to any of the laws of this state, and all such game or fish, or any part thereof, which may be so seized and taken possession of by the fish and game commissioners, or their deputies, shall be donated by them to some charitable or public institution, or shall be otherwise disposed of, as may be ordered by the court having jurisdiction.
3. To establish and maintain fish-breederics for stocking the waters of this state with foreign and native fish.
4. To purchase and import spawn or ova of fish suitable for food.
5. To stock with such spawn the waters of this state.
6. To employ persons skilled in fish and game breeding to assist them in their duties.
7. To furnish plans for and to direct and compel the construction and repair of fish ladders and ways upon dams and obstructions.
8. To provide for the importation of game birds and animals, and for the propagation, distribution and protection of imported or domestic game birds or animals, and for that purpose to acquire, by lease or otherwise, such land as may be deemed necessary for the purpose of establishing state game
- Deputies.
- Inspections
- Seizure of fish and game.
- Hatcheries.
- Importation
- Stocking
- Employees.
- Ladders.
- Propagation of game

farms, and to distribute the output of such game farm or farms on public lands, or where, in the judgment of the fish and game commissioners, such birds or animals will receive adequate protection and be most likely to thrive and multiply.

9. To investigate all problems and diseases of birds, mammals and fishes, and to establish and maintain laboratories to assist in such investigation. Studies

10. To provide, further, for the propagation, distribution, protection and perpetuation of game birds and mammals and for that purpose to acquire by purchase, lease, rental or otherwise, such land, land and water, or land and water rights therefor, as may be suitable for game refuges or public shooting grounds, or both, and to occupy, develop, improve, maintain, use and administer such areas so acquired as game refuges or public shooting grounds, or both, in the manner determined by the fish and game commissioners. Refuges and public hunting preserves.

11. To expend funds as may be necessary for biological research and field investigation and for the collection and diffusion of such statistics and information as shall pertain to the conservation, propagation, protection and perpetuation of birds, mammals and fishes. Research

12. To report biennially to the governor a statement of all their transactions and disbursements. Reports

CHAPTER 564.

An act to permit the fish and game commission to control predatory fish and animals.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. Whenever it appears to the fish and game commission that any species of fish, game, bird or animal is unduly preying upon another species of fish, game, bird or animal, the commission may take such steps as it may deem necessary to kill, take or capture such predatory fish, game, bird or animal. Predatory fish and game.

CHAPTER 565.

An act relating to the supreme court, to amend sections seven hundred forty-nine, seven hundred fifty-five and seven hundred fifty-six of the Political Code, and to provide for the appointment, employment and compensation of phonographic reporters, assistants, secretaries and librarian and other employees of the supreme court of the State of California, and for the salaries and expenses incurred by the said court under the provisions of this act, and making an appropriation therefor, and to amend section seven hundred sixty-seven of the Political Code to provide for the salaries of the reporter and assistant reporters

of the decisions of the supreme court and the district courts of appeal, and repealing sections seven hundred thirty-nine, seven hundred fifty-one and one-half, seven hundred sixty-nine, seven hundred seventy, two thousand three hundred thirteen, two thousand three hundred fourteen, two thousand three hundred fifteen and two thousand three hundred sixteen of the Political Code, and sections two hundred sixty-five, two hundred sixty-six and two hundred sixty-eight of the Code of Civil Procedure.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Original
section
amended
Employees
of supreme
court.

SECTION 1. Section 749 of the Political Code is hereby amended to read as follows:

749. The supreme court shall have power and authority to appoint and employ during its pleasure such phonographic reporters, assistants, secretaries, librarian and other employees as it may deem necessary for the performance of the duties and exercise of the powers conferred by law upon said court and the members thereof, and, except as in this chapter otherwise provided, to determine the duties and fix and pay the compensation of all such officers and employees.

Payment of
salaries.

All salaries and expenses incurred under the provisions of articles I and II of this chapter by said court shall be paid from the funds appropriated for the use of said court, when approved by the order or orders of said court, and audited by the board of control.

Stats. 1909,
p 372,
amended.
Clerk's
salary.

SEC. 2. Section 755 of the Political Code is hereby amended to read as follows:

755. The annual salary of the clerk of the supreme court and ex officio secretary of the judicial council is six thousand dollars.

Stats. 1921,
p 1640,
amended.

Deputy
clerks'
salaries

SEC. 3. Section 756 of the Political Code is hereby amended to read as follows:

756. The annual salary of the chief deputy clerk of the supreme court shall be three thousand three hundred dollars; the annual salary of each of the deputy clerks of the supreme court shall be two thousand seven hundred dollars. The salaries of the chief deputy clerk and the deputy clerks of the supreme court shall be paid out of the state treasury in the same manner and at the same time as the salaries of other state officers are paid.

Stats 1905,
p. 220,
amended.
Reporters'
salaries.

SEC. 4. Section 767 of the Political Code is hereby amended to read as follows:

767. The annual salary of the reporter of decisions of the supreme court and of the district courts of appeal is five thousand dollars; and the salaries of the assistant reporters of the decisions of the supreme court and the district courts of appeal are one at three thousand six hundred dollars per annum and two at three thousand dollars per annum each.

SEC. 5. The sum of thirty-three thousand dollars is hereby appropriated, in addition to any other sum or sums otherwise appropriated for such purposes, for the support of the supreme court for the seventy-ninth and eightieth fiscal years. Appropriation.

SEC. 6. Sections 739, 751½, 769, 770, 2313, 2314, 2315, and 2316 of the Political Code and sections 265, 266 and 268 of the Code of Civil Procedure are hereby repealed. Repealed.

CHAPTER 566.

An act authorizing the governor of the state to sign, the state controller to countersign, and the state treasurer to indorse any and all bonds prepared pursuant to the provisions of section four of article sixteen of the constitution of the State of California which have not been signed by the governor, countersigned by the state controller and indorsed by the state treasurer who were in office on the second day of January, 1927.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. That any and all bonds of the State of California prepared pursuant to the provisions of section 4, article XVI of the constitution of the State of California, which have not been signed by the governor, countersigned by the state controller, and indorsed by the state treasurer who were in office on the second day of January, 1927, shall be signed by the governor, countersigned by the state controller and indorsed by the state treasurer who are in office at the date of the passage of this act, and the governor, the state controller and the state treasurer who are in office at the date of the passage of this act are respectively authorized to sign, countersign and indorse said bonds with like authority and effect as if the same were signed by the governor of the state, countersigned by the state controller and indorsed by the state treasurer who were in office on the second day of January, 1927; *provided*, that in the event of the death, resignation, removal from office, expiration of term of office, or other disability, of any or either of the officers hereby authorized to sign, countersign or indorse said bonds, prior to the signing, countersigning or indorsing of said bonds, as the case may be, the officer authorized to succeed to or perform such officer's general duties may sign, countersign or indorse the said bonds, as may be required, in his place and stead, with the same authority and effect. Signing of state buildings bonds.

CHAPTER 567.

An act to amend section twenty-four of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts' and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith, approved May 19, 1915," approved May 28, 1917, as amended.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Stats. 1917,
p 1056,
amended.

SECTION 1. Section 24 of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts' and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith, approved May 19, 1915," approved May 28, 1917, as amended, is hereby amended to read as follows:

District
four "B"

Sec. 24. Fish and game district four "B" shall consist of and include a part of the westerly portion of the Angeles national forest lying within the counties of San Bernardino and Los Angeles and more particularly described as follows, to wit: Sections six to ten, inclusive, sections fifteen to twenty-two, inclusive, and sections twenty-seven to thirty-two, inclusive, of township two north, range seven west; sections six, seven, eighteen, nineteen, thirty and thirty-one, of township three north, range seven west; section thirty-one of township four north, range seven west; sections one to twenty-two, inclusive, and those portions of sections twenty-three and twenty-four within the Angeles national forest, all in township one north, range eight west; all of township two north, range eight west; sections one to five, inclusive, the east half of section six, and all of sections seven to thirty-six, inclusive, of township three north, range eight west; the southwest quarter of section twenty-seven, the south half of sections twenty-eight and twenty-nine, and sections thirty-two, thirty-three, thirty-four, thirty-five and thirty-six all in township four north range eight west; sections one to twenty-four, inclusive, the west half of section twenty-five and all of sections twenty-six, twenty-seven, and twenty-eight in township one north, range nine west; all of township two north, range nine west; sections seven to thirty-six, inclusive, in township three north, range nine west; sections one to eighteen, inclusive, those portions of sections nineteen, twenty, twenty-one, and twenty-two within the Angeles national forest and all of sections twenty-three and twenty-four of township

one north, range ten west; all of township two north, range ten west; sections seven to thirty-six, inclusive, of township three north, range ten west; all of sections one to fourteen, inclusive, and those portions of sections fifteen, sixteen, seventeen, eighteen, twenty-two, twenty-three and twenty-four within the Angeles national forest in township one north, range eleven west; all of township two north, range eleven west; that portion of section two lying south and west of a line drawn from the northwest corner to the southeast corner of said section, all of sections three to thirty-six, inclusive, in township three north, range eleven west; all of sections one and two and those portions of sections three, four, five, six, eleven, twelve and thirteen within the Angeles national forest in township one north, range twelve west; all of township two north, range twelve west; all of sections one to five, inclusive, those portions of sections six and seven lying south and east of a line drawn from the northeast corner of section six to the southwest corner of section seven and all of sections eight to thirty-six, inclusive, in township three north, range twelve west; all of sections one to seventeen, inclusive, those portions of sections eighteen, twenty, twenty-one and twenty-two within the Angeles national forest, all of sections twenty-three to twenty-six, inclusive, and those portions of sections twenty-seven, thirty-five and thirty-six within the Angeles national forest in township two north, range thirteen west; all of sections thirteen to thirty-six, inclusive, in township three north, range thirteen west; sections one, two and three and those portions of sections ten, eleven, twelve and thirteen within the Angeles national forest in township two north, range fourteen west. All townships and ranges mentioned herein being referred to San Bernardino base line and meridian.

CHAPTER 568.

An act providing for the acquisition by the state, by purchase, condemnation, gift or other legal means, of any land or other property or right determined to be essential to the protection of the interests of the state for purposes of flood control, river flow control and equiation, irrigation, reclamation, power development or any one or more of such or other public uses; defining the powers and duties of state officers and departments in valuation thereto and making an appropriation therefor.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. The state department of finance is hereby authorized and empowered in its discretion to acquire within two years from the date when this act shall become effective by purchase, condemnation, gift or other legal means on

Acquisition
of land for
purposes
of flood
control, etc.

behalf of the State of California any land or other property or right when it has determined, upon the advice of the state engineer, that the acquisition of said land or other property or right is essential to the protection of the interests of the State of California, for purposes of flood control, river flow control and equation, irrigation, reclamation, power development or any one or more of such or other public uses; *provided, however*, in case any such acquisition is made by condemnation any proceeding to condemn may be commenced within two years from the date when this act shall become effective.

Condemnation
proceedings.

SEC. 2. The state department of finance is hereby authorized and empowered, in the name of the people of the State of California, in its discretion, within two years from the date when this act shall become effective, to condemn or commence proceedings in a court of competent jurisdiction to condemn, under the provisions of the Code of Civil Procedure of the State of California relating to eminent domain, any land or other property or right which it is authorized to purchase or acquire by any of the provisions of this act, and in that event the head of the department of finance shall find and declare that public interest and necessity require the acquisition of the land or other property or right described in such declaration, for the purposes for which acquisition is authorized in this act. Said declaration shall be conclusive evidence of the public necessity for the acquisition of said land or other property or right.

Appropriation.

SEC. 3. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated the sum of two hundred thousand dollars (\$200,000) to be expended by the state department of finance in carrying out the purposes of this act; *provided*, that any portion of said amount not so expended within two years from the date this act becomes effective except so much thereof as may be necessary to prosecute proceedings in condemnation theretofore commenced, shall be returned into the general fund of the state.

CHAPTER 569.

An act to provide for the impounding and utilization of the waters of the American river for flood control, river flow control and equation, domestic use, irrigation, reclamation, power development, or any one or more of such or other public uses; authorizing the state department of finance to acquire for the state property useful in connection therewith; defining the powers and duties of state officers and departments and of public and private agencies in relation thereto; authorizing the leasing of property of the state for any one or more of such uses and specifying certain

terms and conditions to which said lease shall be subject; and repealing acts inconsistent herewith.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. It is the purpose of this act to provide for the development of a unit in a general program looking towards the conservation, development, utilization, and regulation of the water resources of the state for the purposes of flood control, river flow control and equation, domestic use, irrigation, reclamation, power development, and other public uses.

Purpose of act.

SEC. 2. The state department of finance is hereby empowered to acquire for the State of California land determined by the state engineer to be necessary for the construction, operation and maintenance of a dam on the American river at a site to be selected by the state engineer upon and adjoining the property of Folsom Prison which dam may be constructed to create a reservoir to impound and utilize the waters of the river for the purposes of flood control, river flow control and equation, domestic use, irrigation, reclamation, power development, or any one or more of such or other public uses.

Acquisition of damsite on American river.

SEC. 3. The state department of finance is further empowered, in its discretion, to lease for a good and proper consideration to any one or more private persons, firms or corporations, or to any political subdivision or subdivisions of the state, land now owned by the state as a part of Folsom Prison property, and other lands that may be hereafter acquired, or any part of said land or lands, as the site for the construction of the dam mentioned or described in section 2 of this act, also for storage area, for the purpose of constructing, operating and maintaining said dam as a part of a reservoir and its necessary complementary works for impounding the waters of said American river and of a capacity and construction adequate, as determined by the state engineer or other expert adviser that shall be empowered by the state department of finance so to determine, to efficiently, economically and safely carry out the purpose or purposes of such reservoir as set out in sections 1 and 2 of this act; *provided*, that no such lease or leases shall be executed except upon the condition that the State of California shall at the time of such execution or prior thereto acquire satisfactory title in fee simple to all of the lands which may constitute the whole of the site of said dam.

Lease of damsite to private parties.

SEC. 4. Any lease executed under the authority of this act shall be for a period not to exceed fifty years, and shall be for such consideration and upon such conditions as may be determined by the state department of finance; *provided*, *however*, that in addition to any other provisions such lease shall contain in substance the following:

Term, consideration and conditions of lease.

(a) The lessee or lessees shall acquire within a period of time specified in the lease such other land as may be necessary to complete said reservoir and its complementary works as may be determined by the state department of finance as necessary for the purpose of said reservoir and its complementary works hereinabove stated in this act. The plans and specifications for such works and their construction, operation and maintenance shall be subject to the approval of the state officers authorized by law to approve and supervise such works and their operation; *provided*, that the final approval of the adequacy of said reservoir and works for said purposes shall rest with the state department of finance. The lessee or lessees shall undertake to operate said works efficiently, economically, and continuously for and during the period of the lease in conformity with the provisions thereof and with the laws of the state. Said lease shall contain such appropriate provisions for termination, forfeiture and possession, in the event of noncompliance by the lessee with the terms thereof, as may be deemed advisable by the state department of finance for the proper and necessary protection of the state. Said lessee or lessees shall not sell, transfer, or assign such lease or any rights or privileges thereunder except as therein provided:

(b) That the production, generation, transmission, delivery or furnishing of electricity for light, heat or power and the diversion, development, storage, supply and distribution, sale or furnishing of water for irrigation, municipal, domestic or other beneficial use, through or incident to the use of said dam, reservoir, or complementary works, at wholesale or retail, shall be subject to regulation by the railroad commission of the State of California as to service and rates and in all other respects as to the furnishing of similar service or the delivery of a similar commodity by a privately owned public utility;

(c) That the works and improvements constructed on said leased lands and other property useful in connection with said project, or such of said works, improvements or property as may be specified in said lease, may be acquired by the State of California or any of said political subdivisions at such time, in such manner, for such compensation, and subject to such conditions as may be specified in said lease. Said lease, in the discretion of the state department of finance, may provide for the operation of said works and property by the lessee after the termination of said lease, pending the acquisition of such works, improvements or property, or any thereof, by the state or said political subdivisions.

Duty of
state officers.

SEC. 5. It shall be the duty of the state engineer and other state officers to render expert assistance to the state department of finance in the determination of questions of an engineering or other nature.

"Political
subdivision"
defined.

SEC. 6. The term political subdivision, as used in this act, is hereby defined to mean and include any municipal corpora-

tion, city, county, city and county, public board, municipal utility district, public utility district, irrigation district, water district, flood control district, reclamation district, lighting district or other public corporation or public quasi corporation having authority to contract for the purchase, sale or use of water, water power or electric energy, but shall not include any privately owned public utility.

SEC. 7. Any lease entered into under the powers conferred by this act shall be executed within one year from the date upon which this act shall take effect. Time Limit.

SEC. 8. An act entitled "An act authorizing the state board of prison directors to enter into a contract for the improvement and extension of the system for the supplying of water and electricity to the State Prison at Folsom without cost to the state," approved April 13, 1925, is hereby repealed. Stats 1925,
p. 151,
repealed.

CHAPTER 570.

An act to amend section six hundred thirty-four of the Penal Code, relative to the protection of fish and game.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 634 of the Penal Code is hereby amended to read as follows: Stats 1925,
p. 367,
amended
Protection
of salmon.

634. 1. Every person who shall cast, extend or draw, or assist in casting, extending or drawing, any net or seine for the purpose of taking or catching any salmon at any time during the closed seasons, as provided in this act, or at any time between sunrise of Saturday and sunset of the following Sunday, is guilty of a misdemeanor.

2. Every person who, in fish and game district number one, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who at any time between the first day of June and the thirty-first day of October takes, catches or kills more than two salmon during any one calendar day, or who, between the first day of November and the thirty-first day of May of the year following, both dates included, takes, catches or kills any salmon in any manner, or who, at any time spears or kills any salmon on any spawning beds or in any stream on which there is located a salmon spawn-taking station is guilty of a misdemeanor. Every person who in fish and game district number one and one-half, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who between the sixth of October and the thirty-first day of July of the year following, both dates inclusive takes, catches or kills any salmon in any manner, or In districts
1, 1½, 2
and 2½.

who, between the first day of August and the sixth day of October, takes, catches or kills more than two salmon in any one calendar day, or who, at any time spears or kills any salmon on any spawning beds, is guilty of a misdemeanor. Every person who, in fish and game districts numbers two and two and one-half, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who at any time takes, catches or kills more than two salmon during any one calendar day, or who at any time between the first day of November and the thirty-first day of July of the year following, both dates included, takes, catches or kills any salmon, or who, between the first day of August and the thirty-first day of October, both dates included, takes, catches or kills more than two salmon during any one calendar day, or who, at any time spears or kills any salmon on any spawning beds, is guilty of a misdemeanor.

In districts
1, 1½, 2,
2½, 3, 4, 6,
7, 10, 16,
17 and 18.

3. Every person who, in fish and game district number three, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling or who, between the first day of November and the thirty-first day of July of the year following, both dates included, takes, catches or kills any salmon in any manner, or who, between the first day of August and the thirty-first day of October, both dates included, takes, catches or kills more than two salmon in any one calendar day, or who, at any time spears or kills any salmon on any spawning beds, is guilty of a misdemeanor. Every person who, in fish and game districts one, one and one-half, two, two and one-half and three, between the first day of June and the thirty-first day of July of the same year, both dates inclusive, or between the seventeenth day of September and the fourteenth day of November of the same year, both dates inclusive, takes, catches or kills or has in his possession more than two fresh salmon during any one calendar day, or who buys, sells, offers or exposes for sale any fresh salmon, is guilty of a misdemeanor; *provided*, that nothing in this act shall prohibit the possession or sale at any time of any salmon from Oregon or Washington, or the possession or sale of any salmon lawfully taken in any fish and game district, except that salmon are not to be sold which are caught at any time in fish and game districts numbers one, one and one-half, two, two and one-half, three or four, or between the sixth day of September, and the thirty-first day of May of the year following, both dates inclusive, in fish and game district six, or between the sixth day of September and thirty-first day of May of the year following, both dates inclusive, in fish and game district seven, or between the sixteenth day of August and the thirtieth day of April of the year following, both dates inclusive, in fish and game district ten, or between the sixteenth day of August and the thirty-first day of March of the year fol-

lowing, both dates inclusive, in fish and game districts sixteen, seventeen and eighteen.

All salmon which may be held in possession or sold under the provision of this act between the seventeenth day of September and the fourteenth day of November, both dates inclusive, must be inspected and tagged according to regulations to be prescribed by the fish and game commission. The cost of such inspection and tagging must be paid by the person or persons submitting such salmon for inspection and tagging.

Inspection
and
tagging.

4. Every person who, in fish and game district five, between the first day of December and the thirty-first day of August of the year following, both dates inclusive, takes, catches or kills or has in possession any salmon or buys, sells, offers or exposes for sale any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, is guilty of a misdemeanor.

In
district 5

5. Every person who, in fish and game district six at any time, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who between the sixth day of September and the thirty-first day of May of the year following, both dates inclusive, takes, catches, kills or has in his possession, or buys, sells, offers or exposes for sale any fresh salmon, is guilty of a misdemeanor.

In
district 6.

6. Every person who, in the tidewater of the Klamath river fish and game district, between the sixth day of September and the thirtieth day of June of the year following, both dates inclusive, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or takes, catches or kills, or has in his possession more than two fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale, any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than seven and one-half inches in length, or who uses any net for the purpose of catching salmon in the daytime between the hours of six a.m. and eight p.m. between the first day of August and the fifth day of September of the same year, both dates inclusive, is guilty of a misdemeanor.

In Klamath
river
district.

For the purpose of this act tide water is from the mouth of the Klamath river to the Douglas memorial bridge.

Every person who, in the Klamath river fish and game district, except in tidewater of said district, takes, catches or kills any salmon, except with spear or hook and line, said hook and line to be used in the manner commonly known as angling, or who, between the seventh day of October and the thirty-first day of July of the year following, both dates included, takes, catches or kills any salmon in any manner, or

who, between the first day of August and the sixth day of October, both dates included, takes, catches or kills more than two salmon in any one calendar day, or who, at any time takes or kills any salmon on any spawning beds, is guilty of a misdemeanor.

In district 7.

7. Every person who, in fish and game district seven at any time, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who between the sixth day of September and the thirty-first day of May of the year following, both dates inclusive, takes, catches, kills, buys, sells, offers or exposes for sale or has in possession any fresh salmon, is guilty of a misdemeanor.

In districts 8 and 9.

8. Every person who, at any time, in fish and game districts eight and nine, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or takes, catches or kills more than two fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale, any fresh salmon, is guilty of a misdemeanor.

In districts 10 and 11.

9. Every person who, in fish and game districts ten and eleven at any time, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or who between the sixteenth day of August and the thirtieth day of April of the year following, both dates inclusive, takes, catches or kills any salmon, or has in his possession, or buys, sells, offers or exposes for sale, any fresh salmon, is guilty of a misdemeanor.

In districts 12, 12 "B" and 13.

10. Every person who, in fish and game districts twelve, and thirteen between the first day of June and thirty-first day of July of the same year, both dates inclusive, and every person who in fish and game district twelve "B" between the sixteenth day of June and the thirty-first day of July, both dates inclusive and every person who in fish and game districts twelve, twelve "B" and thirteen between the seventeenth day of September and the fourteenth day of November of the same year, both dates inclusive, except with hook and line, said hook and line to be used in the manner commonly known as angling, takes, catches or kills any salmon, or takes, catches, kills or has in his possession, or buys, sells, offers or exposes for sale any fresh salmon, or who, at any time, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than five and one-half inches in length, or between May sixteenth and June fifteenth, both dates inclusive, takes, catches or kills any salmon with any net, any of the meshes of which are, when drawn closely together and measured inside the knots, less than seven and one-half inches in length is guilty of a misdemeanor.

In district 12 "A."

11. Every person who, in fish and game district twelve "A", at any time, takes, catches or kills any salmon, except with

hook and line, said hook and line to be used in the manner commonly known as angling, or takes, catches, kills or has in his possession more than two fresh salmon in any one calendar day, or buys, sells, offers or exposes for sale, any fresh salmon, is guilty of a misdemeanor.

12. Every person who, in fish and game district fifteen, from the sixteenth day of August to the thirty-first day of March of the year following, both dates inclusive, takes, catches, kills or has in possession any salmon, or who, at any time, takes, catches or kills any salmon in any net, is guilty of a misdemeanor. In district 15

13. Every person who, at any time in fish and game districts sixteen, seventeen and eighteen, takes, catches or kills any salmon, except with hook and line, said hook and line to be used in the manner commonly known as angling, or who, between the sixteenth day of August and the thirty-first day of March of the year following, both dates inclusive, takes, catches, kills or has in his possession, or who buys, sells, offers or exposes for sale any fresh salmon is guilty of a misdemeanor. In districts 16, 17 and 18.

For the purpose of this act and all acts relating thereto, only such fish as belong to the genus *Onchorhynchus* shall be considered salmon.

15. Nothing in this act shall prevent the fish and game commission of this state, or persons authorized by them, from taking, at all times, and in any manner, such salmon as they may deem necessary for the purpose of propagation, or for scientific purposes. Exceptions.

16. Any violation of any of the provisions of this act shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in the county jail of the county in which the conviction shall be had, of not less than fifty days, nor more than six months, or by both such fine and imprisonment, and all fines and forfeitures imposed and collected for violations of the provisions of this act shall be paid into the state treasury, to the credit of the fish and game preservation fund. Penalties

CHAPTER 571.

An act to amend sections three thousand seven hundred forty-six and three thousand seven hundred fifty-six of the Political Code, relating to taxes.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 3746 of the Political Code is hereby amended to read as follows:

3746. On or before the third Monday in October, the tax collector must publish a notice specifying:

1. That the taxes on all personal property secured by real property, and one-half of the taxes on all real property will be

Stats 1919,
p. 29,
amended.

Notice for
payment
of taxes.

due and payable on the third Monday in October, and will be delinquent on the first Monday in December next thereafter, at five o'clock p.m., and that unless paid prior thereto ten per cent will be added to the amount thereof, and that if said one-half be not paid before the last Monday in April next, at five o'clock p.m., an additional five per cent will be added thereto. That the remaining one-half of the taxes on all real property will be payable on and after the second Monday in January next, and will be delinquent on the last Monday in April, next thereafter, at five o'clock p.m., and that unless paid prior thereto, five per cent will be added to the amount thereof.

2. That all taxes may be paid at the time the first installment, as herein provided, is due and payable.

3. The times and places at which payment of taxes may be made.

Stats 1915,
p. 1171,
amended
Delin-
quencies
and
penalties
therefor.

SEC. 2. Section 3756 of the Political Code is hereby amended to read as follows:

3756. On the first Monday of December of each year, at five o'clock p.m. all taxes then unpaid, except the last installment of real property taxes, are delinquent, and thereafter the tax collector must collect, for the use of the county, or city and county, an additional ten per cent thereon; *provided*, that if they be not paid before the last Monday in April next succeeding, at five o'clock p.m. he shall collect an additional five per cent thereon. On the last Monday in April of each year, at five o'clock p.m., all the unpaid portion of the remaining one-half of the taxes on all real property is delinquent, and thereafter the tax collector must collect, for the use of the county, or city and county, an additional five per cent thereon; *provided*, that the entire tax on any real property may be paid at the time the first installment, as above provided, is due and payable; *and provided, further*, that the taxes on all personal property unsecured by real property shall be due and payable immediately after the assessment of said personal property is made.

CHAPTER 572.

An act to amend section six hundred thirty-seven c, of the Penal Code, relating to the protection of game.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Stats. 1925,
p. 849,
amended.
Sea lions
in districts
19, 20
and 20 "A."

SECTION 1. Section 637c of the Penal Code is hereby amended as follows:

637c. Every person who shoots or otherwise kills, destroys, wounds, maims, takes, captures or cripples, by seines, set-nets, nets, traps, nets or any other kind of fixed, permanent or loose trap or contrivance, any California sea lion

(*Zalophus californianus*) in fish and game districts nineteen, twenty, or twenty "A," is guilty of a misdemeanor, and upon conviction thereof is punishable by a fine of not less than one hundred dollars or by imprisonment in the county jail for not less than sixty days, or by both such fine and imprisonment; *provided*, that the state fish commission may grant permission to any person whom it deems fit, to kill, trap, net, or capture alive, seals or sea lions for scientific or exhibition purposes, the number allowed to be killed or captured to be specified in said permit. Permits.

CHAPTER 573.

An act to amend the Penal Code by adding thereto a new section to be numbered six hundred twenty-eight k, relating to the protection of fish and game.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered section 628k and to read as follows: New section.

628k. Every person who, between April first and June thirtieth, both dates inclusive, of any year, takes, catches, kills or has in possession any grunion (*Leuresthes tenuis*) is guilty of a misdemeanor. Grunion.

Every person violating any of the provisions of this section upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had not less than ten days nor more than six months or by both such fine and imprisonment; and all fines and forfeitures imposed or collected for any violation of the provisions of this section must be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 574.

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

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 626c of the Penal Code is hereby amended to read as follows: Stats. 1925,
p. 668,
amended

626c. Every person who takes, kills, or destroys, or has in his possession any swan, or any wild pheasants, or any bobwhite quail or any variety of imported quail or partridge, or wild turkey, or Sierra hare (*lepus campestris sierræ*) is guilty of a misdemeanor; *provided, however*, that a person may rear, Pheasants,
swan, quail,
partridge,
wild
turkey and
Sierra hare.

propagate and have in possession pheasants and the increase thereof reared in captivity, or pheasants imported from a foreign country, and such artificially propagated or imported pheasants may be killed, sold, or disposed of at any season of the year upon permission from the state board of fish and game commissioners; *and provided, further*, that a copy of such permit shall be attached to any pheasants or the package containing the same in plain view when the same shall be sold or disposed of as hereinabove provided.

CHAPTER 575.

An act to amend section six hundred thirty-two of the Penal Code, relating to the protection of fish; and to repeal section six hundred thirty-three of the Penal Code, relating to the protection of fish.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Stats 1921,
p 374,
amended
Trout and
whitefish.

SECTION 1. Section 632 of the Penal Code is hereby amended to read as follows:

632. It shall be unlawful to angle for, take, catch, kill or have in possession, either dead or alive, any trout or whitefish, in the State of California at any time or in any manner except as provided in this section. It shall be lawful to angle for, take, catch, kill and have in possession trout or whitefish during the open season which shall begin and end, both dates inclusive, in each year as herein prescribed; *provided*, that such trout or whitefish are taken in the manner allowed by law and within the bag limit prescribed, and that not more than one daily bag limit is had in possession by any person during any one calendar day.

Season
and limit.

(a) The open season on all varieties of trout and whitefish, except golden trout, in all fish and game districts, except fish and game districts numbers fourteen and twenty-six, and except as hereinafter provided, shall be from May first to October thirty-first. Bag limit not more than twenty-five trout or more than ten pounds of trout and one trout in any one calendar day; *provided*, there shall be no bag limit on Dolly Varden trout or whitefish.

Districts
43, 23, 24
and 25.

(b) In fish and game districts numbers four and one-half, twenty-three, twenty-four and twenty-five the season shall be open for all varieties of trout and whitefish except golden trout from May thirtieth to October thirty-first, with the same bag limit as specified in subdivision (a) hereof.

Golden
trout.

(c) The open season on golden trout in all fish and game districts shall be from July first to September thirtieth. Bag limit not more than twenty trout, or more than ten pounds of trout and one trout, in any one calendar day. Size limit not less than five inches in length.

(d) In fish and game district number two and one-half District 2½. the season shall be open for all varieties of trout and whitefish from May thirtieth of one year to February fourteenth of the following year, with the same bag limit as specified in subdivision (a) hereof.

(e) In the Russian river and in the Napa river in fish and game district two, and in tidewater in fish and game districts two, three and fifteen, in addition to the open season provided in subdivision (a) hereof, the season shall be open for steelhead trout from November first of one year to February twenty-eighth of the following year. Bag limit three fish per day, irrespective of size. Russian river, Napa river, etc

(f) In fish and game district number one and one-half and in Klamath river fish and game district, in addition to the open season provided in subdivision (a) hereof, the season shall be open for steelhead trout from November first to December thirty-first. Bag limit five fish per day, irrespective of size. District 1½ and Klamath river.

(g) In any lake exceeding twenty-five square miles in area within the boundaries of fish and game district twenty-five, in addition to the open season provided in subdivision (b) hereof, the season shall be open for all varieties of trout from May first to May twenty-ninth, with the same bag limit as specified in subdivision (a) hereof, and such trout so taken may be possessed within the boundaries of fish and game district twenty-five. Lakes in district 25

(h) In any stream in fish and game district twenty-three District 23 flowing into the state of Nevada, not including, however, its tributaries, nor any lake from which said stream may flow, in addition to the open season provided in subdivision (b) hereof, the season shall be open for all varieties of trout and whitefish from May fifteenth to May twenty-ninth, with the same bag limit as specified in subdivision (a) hereof, and such trout or whitefish so taken may be possessed within the boundaries of fish and game district twenty-three.

Every person who, in fish and game districts twenty-three and twenty-four, between the first day of November and the thirty-first day of July of the year following, both dates inclusive, angles for, takes, catches, kills or pursues any trout or whitefish in any stream flowing into any lake within two miles, extending from its mouth towards its source, or has in his possession any trout or whitefish taken from such streams, is guilty of a misdemeanor. Districts 23 and 24.

Every person who, between the first day of November and the thirty-first day of July of the year following, both dates inclusive, angles for, takes, catches, kills or pursues any trout or whitefish in any lake within three hundred feet of the mouth of any stream flowing into any lake, or who has in his possession any trout or whitefish so taken, is guilty of a misdemeanor. Lakes

No person shall at any time angle for, take, catch, kill or pursue any trout or whitefish, except with rod and line held Hook and line only.

in the hand and used in the manner commonly known as angling and the hook or hooks baited with live or artificial bait or lure. Fishing for trout or whitefish with snag or gaff hooks, set lines, or lines having more than two attractor blades, or more than three hooks, shall be unlawful.

Fish spears

It shall be unlawful for any person to have in his possession, except in his home any fish spear within three hundred feet of any lake or stream in the State of California, at any time when spearing is prohibited in such lake or stream.

Goldfish and minnows.

It shall be unlawful for any person to use goldfish as bait for the purpose of taking, catching or killing trout or whitefish, and no person shall use minnows for said purpose unless such minnows are native to or have been introduced into the waters so being fished.

Dolly Varden trout.

It shall be lawful to take, catch, kill or have in possession any number of Dolly Varden trout (*Salvelinus malma* or *Salvelinus parkei*) when such trout are taken in the open season for other trout in the same district; *provided, further*, that any person lawfully catching and killing trout in an open district may ship or transport the same into a closed district; *provided*, an affidavit is made before a justice of the peace or notary public in the county in which the trout are caught, and in which is set forth the date and place of catching such trout, the name and address of the consignee and consignor and the number of the angling license of the consignee. The original of this affidavit must be attached to this shipment and a copy left on file with the justice of the peace or notary public before whom the affidavit is made; *provided, further*, that it shall be unlawful at any time to offer for shipment, ship or receive for shipment or transport from the State of California any trout caught or taken in the waters of the state.

Trout from without state.

Nothing in this section shall prohibit the possession and sale of Dolly Varden or steelhead trout from without the state, nor the sale of such trout within the state, when the same shall be inspected and tagged according to regulations to be prescribed by the fish and game commission. The cost of such inspection must be paid by the person or persons submitting such Dolly Varden or steelhead trout for such inspection and tagging.

Domesticated trout.

Nothing in this section shall apply to trout raised under the provisions of the act authorizing and regulating the raising and selling of domesticated trout.

Exemption.

Nothing in this section shall prohibit the fish and game commission of this state, or persons authorized by them, from taking at all times such trout as they deem necessary for the purposes of propagation or for scientific purposes.

Penalties

Every person found guilty of a violation of any of the provisions of this section shall be punishable by a fine of not less than twenty-five dollars or more than five hundred dollars, or by imprisonment in the county jail of the county in which

the conviction shall be had not less than ten or more than one hundred fifty days, or by both such fine and imprisonment. All fines and forfeitures imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

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

Constitutionality.

SEC. 2. Section 633 of the Penal Code is hereby repealed.

Stats. 1917,
p. 665,
repealed

CHAPTER 576.

An act to amend section six hundred twenty-six i of the Penal Code, relating to the limit of deer that may be taken, killed, destroyed or possessed in any one open season.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 626*i* of the Penal Code is hereby amended to read as follows:

Stats 1907,
p. 762,
amended
Limits on
deer.

626*i*. Every person who takes, kills or destroys, or has in his possession, whether taken in the State of California or shipped into the state from any other state, territory or foreign country, more than two deer during any one open season is guilty of a misdemeanor; *provided*, that in fish and game district one and three-quarters it shall be unlawful to hunt, pursue, take, kill or destroy or have in possession more than one deer during any one open season; *provided, further*, that it shall be lawful for a resident of fish and game district one and three-quarters to have in his possession not to exceed two deer, one only of which may be killed in district one and three-quarters; *provided*, he has fully complied with all of the laws of this state relating to the protection of deer. Anyone failing to comply with any of the provisions of this section is guilty of a misdemeanor.

CHAPTER 577.

An act to amend section three thousand seven hundred two of the Political Code, relating to traveling expenses of the state board of equalization.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Stats 1907,
p 697,
amended.
Traveling
expenses

SECTION 1. Section 3702 of the Political Code is hereby amended to read as follows:

3702. The members of the board and secretary are entitled to their actual traveling expenses, and for contingent clerical assistance, while traveling, incurred by them in the discharge of their duties.

CHAPTER 578.

An act to amend section three thousand six hundred sixty-four e of the Political Code, relating to the state board of equalization.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Stats 1921,
p 625,
amended
Investiga-
tions, ap-
praisements,
and
valuations.

SECTION 1. Section 3664e of the Political Code is hereby amended to read as follows:

3664e. The state board of equalization shall make, or cause to be made, such investigations, appraisements and valuations and collect such other data as it deems proper for the purpose of enabling it to report to each legislature at the convening thereof, the relative percentages of tax borne by corporations and industries paying taxes to the state under part III, title IX, of this code as compared to the percentage or rate of ad valorem tax borne by property taxed for local, county, city and county, city or district purposes, and shall include its findings thereon in its biennial report to the governor, as required under section 3692 of this code.

CHAPTER 579.

An act to add new sections to article two c of chapter three of title one of part three of the Political Code to be numbered sections three hundred sixty-two g, three hundred sixty-two h and three hundred sixty-two i of said code, creating a division of libraries in the department of education and providing for the administration thereof.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

New section

SECTION 1. A new section is hereby added to the Political Code to be numbered 362g, and to read as follows:

State
library.

362g. There is hereby created in the department of education an additional division to be known as the division of

libraries. This division shall be in charge of a chief, who shall be a technically trained librarian and shall be known as the "state librarian." He shall be appointed by and hold office at the pleasure of the governor, shall receive a salary of five thousand dollars per annum and before entering upon the duties of his office shall execute an official bond to the State of California in the penal sum of three thousand dollars. The state librarian shall administer the state library in accordance with law and such regulations as may be adopted by the state board of education, which board shall determine all policies for the conduct of the state library.

SEC. 2. A new section is hereby added to the Political Code New section. to be numbered 362*h*, and to read as follows:

362*h*. The department of education shall succeed to and is hereby vested with all the duties, powers, purposes, responsibilities and jurisdiction of the board of trustees of the state library and the state librarian, including all the duties, powers, purposes, responsibilities and jurisdiction of the department of finance and the division of libraries under the department of finance which pertain to the administration and management of the state library and heretofore were transferred to said department of finance and said division of libraries from the state librarian and the board of trustees of the state library. Succession to duties, powers, etc.

Except as herein otherwise provided, whenever, by the provisions of any statute or law, now in force or that may hereafter be enacted, a duty or a jurisdiction is imposed or an authority conferred upon the board of trustees of the state library, the state librarian, the division of libraries of the department of finance, or any of the offices or deputies thereof or either thereof, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of education with the same force and effect as though the title of the department of education had been specifically set forth and mentioned therein in lieu of the name of any such board, commission, office, officer, deputy or employee thereof as the case may be.

For the purposes of this article the terms "board of trustees of the state library," "state librarian," "division of libraries of the department of finance" or similar designation, and of the several members, officers or employees of such board, office or division when used in any statute or law now in force or that may hereafter be enacted shall be construed to mean and refer to the department of education the same as though the title of the department of education has been specifically set forth and named therein.

SEC. 3. A new section is hereby added to the Political Code New section to be numbered 362*i*, and to read as follows:

362*i*. From and after the date upon which this act takes effect, the department of education shall be in possession and control of all records, books, papers, offices, equipment, moneys, Property and funds.

funds, appropriations, land and other property, real or personal, now or hereafter held for the benefit or use of the state library or the division of libraries of the department of finance and the department of education is hereby authorized and empowered to expend the money in any appropriation or in any special fund in the state treasury now remaining or made available by law for the administration of the provisions of all the statutes the administration of which is hereby committed to the departments, or for the use, support or maintenance of the state library or of said division of libraries of the department of finance, such expenditures by the department to be made in accordance with law in carrying out the purposes for which such appropriations were made or such special funds created.

CHAPTER 580.

An act to amend section three hundred sixty-one of the Political Code, relating to the department of agriculture.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p. 1036.
amended
Department
of
agriculture.

SECTION 1. Section 361 of the Political Code is hereby amended to read as follows:

361. A department of the government of the State of California to be known as the department of agriculture is hereby created. The department shall be conducted under the control of an executive officer to be known as director of agriculture, which office is hereby created. The director shall be appointed by and hold office at the pleasure of the governor, and shall receive a salary of six thousand dollars per annum. Before entering upon the duties of his office, the director shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars, conditioned upon the faithful performance of his duties. Except as otherwise in this article prescribed, the provisions of article II of this chapter, title and part of the Political Code, as adopted at the forty-fourth session of the Legislature and as the same may be amended from time to time, shall govern and apply to the conduct of the department of agriculture in every respect the same as if such provisions were herein set forth at length.

CHAPTER 581.

An act providing for the investigation of the supplementary books used in the elementary schools of the state by the board of education and requiring a report thereon to be made by said board to the state board of control.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. The state board of education is hereby empowered and it shall be its duty to investigate the supplementary books, which in addition to the free textbooks now furnished by the state for use in the elementary schools are used for educational purposes in the elementary schools of this state and which are now available for use in the public schools through the county library system and other sources which are a direct expense on the county governments. Said investigation shall include a study of the names and authors of such books, the numbers of such books now in use throughout the state, the present cost per volume of the same, and all other matters which pertain to use of such books in the elementary schools in the state. Such investigation shall also include a study of all matters pertaining to the standardization of supplementary books used in the elementary schools and the publication of such supplementary books by the State of California.

Supplementary book investigation.

SEC. 2. Said board shall report its findings which shall include an enumeration of the names and authors, the numbers and cost per volume of said books and the study of the standardization of supplementary books as provided in section 1, and such report shall also include the free textbooks now furnished by the state, and any and all other information which it may have secured relating to this subject, to the state board of control on or before the first day of July, 1928.

Report.

CHAPTER 582.

An act authorizing the state department of finance, out of any moneys appropriated therefor, to purchase warrants of the Sacramento river outlet project number two of the Sacramento and San Joaquin drainage district, and prescribing the duties of the state reclamation board in the use of the proceeds of such sale of said warrants.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. Out of any moneys appropriated by law for such purpose the state department of finance is hereby authorized to purchase warrants of the Sacramento river outlet pro-

Sacramento and San Joaquin drainage district.

ject number two of the Sacramento and San Joaquin drainage district.

Acquisition
of spoil area.

SEC. 2. It shall be the duty of the state reclamation board to use the proceeds from the sale of such warrants for acquiring spoil area for use in carrying out the plan authorized by the Sacramento river outlet project number two of the Sacramento and San Joaquin drainage district.

Effect
of act.

SEC. 3. This act, in so far as it does not amend or alter any existing law, shall be deemed to be a continuation thereof and shall not limit or affect the powers or authority now vested in the state department of finance or state board of control relating to or concerning the investment of surplus money or surplus general funds, or other funds, in the state treasury nor shall it limit or affect the powers or authority now vested in the state department of finance or state board of control relating to or concerning the purchase of bonds or the sale or exchange thereof.

CHAPTER 583.

Title

An act to amend the act entitled "An act to be known as 'Palo Verde irrigation district act,' creating a consolidated irrigation, protection and reclamation district, subject to the approval of the owners of property within the district, to be known as 'Palo Verde irrigation district,' for the purpose of taking over the water rights and water system of the Palo Verde Mutual Water Company, a corporation, and of the stockholders thereof; the levees, properties and functions of the Palo Verde joint levee district of Riverside and Imperial counties, California; the properties and functions of the Palo Verde drainage district; and for the acquiring of such other properties, the construction of such other improvements and the doing of such other things as may be necessary for providing a unified and comprehensive method of supplying the irrigable lowlands of Palo Verde valley comprised within the district with water for irrigation and domestic uses, reclaiming the swamp lands, destruction of mosquito pests, and protecting all the lands within the district, and the water system, from flood waters of the Colorado river, and for maintaining, improving, expanding and operating and governing the entire irrigation, protection and reclamation systems through a single district organization; providing also for the assumption, funding and payment of the bond and other obligations of said Palo Verde Mutual Water Company and said levee and drainage districts, and for the issuance of bonds for all of the aforesaid purposes; and providing for the payment, funding and refunding of all such indebtedness; providing also for an election to determine whether this district shall be organized, and for the organization, management and control of the district through a board of trustees if the proposed district is

organized; defining the powers and duties of the board, authorizing the district to sue and be sued, providing for the levy and collection of assessments to finance the acquisition of the properties, to carry on the construction work, maintenance and operation of the same, and for the payment of bonds and the expense of maintaining the district created hereby; providing also a means for dissolving said district," approved June 21, 1923, as amended, by amending sections numbered six, seven, ten, eighteen, twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine thereof, and by adding thereto new sections to be numbered and providing as follows, to wit: Section eight-a, relating to the offices of assessor, collector and treasurer; section eight-b, relating to consolidation and segregation of the offices of assessor and collector; section eight-c, relating to deputies to assessor and collector; section fifteen-b, relating to lack of benefits to improvements in district of operation and maintenance of irrigation system; section twenty-seven-a, relating to time for completion of assessment roll and time for equalizing assessments; section twenty-seven-b, relating to hearing as to equalization of values and duty of secretary in respect thereto; section twenty-eight-a, relating to levy of taxes by boards of supervisors; section twenty-eight-b, relating to duty of district attorney and attorney general on default in levy and collection of taxes; section twenty-eight-c, relating to extension of time for duties in assessment, levy and collection of taxes; section twenty-eight-d, relating to collection of unsecured taxes; section twenty-eight-e, relating to addition of unpaid water tolls and charges to taxes; section twenty-eight-f, relating to assessment lien; section twenty-eight-g, relating to change of assessments and refund of erroneous taxes; section twenty-eight-h, relating to notice that assessments are due and collection and delinquency of taxes; section twenty-eight-i, relating to suit against delinquents to collect taxes; section twenty-eight-j, relating to duty of collector on sale for delinquent taxes; section twenty-eight-k, relating to sale for delinquent taxes; section twenty-eight-l, relating to rights of owner of realty resold in default of payment, and purchase by district; section twenty-eight-m, relating to certificates of sale; section twenty-eight-n, relating to record book of property sold for taxes and interest on redemption; section twenty-eight-o, relating to redemption of property and collector's deed; section twenty-eight-p, relating to delinquent taxes and deed on dissolution of district; section twenty-eight-q, relating to tax deed as prima facie and conclusive evidence and effect thereof; section twenty-eight-r, relating to assessment roll or delinquent list as prima facie evidence; section twenty-eight-s, relating to misnomers; section twenty-eight-t, relating to waste after sale for taxes, district's rights and actions to enforce the

Title
(cont'd)

same; section twenty-eight-u, relating to settlements between secretary and collector; section twenty-nine-a, relating to warrants unpaid for lack of funds and payment thereof; section sixty-two, relating to assessment and equalization schedule for the year 1927; section sixty-three, relating to effect of unconstitutionality and intention of this act; and section sixty-four, relating to short title of this act.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Stats 1923,
p. 1077,
amended.

SECTION 1. Section 6 of an act entitled "An act to be known as 'Palo Verde irrigation district act,' creating a consolidated irrigation, protection and reclamation district, subject to the approval of the owners of property within the district, to be known as 'Palo Verde irrigation district,' for the purpose of taking over the water rights and water system of the Palo Verde Mutual Water Company, a corporation, and of the stockholders thereof; the levees, properties and functions of the Palo Verde joint levee district of Riverside and Imperial counties, California; the properties and functions of the Palo Verde drainage district; and for the acquiring of such other properties, the construction of such other improvements and the doing of such other things as may be necessary for providing a unified and comprehensive method of supplying the irrigable lowlands of Palo Verde valley comprised within the district with water for irrigation and domestic uses, reclaiming the swamp lands, destruction of mosquito pests, and protecting all the lands within the district, and the water system, from flood waters of the Colorado river, and for maintaining, improving, expanding and operating and governing the entire irrigation, protection and reclamation systems through a single district organization; providing also for the assumption, funding and payment of the bond and other obligations of said Palo Verde Mutual Water Company and said levee and drainage districts, and for the issuance of bonds for all of the aforesaid purposes; and providing for the payment, funding and refunding of all such indebtedness; providing also for an election to determine whether this district shall be organized, and for the organization, management and control of the district through a board of trustees if the proposed district is organized; defining the powers and duties of the board, authorizing the district to sue and be sued, providing for the levy and collection of assessments to finance the acquisition of the properties, to carry on the construction work, maintenance and operation of the same, and for the payment of bonds and the expense of maintaining the district created hereby; providing also a means for dissolving said district," approved June 21, 1923, as amended, is hereby amended to read as follows:

Qualifica-
tion of
voters.

Sec. 6. Any person, firm or corporation owning any real property and/or the improvements thereon, or any interest in real property and/or the improvements thereon (but not

including personal property) which interest or ownership is assessed on the last preceding equalized assessment roll of the district (and only the owners of property so assessed) shall be entitled to vote at any election, special or general, for the election of trustees, or for any other purpose pertaining to the affairs of said district. Each property owner so qualified to vote shall be entitled to cast one vote for each one hundred dollars of assessed valuation or fraction thereof greater than fifty dollars, as the same appears to have been assessed on the equalized assessment roll of the district last preceding the holding of the election. In determining the total number of votes any voter is entitled to cast, the total assessed value of all parcels owned by the voter shall be divided by one hundred, and the quotient shall determine the number of votes.

SEC. 2. Section 7 of said act as amended is hereby amended to read as follows:

Stats 1923,
p 1077
amended,
Who may
vote and
votes
entitled to.

Sec. 7. For the purpose of determining who is entitled to vote, and the number of votes each voter is entitled to cast, the officer of said district then in charge of the next preceding equalized assessment roll of said district shall cause to be prepared, certified and furnished to the election board at each polling place a true and correct copy of said assessment roll.

Said certified assessment rolls shall be used by the election board in determining the number of votes each voter is entitled to cast.

Executors, administrators, special administrators and guardians may cast the vote of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to vote; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced by the voter.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to vote as being the person shown on the assessment roll or otherwise as entitled to vote. And unless satisfactory evidence is furnished of the right to vote, the request to vote may be denied.

Where land is assessed to unknown owners, the production of a duly recorded or other transfer or conveyance, accompanied by a certificate of a searcher of title certifying that a search of the official records of the county since the date of the deed discloses no conveyance or transfer out from the grantee or transferee named in said instrument, shall entitle said grantee or transferee to vote.

Where property appears to be owned in common or jointly, or where letters of representatives of decedents, minors or guardians are joint, any one of the owners or representatives may cast all the votes that such joint owners or representatives are entitled to vote for all, provided the party claiming the right to vote for all produces the written consent of his

co-owners or representatives to do so, but if such consent is not produced, then the number of votes shall be apportioned to each owner or representative claiming the right to vote, according to the proportionate ownership or representation shown on the assessment roll, if such proportion is shown, but if not so shown, it shall be presumed that such ownership or right of representation is equal, and the voting right determined accordingly.

Where property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to vote the same, and if assessed in the name of more than one trustee the voting right shall be determined in like manner as above provided with respect to co-owners.

The vote of any public or quasi-public corporation, private corporation or unincorporated association, may be cast by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing, and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board of election. Any member of any partnership firm may vote in behalf of such firm.

All parties entitled to vote may have their votes cast by proxy, but no person shall vote by proxy unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property, and filed with the board of election.

The owner of any real property or interest therein appearing upon the assessment roll, which has been assessed in the wrong name, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to cast the votes represented thereby, either by the production of a proxy from such former owner or by furnishing evidence of his ownership by examination upon oath by the election board, or a conveyance duly acknowledged showing the title vested in the person claiming the right to vote, or a certificate of a competent searcher of title may be accepted by the board, as evidence of the right to vote.

Where property has been contracted to be sold, the vendee shall be entitled to cast the ballots, unless such property is assessed in the name of the vendor, in which event the vendor shall be entitled to cast the vote or votes represented thereby.

All instruments evidencing or supporting a claim of a right to vote shall likewise be filed with the election board. And if at such election the proposal to create the district is approved, all such documents shall be turned over to the board of trustees of the district; otherwise, to the board of supervisors of Riverside county for preservation.

As each voter establishes his right to vote, and the number of votes to which he is entitled is determined, there shall be delivered to him as many ballots as he is entitled to votes, or

one ballot representing such votes, as next herein provided. In order to simplify the voting and avoid the necessity of a voter having a large number of votes, stamping numerous ballots, one member of the board of election, in the presence of the voter and other members, shall write upon the ballot or ballots the number of votes represented by his ballot, and after the voter has voted it shall be the duty of the election board to examine all ballots cast and see that it is the same ballot delivered to the voter, and correctly represents the number of votes he is entitled to cast before the same is passed into the ballot box.

The polls shall be kept open from eight o'clock a.m. of the day of election until six o'clock p.m. of that day. Polls open.

At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result, and shall forward a certificate showing such result, and the number of votes cast for and against the proposal to organize the district under this act, and the number of votes cast for all candidates for membership on the board of trustees, and which certificate together with the ballots shall be forwarded to the board of supervisors of Riverside county. If a majority of all the votes cast are in favor of the creation and organization of this district, then this district shall be deemed to be and shall be created with all the rights, powers, and duties prescribed in this act, and the trustees shall proceed to organize and carry out the purposes of this act; but *provided, however*, that before the creation of the district becomes effective, the board of supervisors of Riverside county must make a certificate to the effect that the proposal to create the district was adopted, and cause the same to be filed with the secretary of state of California, from which date the district shall be deemed created, and as soon as moneys are available to the district for that purpose, and at least within one year from the date of organization, the board of trustees shall reimburse the counties of Riverside and Imperial for any moneys advanced or expense incurred in the performance of the duties imposed upon their respective boards of supervisors by this act, and recourse shall be had if necessary to the taxing power of the district for raising such funds; but if said indebtedness is not paid within one year from the date of the creation of this district, then the bondsmen shall be liable to the respective counties therefor. Canvass of votes

Likewise, if the proposal to organize the district is defeated, the result shall be certified in the same manner as above set forth, and the respective counties reimbursed for expenses paid or incurred by the bondsmen on the bonds hereinbefore provided for. If majority of votes are favorable.

If the district is created, certified copies of the order of the board of supervisors of Riverside county, or certificate declaring that fact, shall be recorded in the office of the county recorder of Riverside county, and of the county recorder of Imperial county, and shall impart notice to all interested Record of creation of district.

persons as to the result of said election, and the creation of said district.

The order of the board of supervisors of Riverside county declaring the result of said election and certifying to the fact that the proposal to create the district was duly adopted (if it shall be adopted) shall be final and conclusive evidence that all steps necessary for the creation and organization of said district have been duly performed, and that said district has been duly created as such.

Contest of
election

Provided, however, that the election for the organization of the district, whether the result be for or against, may be contested by any person owning property within the proposed district. The trustees elected at such election shall be made parties defendant, but any property owner in the district may intervene and be heard.

Such contest shall be brought in the superior court of the county of Riverside, and must be brought within twenty days from the time the vote is canvassed, and the result is declared. If more than one contest is filed, they may be consolidated and tried together. The court shall speedily try such contest and determine upon the hearing whether the election was fairly conducted, and in substantial compliance with the requirements of this act, and enter its judgment accordingly.

The right of appeal to the supreme court is hereby given to any party to the record within thirty days from the entry of judgment. The proceedings both as to the trial and appeal must conform substantially to the rules governing civil actions, and the appeal must be determined by the supreme court within sixty days from the time the record on appeal is filed therein.

If no contest is filed, or if as a result of any such contest so filed the adoption of the proposal to create and organize the district as certified by the board of supervisors be confirmed by the judgment; then said judgment and the certificate of the board of supervisors above set forth shall have the conclusive effect hereinbefore declared.

Stats. 1923,
p. 1082,
amended.
Assessor,
collector
and
treasurer.

SEC. 3. A new section is hereby added to said act as amended, to be numbered section 8a, and to read as follows:

Sec. 8a. The board of trustees shall elect an assessor and a collector, who shall hold office at the pleasure of the board and receive such compensation as shall be fixed by the board of trustees from time to time. Each of said officers shall qualify by taking and filing with the secretary of said board the oath of office and shall give such bond to said district as shall be required by the board, provided, the bond of said collector shall be in not less than the sum of one hundred thousand dollars, and shall be executed, at the expense of the district, by a surety company authorized to do business in this state. Each of said officers shall perform such duties as shall be required by this act and such other duties as shall be prescribed by the board of trustees. The county treasurer of the county of Riverside shall act as treasurer of said district,

and the actual estimated cost of his services shall be chargeable against and paid by the district.

SEC. 4. A new section is hereby added to said act, as amended, to be numbered section 8*b*, and to read as follows: Stats 1923,
p 1082,
amended.

Sec. 8*b*. The board of trustees may in its discretion, by order entered in its minutes, appoint the same person to hold the offices of assessor and collector, or segregate said offices and appoint a person to fill each office. Consolidation
of
offices.

SEC. 5. A new section is hereby added to said act, as amended, to be numbered section 8*c*, and to read as follows: Stats 1923,
p 1082,
amended.

Sec. 8*c*. The board of trustees must allow the assessor and collector as many deputies, to be appointed by said officers, as will, in the judgment of the board, enable them to perform their respective duties within the time prescribed in this act. The board must fix the compensation of such deputies, which shall be paid out of the treasury of the district. The appointment of each deputy must be in writing and filed in the office of the board. Each of said deputies shall hold office at the pleasure of the officer appointing him, but only for such time as shall have been authorized by order of the board of trustees. Deputies.

SEC. 6. Section 10 of said act as amended, is hereby amended to read as follows: Stats 1923,
p 1082,
amended

Sec. 10. The board of trustees of the district, in addition to all other powers and duties prescribed by this act, shall have the following powers and duties: Powers and
duties of
board of
trustees.

1. To keep a record of all its proceedings and minutes of its meetings, which meetings shall be public, and all records of the district shall be open to the public for inspection during reasonable business hours. Records

2. To manage and conduct the business and affairs of the district; make and execute all necessary contracts; employ and appoint such agents, officers and employees as may be required, and prescribe their duties, and to discharge all employees. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation, protection, reclamation or other works or improvements, and the line of canals or conduits, and their incidental branches and laterals; also for the location of levees, dikes or other structures which may be deemed proper. General
management.

3. Said board shall also have the right to acquire, by purchase, lease or condemnation, or other lawful means, all lands and waters or water rights and other property necessary for construction, use, supply, maintenance, repair and improvements of any and all irrigation plants or systems under its control, or to be acquired or controlled by the district, or for the construction, use, supply, maintenance, repair or improvement of any and all levees, protection works, drainage or reclamation work under the control or to be acquired and controlled by the district, whether any such properties be in this or other states and also where necessary or convenient in carrying out Acquisition
of property.

- Contracts the purposes of this act, to acquire and hold the stock of other corporations, domestic or foreign, owning waters, canals, water works, franchises, concessions or rights, levees or drainage works. Said board may enter into and do all acts necessary or proper for the performance of any agreements with the United States or any state, county or district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any levees, works or other property of any kind which might lawfully be acquired or owned by the district, and may acquire the right to store water in any reservoir or to carry water through any canal, ditch or conduit not owned or controlled by the district, and may grant to any owner or lessee, the right to the use of any water, the right to store such water in any reservoir of the district, or to carry such water through any canal, ditch or conduit of the district.
- Joint undertakings And may likewise enter upon any acts necessary or proper for the performance of any agreements with the United States or any state, county, or district, corporation, firm or individual or any number of them, for the joint acquisition, construction, maintenance or repair of any levees or other protection works or drainage or other reclamation works.
- Construction of works and distribution of water 4. To construct dams, reservoirs and works for the collection of water for the district, and to do any and every lawful act necessary to be done that sufficient water may be furnished to each land owner or inhabitant in the district for irrigation and domestic purposes, and may contract to supply water to any mutual water company within the district which is or may be organized to furnish water to certain specified lands within the district, provided the lands so supplied by any such mutual water company are within this district, and may contract for supplying such lands with water through such mutual water companies.
- Conveyances and actions The board is authorized and empowered to take conveyances, leases, contracts or other assurances for all property acquired by it under the provisions of this act, in the name of this district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, and to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act or acquired in pursuance thereof, and may appear and defend in person or by attorneys in the name of such irrigation district.
- Title, use and disposition of property 5. The legal title to all property acquired under the provisions of this act shall immediately, by operation of law, vest in the district, and shall be held by the district in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. And said board is hereby authorized and directed to hold, use, manage, keep and possess, said property as herein provided. The board may determine by resolution

duly entered upon its minutes, that any property, real or personal, held by such irrigation district, is no longer necessary to be held for the uses and purposes thereof, and may thereafter sell such property, and a conveyance of any property held by this district, executed by the president and secretary thereof, in accordance with the resolution of the board of trustees of such district, when sold for a valuable consideration, shall convey a good title to the property so conveyed.

6. It shall be the duty of the board of trustees to establish suitable by-laws, rules and regulations for the distribution and use of water among the owners of lands, which must be printed in convenient form for the use of the district. The board shall have the right to establish penalties and restrictions upon the excessive and wasteful use of water, for the purpose of conserving the water of said district and for the purpose of preventing injury to the lands of said district, and to that end said board of trustees may at any time establish uniform rates of toll and charges for water and collect the same from all persons furnished water by the district. Whenever any tolls or charges have been so established by the board of trustees, said board may make the same payable in advance, and may refuse to furnish water unless such tolls and charges are paid in advance. In case any tolls or charges remain unpaid at the time specified for the delivery of the assessment roll to the collector of the district, the amount due for such tolls and charges may be added to and become a part of the first installment of the annual taxes levied by the district upon the land upon which water for which such tolls and charges are unpaid was used, and shall constitute a lien on said land and the collection thereof may be enforced in like manner with the first installment of taxes.

Rules for
distribution
and use of
water.

Tolls.

Said board shall have power, by uniform rules and regulations, to order that water shall not be furnished to persons against whom, or for use upon land on which, there are delinquent water tolls or charges or delinquent district taxes.

7. When the board of trustees deems it advisable for the best interests of the district and the convenience of the electors thereof, it may at any time, but not less than sixty days before an election to be held in the district, divide the district into divisions or precincts for election purposes, but such divisions shall be made as nearly equal in area or population as may be practicable. The boundaries of the divisions and precincts or any subsequent changes therein must be shown on the minutes of the board. Should the district be divided into divisions or precincts by the board of trustees for the purpose of holding elections thereafter, any property owner owning property in one or more precincts or divisions, must cast the ballots represented by his respective parcels in each precinct where such parcels are situate respectively, and if any such parcel lies partly in one precinct and partly in another, he may cast the ballots represented thereby in either, but before doing so he must notify the election board in the other precinct of his

Election
precincts

intention to do so, in order that the election board may note the ballots represented by said land as having been voted.

Regular
annual
elections

8. After the first election of trustees held in pursuance of the provisions of this act, all subsequent regular elections shall be called annually at the times fixed for the holding of the annual election, and the trustees shall cause notice of such elections to be given for the period and in the manner hereinbefore prescribed in reference to the first election, and the trustees shall perform all the duties in respect to giving notice of the election, establishing election boards, providing the ballots and assessment roll records necessary for conducting the election, designating voting places, causing the returns to be canvassed, and the results declared, which have been imposed upon the supervisors in respect to the first election.

Special
elections

Likewise, the board of trustees shall perform all the acts necessary for calling and conducting special elections provided for in this act.

In all elections for trustees the persons receiving the highest number of votes shall be deemed elected for the office to be filled, provided, that if among the persons receiving the highest number of votes there shall be so many persons who are not resident in said district that the aggregate number of trustees whose terms have not expired who are not resident in said district added to such number of nonresident persons voted for shall exceed three, then the nonresident or nonresidents having the lowest number of votes shall be deemed not elected and the person or persons receiving the next highest number of votes who are resident in said district shall be deemed elected, so that not less than a majority of the trustees shall be residents of the district. If an election is not held as herein provided, then upon the filing of a petition with the secretary of the board of trustees, signed by property owners owning real property assessed upon the last preceding equalized assessment roll at not less than the aggregate of five thousand dollars, requesting that a special election be called for the election of officers, the trustees of such district shall thereupon call a special election for the election of such officers, such election to be held within not less than forty days after the filing of such petition.

Official
bonds.

Each member of the board of trustees shall qualify on or before noon of the tenth day following his election, by executing an official bond in the sum of five thousand dollars, which bond shall be approved by a judge of the superior court of Riverside county, and shall be recorded in the office of the county recorder thereof, and filed with the secretary of the board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of the county officers, and premiums thereof may be paid by the district.

Borrowing
power

9. Said board of trustees shall have the power at any time that, in its judgment, as declared by order entered in its minutes, the expenditure of money is absolutely necessary to the welfare of the district and the accomplishment of the

purposes of this act, and there is no money in the fund of said district to make such necessary expenditure or the money in said fund is insufficient to make such necessary expenditure, to borrow for any period of time, not exceeding six months, such sum, not exceeding one hundred thousand dollars as may be necessary to make such expenditure, and may evidence such indebtedness by the note or notes of said district, executed by its president and secretary, and bearing interest at not more than seven per cent per annum.

10. The board of trustees shall also have power generally to perform all other such acts as shall be necessary to fully carry out the purpose of this act.

General powers

SEC. 7. A new section is hereby added to said act as amended, to be numbered 15*b*, and to read as follows:

Stats 1923, p 1093, amended

Sec. 15*b*. It appearing to the Legislature that the operation and maintenance of the irrigation system of the district will not hereafter be advantageous or beneficial to the improvements upon lands in said district;

Improvements not to be burdened.

It is, therefore, found, and the Legislature hereby declares, that, notwithstanding anything in this act as amended contained, the improvements upon lands in said district will not hereafter be benefited by the maintenance or operation of said irrigation system and should not, therefore, bear any portion of the burden of the cost of such maintenance or operation.

SEC. 8. Section 18 of said act as amended is hereby amended to read as follows:

Stats 1923, p 1096, amended

Sec. 18. After the amount of the proposed bond issue is determined by the board of trustees, said board may call a special election, at which shall be submitted to the owners of property within the district qualified to vote, as hereinbefore specified, the question whether or not the bonds of said district in the amount determined by said board shall be issued, and said board must call such an election and submit said question upon receipt of a petition signed by at least one hundred owners of real property within the district assessed on the last preceding equalized assessment roll of the district, provided that such petition shall include the holders of title or evidence of title to not less than twenty per cent of the value of the real property within the district. In determining the value of any lands within the district for the purpose of determining the sufficiency of such petition, the last preceding equalized assessment roll of said district shall be conclusive evidence of such facts for such purpose. But the board of trustees, by an affirmative vote of three of its members, may call such election without the necessity of receipt of any petition.

Special election for bond issue.

SEC. 9. Section 25 of said act as amended is hereby amended to read as follows:

Stats. 1923, p 1101, amended.

Sec. 25. In case the money raised by the sale of bonds issued be insufficient, or in case bonds be unavailing for the completion of the plan of construction, maintenance or repair of the works undertaken to be performed under this act, or

Assessment to complete works

Assessment
to complete
works
(cont'd).

the acquisition of the necessary property, water rights and water system, or for other properties authorized to be acquired by this act or proposed to be acquired, and additional bonds be not voted or sold, it shall be the duty of the board of trustees to provide for the completion of said plan and the acquisition of such properties, water and water rights by levy of assessments therefor; *provided, however*, that such levy of assessments shall not be made except first an estimate of the amount required for such purpose has been made by the board of trustees, and the question as to the making of said levy submitted to a vote of the qualified voters of the district. Before such question is submitted the order of submission shall be entered in the minutes of the board stating the amount to be levied and the purposes therefor, and if submitted at a special election said orders shall in addition fix the date of election. Notice of such election must be given by posting notice in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published within the district, if there is one, but if not, then in Riverside county, California, by at least three weekly publications. Such notice must specify the time of holding the election and the amount of assessment proposed to be levied; said election must be held and the result thereof determined and declared in all respects as nearly as practicable and in conformity with the provisions of this act governing the elections hereinbefore provided for; *provided, however*, that no informalities in conducting said election shall invalidate the same if the election shall have been otherwise fairly conducted. At such election the ballot shall contain the words "Assessment—Yes" and "Assessment—No", or words equivalent thereto. If a majority of the votes cast are "Assessment—Yes", the board of trustees shall cause an assessment, in the amount named in the order of submission, to be levied and collected, in the same manner herein provided with regard to annual taxes, and it shall be the duty of all officers of said district to act in relation to the levy and collection of such assessment in the same manner as is required of them with regard to annual taxes. If a majority of the votes cast are "Assessment—No", the result of such election shall be so declared and entered in the record:

Stats 1923,
p 1102,
amended
Annual
budget.

Sec. 10. Section 26 of said act as amended is hereby amended to read as follows:

Sec. 26. The board of trustees of the district shall each year, on or before the first Monday after the eighteenth day of August, and at such other times as they may deem advisable, cause to be prepared and filed in the records of said board a detailed statement showing separately the estimated amounts of money that will be required before the collection of taxes for the next ensuing year to pay the following:

1. Installments of interest and principal to become due, if any, upon all outstanding bonds of Palo Verde joint levee district of Riverside and Imperial counties, California.

2. The maintenance, repair and operation of the levees and other works constructed by said levee district.

3. The installments of interest and principal to become due, if any, upon all outstanding bonds of Palo Verde drainage district.

4. Maintenance, repair and operation of the drainage and reclamation system installed or constructed by said drainage district.

5. Installments of interest and principal to become due, if any, upon all the outstanding bonds of Palo Verde Mutual Water Company.

6. Installments of interest and principal to become due, if any, upon all outstanding bonds of this district.

7. Interest that the board of trustees estimates will become due on bonds of this district authorized but not sold.

8. Maintenance, repair and operation of all levees, reclamation works and drainage works of the district not hereinabove provided for.

9. Maintenance, repair and operation of the irrigation system of the district; *provided, however*, that the estimated amount, if any, which will be raised by any water tolls or charges made by said district shall be deducted from the amount estimated in this subdivision of this section.

10. Maintenance, repair and operation of any other works under the control of the district.

11. Expenses of administering or conducting the affairs of the district and of carrying into effect the purposes of this act.

12. Any temporary loans owing by said district.

13. The making up of any deficit in any fund or account of the district.

14. Any unpaid warrants of the district issued in accordance with the act.

15. Any contracts or obligations of the district which shall have been reduced to judgment.

16. Any other sums due or that will become due from the district before the time for the collection of annual taxes for the next ensuing year.

SEC. 11. Section 27 of said act as amended is hereby amended to read as follows:

Sec. 27. The assessor must between the first Monday in March and the first Monday in July of each year assess all lands, including all possessory rights or claims to the use or possession of lands held under the public land laws of the United States or of the State of California, or otherwise, and improvements in said district and all personal property within the boundaries of said levee district, to the persons who own, claim, or have possession or control thereof, at its full cash value as follows:

He must prepare an assessment roll, with appropriate headings, in which must be listed all such property, in which must

Stats 1923,
p. 1102,
amended
Annual
assessment
of property

be specified in separate columns under the appropriate heading:

1. The name of the person to whom the property is assessed, or if the name is not known to the assessor, the property shall be assessed to "unknown owners;"

2. Land by township, range, section or fractional section, and when such land is not in any congressional division or subdivision, by metes and bounds or other description sufficient to identify it, giving an estimate of the number of acres and locality;

3. City and town lots, naming the city or town and the number and block according to the system of numbering in such city or town;

4. The cash value of land other than city or town lots;

5. The cash value of city and town lots;

6. The cash value of improvements;

7. The cash value of personal property;

8. The total value of all property assessed;

9. The total value of all property after equalization by the board of trustees;

10. Such other things as the board of trustees may require.

Any property which may have escaped assessment for any year shall, in addition to the assessment for the then current year, be assessed for such year with the same effect and with the same penalties as are provided for in such current year.

Stats. 1923,
p. 1103,
amended
Annual
statement
of assessed
valuations.

SEC. 12. A new section is hereby added to said act as amended, to be numbered 27a, and to read as follows:

Sec. 27a. On or before the first Monday in July in each year the assessor must complete his assessment roll and show therein in detail the total assessed value of all land and improvements within said district and of all personal property within the boundaries of said levee district and what part of said total assessed valuation applies to land and improvements within the boundaries of said levee district, but not within the boundaries of said drainage district, and likewise what part of said total valuation applies to lands within said drainage district but not within said levee district, and any and all other data necessary to enable said board of trustees to fix the tax rate and levy taxes upon the taxable and assessable property within all said districts which may be taxable and assessable therefor under the provisions of this act or the acts under which said levee district and drainage district were organized. Said assessor must thereupon deliver said assessment roll to the secretary of the board, who must immediately give notice thereof and of the time the board of trustees acting as a board of equalization will meet to equalize assessments by one publication in a newspaper published in said district, or if there be none, then in said county of Riverside. The time fixed for the meeting shall be not less than ten nor more than twenty days from the first publication of the notice and in the meantime the assessment roll must remain in the office of the secretary for the inspection of all persons interested.

Sec. 13. A new section is hereby added to said act as amended, to be numbered 27*b*, and to read as follows:

Stats 1923,
p 1103,
amended.
Equalization
of
assessments

Sec. 27*b*. Upon the date specified in the notice required by the preceding section for the meeting, the board of trustees, which is hereby constituted a board of equalization for that purpose, shall meet and continue in session from time to time as long as may be necessary, not to exceed ten days, exclusive of Sundays, to hear and determine such objections to the valuation and assessment as may come before them; and the board may change the valuation as may be just, whether objection be filed or not.

The secretary of the board shall be present during its sessions and note all changes made in the valuation of property and in the names of persons whose property is assessed, and within five days after the close of the session he shall have the total values as finally equalized by the board extended into columns and added.

SEC. 14. Section 28 of said act as amended is hereby amended to read as follows:

Stats 1923,
p. 1103
amended.
Annual
tax levy

Sec. 28. On or before the first Monday after the eighteenth day of August of each year the board of trustees, taking as a basis the detailed statement required in section 26 of this act and the valuation of the lands and improvements thereon within the district and the personal property within said levee district in accordance with the district assessment roll, must levy a tax sufficient to raise the amount set forth in said detailed statement, which tax shall be levied as follows:

1. A rate shall be fixed for raising the amount to meet the principal and the accruing interest on the outstanding bonds of said levee district and the amount necessary for the maintenance, repair and operation of the levees constructed by said levee district, which said rate shall be levied upon and in accordance with the assessed value of the lands, improvements and personal property within the boundaries of said levee district.

2. A separate rate shall be fixed for raising the money necessary to meet the principal and accruing interest on the bonds of said drainage district and the amount necessary for maintenance, repair and operation of the drainage and reclamation system installed or constructed by said drainage district, which said rate shall be levied upon and in accordance with the assessed value of all land within said drainage district.

3. A separate rate shall be fixed for the raising of the amount necessary to maintain, repair and operate the irrigation system of the district, which said rate shall be levied upon and in accordance with the assessed value of all lands within the boundaries of this district.

4. A separate rate shall be fixed for raising all other amounts set forth in said detailed statement required in section 26 of this act, which said rate shall be levied upon and in accordance with the assessed value of all lands and improvements thereon within this district.

Annual
tax levy
(cont'd).

All properties acquired by this district after its organization and all construction work and improvements in the way of providing, maintaining and operating protection work or reclamation work in the entire district shall be deemed to be and are hereby declared to be for the benefit of all lands and improvements within the district and the cost thereof shall be apportioned and raised by taxation uniformly over the entire district in accordance with the assessed value of the real estate and improvements thereon within the district, but all construction work and improvements in the way of maintaining and operating water works in the entire district shall be deemed to be and are hereby declared to be for the benefit of all lands (excluding improvements) within the district and the cost thereof shall be apportioned and raised by taxation uniformly over the entire district in accordance with the assessed valuation of the lands (excluding improvements) within the district.

In ascertaining the above mentioned rates of taxation, twenty per cent shall be deducted for anticipated delinquencies from the aggregate value of the property to be levied on in respect of each separate rate, as shown by the assessment roll of the district, and then the sum necessary to be raised shall be divided by the remainder of the proper aggregate assessed value. The secretary of the board must forthwith compute and enter in a separate column of the assessment roll the respective sums in dollars and cents to be paid on the respective properties therein enumerated.

Stats 1923,
p. 1104,
amended
Collection
of taxes by
counties.

SEC. 15. A new section is hereby added to said act as amended to be numbered 28a, and to read as follows:

Sec. 28a. Forthwith upon the levy of said taxes by the board, the secretary of the board shall, in writing, notify the boards of supervisors of the counties of Riverside and Imperial respectively that said board of trustees has levied taxes sufficient to provide for the payment of all installments of principal and interest accruing upon the bonds of said three districts for the ensuing year. If said boards of supervisors shall not, prior to the time of making the annual tax levy in said counties for county purposes, receive such notice from said secretary, then it shall be the duty of said boards respectively when said tax levy is made to levy, upon all properties in said three districts respectively which are subject to the lien of the bonds of said district, taxes in accordance with the terms of said bonds and the acts under which said districts respectively were organized sufficient to provide the amounts necessary to meet the said installments of principal and interest upon said bonds accruing during the ensuing year, and it shall be the duty of the proper county officers to copy and enter the taxes so levied on the assessment roll of their respective counties and collect the same at the same time and in the same manner as county taxes and when collected to pay said taxes into the county treasury for the use of the district.

All expenses incident to the levy and collection of said taxes shall be borne by the district and may be collected by suit at law, which shall be commenced by the district attorney of the county whose board of supervisors caused the said taxes to be levied and collected, unless the amount of such expenses shall be paid within sixty days from the time when proper demand shall have been made therefor. In case of neglect or refusal of the collector of this district to perform the duties imposed by law, then the tax collector of the county of Riverside must perform such duties, and shall be accountable therefor upon his official bond, and in case said county tax collector shall collect any taxes for the district, he shall pay the same to the county treasurer, who shall place such money in the fund of said district.

Expense of collection.

SEC. 16. A new section is hereby added to said act as amended, to be numbered 28b, and to read as follows:

Stats 1923, p. 1104, amended

Sec. 28b. It shall be the duty of the district attorney of the county of Riverside to ascertain each year whether the duties relating to the levy and collection of taxes as in this act provided have been performed and if he shall learn that the board of trustees or any official of the district has neglected or refused to perform any such duty, said district attorney shall so notify the boards of supervisors or the county officials required by this act to perform such duties in such case, and unless such boards of supervisors or such county officials shall proceed to the performance of such duties within thirty days after the receipt of such notice, the district attorney shall take such action in court as may be necessary to compel the performance of such duties and said district attorney shall give such notice to the other officials and shall take such action as may be necessary to secure the performance in their proper sequence of the other duties relating to the levying and collection of taxes as in this act provided. That for the enforcement of the levying and collection of any taxes herein required to be levied and collected for the payment of any debt hereafter incurred, in case complaint shall be made to the attorney general of the State of California that the district attorney of said county has not performed any duty devolving upon him by the provisions of this section, or that he is not proceeding with due diligence in the proper manner in the performance of any such duty, the attorney general shall make an investigation, and if it shall be found that such charge or charges are true, said attorney general shall take such measures as may be necessary to enforce the performance of the duties relating to the levying and collection of taxes as in this act provided.

District attorneys and attorney general to act

SEC. 17. A new section is hereby added to said act as amended, to be numbered 28c, and to read as follows:

Stats. 1923, p. 1104, amended.

Sec. 28c. If, as the result of the neglect or refusal of any official or officials to perform any duty relating to the assessment, levying and collection of taxes as in this act provided, it shall be impossible for such duty to be performed within

Extension of time.

the time required, and such duty shall subsequently be performed, then the time within which all duties consequent upon the performance of such duty shall be performed shall be extended so as to allow the lapse of the intervals required by this act to elapse between the performance of such duties, and the taxes herein provided for shall not become delinquent for at least thirty days after the first publication of the notice that such taxes are due and payable, as provided in section 27*a* of this act.

Stats 1923,
p 1104,
amended
Collection
by assessor

SEC. 18. A new section is hereby added to said act as amended, to be numbered 28*d*, and to read as follows:

Sec. 28*d*. All the powers and duties respectively of the county assessors respecting the collection of taxes on personal property and upon possession or the claim to or right to the possession of land, as now provided in sections 3820, 3821, 3822, 3823, 3824 and 3825 of the Political Code of California, shall apply so far as applicable to and shall be exercised by the assessor of this district, and the assessor, on the first Monday in each month, must make a settlement with the secretary of said district and must pay into the county treasury all moneys collected by him for such taxes during the preceding month.

Stats 1923,
p. 1104,
amended
Tolls and
charges.

SEC. 19. A new section is hereby added to said act as amended, to be numbered 28*e*, and to read as follows:

Sec. 28*e*. Whenever any tolls or charges for the use of water provided by this act have been fixed by the board of trustees, said board may make the same payable in advance. In case any such tolls or charges remain unpaid at the time specified for the delivery of the assessment roll to the collector of the district, the amount due for such tolls and charges shall be added to and become a part of the annual taxes levied upon the land upon which the water for which such tolls and charges are unpaid was used, and shall constitute a lien on said land, and such unpaid tolls and charges shall be payable with and as a part of the first installment of said taxes.

Stats 1923,
p 1104,
amended
Tax lien.

SEC. 20. A new section is hereby added to said act as amended, to be numbered 28*f*, and to read as follows:

Sec. 28*f*. All taxes levied on real property and/or improvements, as herein provided, shall be a lien upon the properties on which the same are levied, which lien attaches as of noon on the first Monday of March in each year, and all taxes levied upon personal property shall be a lien upon the real property of the owner thereof from and after twelve o'clock noon of the first Monday in March in each year.

Stats 1923,
p 1104,
amended.

SEC. 21. A new section is hereby added to said act as amended, to be numbered 28*g*, and to read as follows:

Erroneous
assessments
and
collections

Sec. 28*g*. In case the board of trustees of the district shall find that any property has been assessed in any year more than once, or has been assessed by reason of a clerical error for more than its full cash value, or the assessment computed on an excessive acreage, or that any property assessed was not in the district when so assessed, the board may authorize the

collector to cancel or modify any such assessment as may be proper, and, in case of any such change in any assessment, the secretary shall credit the collector with the amount of said assessment, if it is canceled, or the amount by which it is reduced, if it is modified.

Any taxes, penalties or costs thereon, or portions thereof, provided for by this act, heretofore or hereafter paid more than once, or heretofore or hereafter erroneously or illegally collected, may, by order of the board of trustees, be refunded by the county treasurer.

No order for the refund of taxes, penalties or costs under this section shall be made except on a verified claim therefor, verified by the person who has paid said taxes, penalties or costs, or by his guardian, or, in case of his death, by his executor or administrator, which said claim must be filed within one year after the making of the payment sought to be refunded.

SEC. 22. A new section is hereby added to said act as amended, to be numbered 28*h*, and to read as follows:

Sec. 28*h*. On or before the first Monday in October of each year the secretary must deliver the assessment roll to the collector of the district, who shall within ten days thereafter publish a notice in a newspaper published in said district, or if there be none, in the county of Riverside, that said taxes will be due and payable on the third Monday in October next thereafter, and that the first installment thereof, including all personal property taxes, all water tolls and charges, and one-half of the taxes on lands and improvements, will become delinquent at six o'clock p.m. on the first Monday in December next thereafter, and that unless paid prior thereto, fifteen per cent will be added to the amount thereof, and that the second installment of said taxes, being the second one-half of taxes on lands and improvements, will become delinquent at six o'clock p.m. on the last Monday in April, and that unless paid prior thereto, five per cent will be added to the amount thereof, and also the time and place at which the payment of said taxes may be made. Said notice shall be published once a week for two weeks. The collector must attend at the time and place specified in the notice to receive taxes, which must be paid in gold and silver coin. He must mark the date of payment of said taxes on the assessment roll opposite the name of the person paying and give a receipt to such person, specifying the amount of the tax and the amount paid, with the description of the property assessed. After said first installment of taxes has become delinquent, the collector must collect thereon, for the use of the district, an addition of fifteen per cent thereof, and, after the second installment of said taxes has become delinquent, the collector must collect thereon, for the use of the district, an addition of five per cent.

Stats 1923,
p. 1104,
amended
Tax due
notice

Receipt of
taxes.

Penalties.

Stats 1923,
p. 1104,
amended
Suit to
enforce
collection

SEC. 23. A new section is hereby added to said act as amended, to be numbered 28i, and to read as follows:

Sec. 28i. The board of trustees may at any time after any taxes or installment thereof have become delinquent, direct the collector not to proceed with the sale of any property on the delinquent list, but to bring suit against the delinquent in the proper court in the name of the district to enforce such collection. The provisions of the Code of Civil Procedure relating to pleadings, pleas, trials and appeals are hereby made applicable to the proceedings herein provided for, and in such suit the district may recover the amount of said taxes, together with the penalties and interest provided in this act and costs of suit.

Stats 1923,
p. 1104,
amended
Delinquent
tax list.

SEC. 24. A new section is hereby added to said act as amended, to be numbered 28j, and to read as follows:

Sec. 28j. On or before the eighth day of June the collector must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent and the amount of taxes and costs due opposite each name and description. He must append to and publish with the delinquent list a notice that unless the taxes delinquent, together with costs and percentage are paid, the real property upon which such taxes are a lien will be sold at public auction. The publication must be made once a week for three successive weeks in a newspaper published in the district, or if there be none, one published in the county of Riverside. The publication must designate the time and place of sale. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication of the notice, and the place must be at some point designated by the collector within the district; *provided, however*, that if there should occur any error in the publication of the sale of the delinquent property which might invalidate a sale made thereunder, and such error is discovered prior to sale thereunder, the collector shall at once republish the sale of the property affected by such error, making such republication conform to the provisions of this act, and the time of sale designated in such republication must not be less than twenty-one nor more than twenty-eight days from the first republication, and the place of sale must be at some point designated by the collector within the district as stated in such republication.

Stats 1923,
p. 1104,
amended
Sale for
nonpayment
of taxes

SEC. 25. A new section is hereby added to said act as amended, to be numbered 28k, and to read as follows:

Sec. 28k. The collector must collect, in addition to the taxes due on the delinquent list, with the percentages hereinbefore specified added, fifty cents on each lot, piece or tract of land separately assessed. On the date fixed for the sale or some subsequent date to which he may have postponed it, of which he must give notice at the time and place fixed for the sale in the publication, the collector, between the hours of ten o'clock a.m. and three o'clock p.m., must commence the sale

of the property advertised, commencing at the head of the list and continuing alphabetically or in the numerical order of the lots or blocks, until completed. He may postpone the date of commencing the sales or the sale from day to day, but the sale must be completed within three weeks from the day first fixed; *provided*, that if any sale or sales shall be stayed by legal proceedings, the time of the continuance of such proceedings is not part of the time limited for making such sale or sales; *and provided, further*, that when the validity of any tax levied by the district shall be in litigation at the time this act shall take effect, the sale of any property, whether it be involved in such litigation or not, may be postponed for a time not to exceed four months.

SEC. 26. A new section is hereby added to said act as amended, to be numbered 28*l*, and to read as follows:

Stats 1923,
p. 1104,
amended
Portion to
be sold

Sec. 28*l*. The owner or person in possession of any real estate offered for sale for taxes due thereon may designate in writing to the collector, prior to the sale, what portion of the property he wishes sold, if less than the whole, but if the owner or possessor does not, then the collector may designate it, and the person who will take the least quantity of the land, or, in case an undivided interest is taxed, then the smallest portion of the interest, and pay the taxes, penalties and costs due, including two dollars for the duplicate certificate of sale, is the purchaser. If the purchaser does not pay the taxes, penalties and costs before ten o'clock a.m. the following day, the property on the next sale date must be resold for the taxes, penalties and costs, but in case there is no purchaser in good faith for the same on the first day that the property is offered for sale, then when the property is offered thereafter for sale and there is no purchaser in good faith for the same, the whole amount of the property taxed shall be struck off to the district as the purchaser and the duplicate certificate delivered to the secretary and filed by him in his office. No charge shall be made for the duplicate certificate where the district is the purchaser, and in such case, the collector shall make an entry "sold to the district," and he shall be credited with the amount thereof in his settlement. The district, as a purchaser at such sale, shall be entitled to the same rights as a private purchaser, subject to the right of redemption hereinafter provided, and the district, as such purchaser, may sell, assign and transfer such certificate of sale for a consideration of not less than the amount of the taxes, penalties and costs.

District as
purchaser

SEC. 27. A new section is hereby added to said act as amended, to be numbered 28*m*, and to read as follows:

Stats 1923,
p. 1104,
amended
Certificate
of sale

Sec. 28*m*. After receiving the amount of taxes, penalties and costs, the collector must make out in duplicate a certificate dated on the date of sale, stating, when known, the name of the person taxed, a description of the land sold, the amount paid therefor, that it was sold for taxes, giving the amount and year of the tax, and specifying the time when the pur-

chaser will be entitled to a deed. The certificate must be signed by the collector and one copy delivered to the purchaser and the other filed in the office of the county recorder of the county in which the land is situated.

Stats 1923,
p 1104,
amended.
Record of
sales.

SEC. 28. A new section is hereby added to said act as amended, to be numbered 28*n*, and to read as follows:

Sec. 28*n*. The collector, before delivering any certificate, must in a book enter a description of the land sold, corresponding with the description in the certificate, the date of the sale, purchaser's name and amount paid, regularly number the description on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use. On filing the certificate with such county recorder, the lien of the taxes vests with the purchaser, and is only divested by the payment to him or to the collector, for his use, of the purchase money and two per cent per month thereon from the date of the sale until redemption.

Stats 1923,
p 1104,
amended
Redemption
from tax
sales

SEC. 29. A new section is hereby added to said act as amended, to be numbered 28*o*, and to read as follows:

Sec. 28*o*. A redemption of the property sold may be made by the owner, or any party in interest, within three years from the date of the sale, or at any time thereafter before a deed has been made and delivered. Redemption must be made in gold and silver coin, as provided for the collection of city and county taxes, and when made to the collector, he must credit the amount paid to the purchaser or his assignees. In each report the collector makes to the board of trustees he must name the person entitled to the redemption money and the amount due each. On receiving the certificate of sale, the county recorder must file it and make an entry in a book similar to that required of the collector. On presentation of the receipt of the person named in the certificate as purchaser or of the collector for his use, of the total amount of the redemption money, the recorder must mark the word "redeemed," the date and by whom redeemed on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within the time herein provided, the collector, or his successor in office, upon demand, must make to the purchaser, or his assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The collector shall receive from the purchaser (unless the district be the purchaser) for the use of the district, two dollars for making such deed. Where property has been sold to the district and a deed for it has been given to the district as the purchaser, the title so acquired by the district may be conveyed by deed, executed and acknowledged by the president and secretary of the board of trustees; *provided*, that authority so to convey must be conferred by resolution of the board, entered in its minutes, fixing the price at which such sale may

Deed to
purchaser.

be made; *and provided, further*, that where property has been sold to the district, it may be redeemed as herein provided at any time before the district has disposed of the same.

SEC. 30. A new section is hereby added to said act as amended, to be numbered 28*p*, and to read as follows: Stats 1923, p. 1104, amended.

Sec. 28*p*. The period herein prescribed for the redemption of property sold for delinquent taxes shall not operate as a bar to the dissolution of the district. If any land has been sold for delinquent taxes of the district and the district shall have dissolved and the time allowed for redemption has not expired, the owner of such property, or any party in interest, may redeem the same by paying the amount due thereon, computed as herein provided, to the county treasurer of the county of Riverside, who must issue his receipt therefor, and, upon presentation of such receipt, the county recorder must cancel the certificate of sale in the manner required in the preceding section. In event district be dissolved

In the event any land has been sold for nonpayment of taxes as herein provided, and no redemption has been made within the time herein prescribed, then a deed for the property sold and described in the certificate of sale must be made to the purchaser, upon demand, by the county treasurer of the county of Riverside. Such deed shall contain all the recitals of the certificate of sale, and, in addition thereto, a recital that the district has been dissolved, that the time for redemption has expired, and that no person has redeemed said property, and that the deed is executed in pursuance of the authority given by this section. A deed so executed shall have the same force and effect as if executed by the collector of the district.

SEC. 31. A new section is hereby added to said act as amended, to be numbered 28*q*, and to read as follows: Stats. 1923, p. 1104, amended.

Sec. 28*q*. The matters recited in the certificate of sale must be recited in the deed and such deed duly acknowledged or proved is prima facie evidence that (a) the property was assessed as required by law, (b) the property was equalized as required by law, (c) the taxes were levied in accordance with law, (d) the taxes were not paid, (e) that at a proper time and place the property was sold as prescribed by law and by the proper officer, (f) the property was not redeemed, and (g) the person who executed the deed was the proper officer. Tax deed as evidence.

Such deed duly acknowledged or proved is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessment by the assessor inclusive up to the execution of the deed. The deed conveys to the grantee the absolute title to the lands described therein, free of all encumbrances, except when the land is owned by the United States or this state in which case it is prima facie evidence of the right of possession.

SEC. 32. A new section is hereby added to said act as amended, to be numbered 28*r*, and to read as follows: Stats 1923, p. 1104, amended.

Sec. 28*r*. The assessment roll or delinquent list, or a copy thereof, certified by the collector, showing unpaid taxes against Roll and list as evidence.

any person or property is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of taxes due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

Stats 1923,
p. 1104,
amended.
Errors.

SEC. 33. A new section is hereby added to said act as amended, to be numbered 28s, and to read as follows:

SEC. 28s. When land is sold for taxes correctly imposed as the property of a particular person, no misnomer of the owner or supposed owner or other mistake relating to the ownership thereof affects the sale or renders it void or voidable.

Stats 1923,
p. 1104,
amended
Impairment
of value of
property

SEC. 34. A new section is hereby added to said act as amended, to be numbered 28t, and to read as follows:

SEC. 28t. When lands have been sold or shall hereafter be sold to the district, by reason of nonpayment of taxes, no owner or claimant of such lands, nor any other person, shall remove or destroy any building, fixture, or other improvement on such lands, or cut or remove any timber or wood, or cause to be done any other act which shall tend permanently to impair the value of the lands or the value of the improvements thereon; *provided*, the provisions of this section shall not apply when such lands have been redeemed from sale or such lands have been sold and disposed of by the district. Violation of any of the provisions of this paragraph of this section shall constitute a misdemeanor.

Rents and
profits

From and after the date of the recording of the deed to the district, as provided herein, the district shall be entitled to receive and collect all rents, issues and profits arising in any manner from the property so conveyed. The board of trustees may demand from the former owner of said property, or any person having any interest therein, or any person in possession, actual or constructive, of said property, or of any part thereof, an accounting for said rents, issues and profits, and may, at any time after the recording of said deed to the district, as aforesaid, demand and receive possession of the property so conveyed, and such possession shall be surrendered to any person designated by the board, authority for such designation being hereby granted. For the enforcement of the provisions of this paragraph of this section, the board of trustees is authorized to commence and maintain an action or actions in behalf of the district. The superior court of the county of Riverside shall have jurisdiction in the matter of such actions. All moneys recovered under the provisions of this section shall be paid into the county treasury for the use of the district, and shall not be considered as a credit on the amount necessary to be paid in redemption of the property from the sale to the district.

Stats 1923,
p. 1104,
amended.
Collector's
settlements
and reports

SEC. 35. A new section is hereby added to said act as amended, to be numbered 28u, and to read as follows:

SEC. 28u. On Monday in each week the collector must settle with the secretary of the board for all moneys collected for taxes and pay the same over to the county treasurer of said

county of Riverside, and within seven days thereafter he must deliver to and file in the office of the secretary a statement, under oath, showing (a) an account of all his transactions and receipts since his last settlement, and (b) that all money collected by him as collector has been paid to the county treasurer. The collector shall also file in the office of the secretary on or before Monday in each week the receipt of said county treasurer for all money theretofore so paid.

SEC. 36. Section 29 of said act, as amended, is hereby amended to read as follows:

Sec. 29. The collector shall deposit daily in a reputable bank in Riverside county all moneys received by him for taxes, in an account which shall only be drawn on by his checks payable to the county treasurer of Riverside county. All moneys collected from the district, either from taxes or from any other source, shall be paid by the collector to the county treasurer of the county of Riverside and placed in a fund to be called "Palo Verde irrigation district fund". It shall be the duty of said county treasurer, upon presentation of any matured bond or interest coupon of any bond of any of said three districts, to pay the same from said fund. It shall be the duty of the county treasurer of Imperial county, if and when any funds derived from the collection of taxes collected by the county tax collector of said county under the provisions of section 28a of this act, upon any property within the district located in Imperial county, are paid over to him by the tax collector of said county, to transmit the same to the county treasurer of Riverside county, to be deposited by said last named treasurer in the fund above mentioned. The county treasurer of Imperial county shall not be required to transmit said funds as they accumulate oftener than every thirty days. All payments required to be made by the district in pursuance of this act shall be made upon warrants drawn by the county auditor upon said fund and based upon itemized requisitions signed by the president and secretary and one member of the board of trustees other than the president and secretary, and paid by the treasurer, but accurate account shall be kept by the board of trustees of the amount of funds on hand applicable to the particular purpose for which taxes have been levied, or bonds sold, and no disbursement from the fund shall be made for any purpose in excess of the amounts authorized for such purpose, and each requisition shall show on its face the account to which the same is chargeable. Upon the requisition of the board of trustees, the auditor is authorized to draw a warrant from time to time, in favor of the district, for the purpose of providing an emergency fund for the payment of emergency expenses, including pavrolls and current petty expenses, and the treasurer is authorized to pay such warrant, but the trustees shall cause the same to be deposited in a reputable bank to the credit of the district, and such fund may be disbursed on checks in the name of the district, signed by the president, secretary, assistant secretary,

Stats. 1923,
p 1104,
amended.

Disposition
of moneys
collected

Emergency
fund.

superintendent and general manager, or any two of said officers; but *provided, however*, that the amount on deposit in said emergency fund shall never exceed five thousand dollars, and an itemized statement of the disposition of same shall be made at least every thirty days, verified by the oaths of the president and secretary, and filed with the county auditor of Riverside county; and *provided, further*, that the board of trustees shall at all times keep in force a good and sufficient indemnity bond, executed by a reputable corporation authorized to engage in the business of executing fidelity bonds in the State of California, in an amount fixed by the board of trustees.

Surety
bond.

Stats. 1923,
p 1105.
amended
Warrants
not paid
for want
of funds.

SEC. 37. A new section is hereby added to said act as amended, to be numbered 29a, and to read as follows:

Sec. 29a. Whenever any warrant of the district, payable on demand, is presented to the county treasurer for payment when funds are not available for the payment thereof, it shall thereafter draw interest at a rate to be determined by resolution of the board of trustees, not, however, to exceed seven per centum per annum until public notice is given that such funds are available. Upon the presentation of any such warrants for payment, the county treasurer shall endorse thereon the words "funds not available for payment," with the date of presentation, and shall specify the interest that such warrants shall thereafter bear, and shall sign his name thereto. He shall keep a record showing the number and amount of each such warrant, the date of its issuance, the person in whose favor it was issued, and the date of its presentation for payment. Whenever there is sufficient money in the treasury to pay all such outstanding warrants, or whenever the board of trustees shall order that all such warrants presented for payment prior to a certain date be paid and there is sufficient money available for such payment, the county treasurer shall give notice in some newspaper published in the district, or, if there be none, in the county of Riverside, stating that he is prepared to pay all warrants of the district for the payment of which funds were not available upon their original presentation, or all such warrants which were presented for payment prior to the date fixed by the board of trustees, as the case may be, and no further description of the warrants entitled to payment shall be made in such notice. Upon the presentation of any warrant entitled to payment under the terms of such notice, the county treasurer shall pay it, together with interest thereon at the rate specified by the board of trustees from the date of its original presentation for payment to the date of the publication of said notice, and all warrants for the payment of which funds are declared in said notice to be available shall cease to draw interest at the time of the first publication of said notice. The treasurer shall enter in the record hereinbefore required to be kept the dates of payment of all such warrants, the names of the persons to whom payments are made, and the amount paid to each person.

SEC. 38. A new section is hereby added to said act, as amended, to be numbered 62, and to read as follows:

Stats. 1923,
p. 1116,
amended.

Sec. 62. Inasmuch as this act will not become effective until after the elapsing of certain of the time hereinbefore prescribed for the performance of certain duties by the officers of the district with relation to the assessment and equalization of property in the district, it is necessary to establish a special schedule of the times at which certain of said acts shall be performed by said officers during the calendar year 1927, as follows, viz:

Dates for
performance
of certain
acts

1. The assessor shall perform the duties required of him in the assessment of property and completion of the assessment roll between the effective date of this act and the tenth day of August, 1927, and must on said last named day deliver the assessment roll to the secretary of the board.

2. On the eleventh day of August, 1927, the secretary of the board shall publish in a newspaper published in said district on said day, or if there be none, then in said county of Riverside, the notice of the meeting of the board of equalization, specified in section 27a of this act. The time fixed for such meeting shall be the twelfth day of August, 1927.

3. The board of trustees, sitting as a board of equalization, shall meet on the twelfth day of August, 1927, and continue in session for such purpose not to exceed five days.

4. The secretary shall extend upon the assessment roll the valuations of properties as equalized within three days after close of the session of the board of equalization.

5. Thereafter all proceedings in relation to the estimate and levy of taxes and collection of the same and sale for delinquent taxes and redemption thereof shall be had and taken at the times and in the manner in this act prescribed.

SEC. 39. A new section is hereby added to said act, as amended, to be numbered 63, and to read as follows:

Stats 1923,
p. 1116,
amended.

Sec. 63. If any section, subsection, sentence, clause or phrase of this act, as amended, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. Nothing in this act, as amended, is intended to impair or injuriously affect any of the obligations of the district to the holder or holders of any of the outstanding bonds or other obligations of this district, said levee district, said drainage district, or said Palo Verde Mutual Water Company, or of any bonds or other obligations, which have been created or authorized by this district, or said levee district, or said drainage district, or said Palo Verde Mutual Water Company, or to impair or injuriously affect any rights, privileges or remedies of any of the holders of said obligations.

Constitu-
tionality
and effect
of act.

SEC. 40. A new section is hereby added to said act, as amended, to be numbered 64, and to read as follows:

Stats. 1923,
p. 1116,
amended

Sec. 64. This act shall be known and may be cited as the "Palo Verde irrigation district act."

Short title.

CHAPTER 584.

An act to add a new section to the Civil Code, to be numbered section three thousand two hundred sixty-five g, relating to the stopping of payment of checks.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

New section.

SECTION 1. A new section is hereby added to the Civil Code of the State of California to be known and designated as section 3265g.

Stopping
payment on
checks.

3265g. No order stopping payment on a check shall be valid unless the same be in writing specifically describing the check ordered stopped and delivered to the particular office or branch of the bank on which said check was drawn.

CHAPTER 585.

An act to amend sections one thousand six hundred eighteen, one thousand five hundred fifty-one, one thousand eight hundred seventeen, one thousand seven hundred sixty-four, one thousand eight hundred fifty-eight, one thousand five hundred thirty-two, one thousand seven hundred sixty-one, four hundred forty-three, and one thousand seven hundred sixty of the Political Code, relating to education, and making an appropriation therefor.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Stats 1921,
p. 707,
amended.

Education
of physically
handicapped.

SECTION 1. Section 1618 of the Political Code is hereby amended to read as follows:

1618. First—The governing board of any school district of whatsoever kind or class in this state shall have power to provide educational opportunities which shall be suitable for the needs of the blind, those with defective or diminished vision, the deaf, those hard of hearing, the crippled, and such other physically handicapped individuals as the state superintendent of public instruction may designate; *provided*, that no child shall be required to take advantage of such special educational opportunities when the parent or guardian files a statement with the governing board of the school district showing that the child is receiving adequate educational advantages. The governing board of a district may cooperate with the rehabilitation division of the state board of education or with any other school district to provide such instruction under such terms as may be agreed upon, said agreement to be approved by the superintendent of schools of the county or city and county, or counties in which the districts are situated.

Any minor who can profit by such instruction and who, by reason of a physical impairment, can not receive the full benefit of ordinary educational facilities, shall be considered a physically handicapped individual for the purpose of this section.

The governing board of a school district may establish regulations determining who can profit by the special instruction as provided in this section, and who shall receive such instruction, said regulations to be subject to such standards as may be prescribed by the state department of education. Regulations.

Second—The instruction of such physically handicapped individuals may be provided through special classes or through the employment of visiting teachers, and by any other method or methods approved by the state department of education. For those with defective or diminished vision sight-saving classes may be organized in addition to any other methods used. Methods of instruction.

Third—Physically handicapped pupils instructed by visiting teachers or through the cooperation of the rehabilitation division of the state board of education shall have their average daily attendance recorded, and this attendance shall be reported with the attendance of other physically handicapped pupils as provided in subdivision seven of this section. Attendance of pupils instructed through the cooperation of the rehabilitation division shall be kept and counted according to regulations prescribed by the state department of education. The average daily attendance of pupils instructed by visiting teachers shall be found in the following manner: Whenever a visiting teacher is employed to give instruction to physically handicapped pupils as provided in subdivision two of this section such teacher shall keep a record of the number of sixty-minute hours devoted to such work, and the units of average daily attendance for such pupils shall be construed to be the quotient arising from dividing the total number of hours devoted to such work by the number of days school was actually taught in the regular day schools of the district during said year. Records of attendance

Fourth—In enforcing the provisions of this act, the governing board of the school district shall provide for individual counseling and guidance in social and vocational matters for each pupil enrolled, and may upon the approval of the state department of education employ a special teacher-coordinator, who shall make a study of employment and occupational possibilities and shall assist in the coordination of the school work of the handicapped individuals with the commercial and industrial pursuits of the community so as to prepare handicapped pupils for employment. The department of labor and industrial relations shall through the state employment service of the bureau of labor statistics cooperate with the various school districts and the department of education in the placement of physically handicapped individuals. Coordination work.

Fifth—The state department of education shall prescribe minimum standard requirements for all such special educa- Standards.

tion. No costs for special education, as provided for in this section, shall be certified by the superintendent of public instruction as provided for in section 1532, when the money has been expended for classes that do not meet such minimum standard requirements.

Transporta-
tion and
care.

Sixth—The governing board of the district in which a handicapped individual resides may pay for his transportation to such classes. In case a child is so handicapped that he is unable to walk to school or to the place of instruction to which he is assigned, the governing board of the district in which he resides shall provide for his transportation to such place. The governing board of any school district may provide for the necessary care during school hours of children whose attendance at school has been irregular because of physical handicaps, and for that purpose may employ such persons as may be needed to give these children such care as is necessary to keep them in school.

Annual
report.

Seventh—On or before July tenth of each school year any teacher giving instruction to handicapped pupils as provided for in this section must certify to the superintendent of schools on blanks furnished by the state department of education, the average daily attendance of all physically handicapped pupils receiving special education under his direction during the next preceding school year. In addition to such attendance report there must be attached a statement showing the amount expended for current operating costs including transportation for the education of such handicapped pupils, which shall be compiled in accordance with rules established by the state department of education. Current operating costs under this section shall include all expenditures except those made for capital outlays. On receipt of this report the superintendent of schools shall determine the excess current operating costs for each district for educating handicapped pupils over and above the current operating costs for educating an equal number of regular pupils in average daily attendance during the same period of time in the same district.

General
supervision.

Eighth—The superintendent of public instruction shall direct the program of education as provided for in this section and he is hereby authorized to appoint an assistant and such other personnel as is necessary; to fix and pay the compensation of such employees, and to perform any other duties necessary to carry out this act.

Stats 1917,
p. 1384,
amended
County superin-
tendent's
annual
report.

SEC. 2. Section 1551 of the Political Code is hereby amended to read as follows:

1551. Every school superintendent in this state must, on or before the twentieth day of July in each year, report to the superintendent of public instruction, and to the board of supervisors of his county the average daily attendance in the day and evening elementary schools the special day and evening elementary school classes, the average daily attendance in the day and evening high schools, the special day and evening high school classes and the average daily attendance in each elemen-

tary and high school district of all physically handicapped pupils as defined in section 1618 of this code, who have been given special instruction as provided in said section, the excess amount including transportation expended in each elementary school and high school district in his county or city and county for providing such special education as computed by the superintendent of schools as provided in subdivision seven of section 1618 of this code, and the average daily attendance of pupils upon part-time vocational courses maintained by high school districts for persons engaged three or more hours each in academic and in educative occupational work, as provided for in section 1750c of this code, as appears by the teachers' reports on file in his office for the school year immediately preceding. It shall be the duty of every county superintendent to inquire and ascertain whether the boundaries of the school districts in his county are definitely and plainly described in the records of the board of supervisors, and to keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting or incorrectly described, he shall report such fact to the board of supervisors, and the board of supervisors shall immediately take such steps as are necessary to change, harmonize and clearly define them. The county superintendent, if he deem it necessary, may order the description of the district boundaries printed in pamphlet form, and pay for the same out of the unapportioned county school fund of the county.

SEC. 3. Section 1817 of the Political Code is hereby amended to read as follows:

Stats 1921,
p 707,
amended.
Annual
school fund
estimate

1817. The county superintendent of schools of every county, and of every city and county, must, on or before the twentieth day of July in each year, furnish to the board of supervisors and to the county auditor, respectively, an estimate in writing of the minimum amount of county or city and county elementary school fund needed for the current school year. This amount he must compute as follows:

He shall calculate the amount required to be raised at thirty dollars per pupil in average daily attendance in the public day and evening elementary schools of the county or city and county for the next preceding school year including therein the average daily attendance of handicapped pupils. To the amount so determined he shall add an amount equal to one-half of the excess cost of educating physically handicapped pupils in elementary school districts during the next preceding school year as computed by him as provided in subdivision seven of section 1618 of this code; *provided*, that such added amount shall not exceed one hundred dollars per pupil for each physically handicapped pupil in average daily attendance during said year.

He shall compare the amount thus determined with the estimated amount to be received from the state school fund for the support of the public day and evening elementary schools of the county or city and county for the current school

year as shown by the report and estimate of the state superintendent of public instruction, made to him not later than July twentieth of the current year.

He shall report in writing to the board of supervisors the larger of the two amounts as the minimum amount of county or city and county school money required to be raised by a county or city and county school tax for the support of the public day and evening elementary schools of the county or city and county for the current school year.

Stats 1921,
p. 770,
amended
Annual high
school fund
estimate

SEC. 4. Section 1764 of the Political Code is hereby amended to read as follows:

1764. The county superintendent of every county, and every city and county, must, on or before the twentieth day of July, furnish to the board of supervisors and to the auditor, respectively, an estimate in writing of the minimum amount of the county or the city and county, high school fund needed for the current school year. This amount he shall estimate in the following manner: He shall allow sixty dollars for each unit of average daily attendance of pupils residing within his county who are in attendance upon the legally established public high schools of his county and of adjoining counties; or who have been given special instruction as provided in section 1618 of this code; *provided*, that he shall not include the average daily attendance of any pupil attending high school in an adjoining county, unless such pupil resides in a joint union high school district, or unless the attendance of such pupil has been approved in writing by the superintendent of schools of the county in which he resides. To the amount thus estimated he shall add an amount sufficient to reimburse all the high school districts of his county, for money actually expended by them for transportation of pupils living in territory in the county not included in any high school district, and attending the high schools of the county; *provided*, that the high school board of each high school district, educating such pupils shall, on or before July tenth, file with the superintendent of schools a statement showing the names, and total number of months attendance of all such pupils, and the total amount expended for their transportation; *and provided, further*, that the superintendent of schools shall not include in such estimate, an amount for transportation exceeding five dollars per month for each pupil so attending; *provided, further*, that if this amount is less than sufficient to raise a sum equal to two hundred fifty dollars per teacher, not exceeding four teachers for each high school of the county, employed for full time during the preceding school year, then the minimum amount to be raised shall be two hundred fifty dollars for each teacher, not exceeding four teachers for each high school of the county, employed for full time during the preceding school year. To the amount so determined he shall add an amount equal to one-half of the excess cost of educating physically handicapped pupils in high

school districts during the next preceding school year as computed by him as provided in subdivision seven of section 1618 of this code; *provided*, that such added amount shall not exceed one hundred dollars per pupil for each physically handicapped person in average daily attendance during said year. Whenever a new high school district has been formed between the first day of May and the tenth day of July next preceding the date of the filing of said estimate, from territory lying wholly or partly within the county, the county superintendent of schools, in making such estimate, shall include on account of such new high school district, the sum of one thousand dollars or such proportion thereof as the assessed valuation of property in his county and in such new high school district, bears to the total assessed valuation of such high school district. He shall compare the total amount thus determined with twice the estimated amount of money to be received from the state high school fund during the current school year for the support of the public day and evening secondary and technical schools of the county, or city and county, as shown by the report and estimate of the superintendent of public instruction, made to him not later than July twentieth of the current school year.

He shall report in writing to the board of supervisors the larger of the two amounts as the minimum amount of county, or city and county, school money required to be raised by a county, or city and county, school tax for the support of the public day and evening high schools of the county, or city and county, for the current school year.

Report to supervisors

The board of supervisors of such county, or city and county, must, annually, at the time and in the manner of levying other county taxes, levy and cause to be collected for the county, or city and county, high school fund, a tax to be known as the county high school tax, the minimum rate of which shall not be less than sufficient to raise the minimum amount estimated to be raised by the county superintendent as hereinbefore provided.

Tax levy.

Before apportioning any of the county high school fund to the high school districts of his county, the county superintendent of schools shall draw an order on the county auditor against such fund in favor of the superintendent of schools of any adjoining county in which pupils from his county are attending high school, for an amount estimated by allowing, on account of each unit of average daily attendance of such pupils, the average amount raised in his county on account of each unit of average daily attendance in high schools; *provided*, that the superintendent of schools of such adjoining county shall file with the county superintendent of schools on or before the twentieth day of July, a report showing the names of pupils residing in the county and attending high school in such adjoining county, and the total units of average daily attendance of all such pupils during the preceding school year. The county auditor of said county shall draw his warrant as directed by the superintendent of schools and the

Payments to adjoining counties

Reimburse-
ment for
transporta-
tion

county treasurer shall pay the same. A superintendent of schools in whose favor such order is drawn shall pay the amount of said money into the county treasury to the credit of the high school or schools educating the children from the county paying such money. The superintendent of schools shall then apportion to each high school district within his county, an amount sufficient to reimburse said high school district for money actually expended for transportation of pupils residing in territory in the county not included in any high school district, and attending such high school during the preceding school year; *provided*, such amount shall not exceed five dollars per month for each pupil so attending.

Apportion-
ment to
districts.

The money paid into the county high school fund or money remaining after payments or apportionments hereinbefore required have been made shall be apportioned, during the school year, to the high school districts of the county by the superintendent of schools in the following manner:

1. He shall apportion to each new high school district as hereinbefore defined, one thousand dollars. He shall apportion to each high school district established previous to the first day of May next preceding on account of each day four year high school, each day junior high school and each day senior high school maintained therein, two hundred fifty dollars for each year of the four year course, covering grades nine to twelve inclusive, maintained by each such school during the preceding school year; *provided*, that no such school shall receive an apportionment on this basis for more grades than there were teachers employed in such grades.

2. He shall apportion to each high school district on account of each day four year high school and each day senior high school maintained therein, forty dollars for each and every unit or major fraction of a unit of the first ten units of average daily attendance in an evening high school and in special day and evening classes (exclusive of part-time classes for persons under eighteen years of age) maintained in connection with each such school during the preceding school year; thirty dollars for each and every unit or major fraction of a unit of the second ten units of such attendance; and twenty dollars for each and every unit or major fraction of a unit of the third ten units of such attendance.

3. He shall apportion to each high school district, forty dollars for each and every unit or major fraction of a unit of the first ten units of average daily attendance in part-time classes maintained therein during the preceding school year for persons under eighteen years of age; thirty dollars for each and every unit or major fraction of a unit of the second ten units of such attendance; and twenty dollars for each and every unit or major fraction of a unit of the third ten units of such attendance.

4. He shall then apportion to each high school district an amount equal to one-half of the excess cost of educating physically handicapped pupils in said district during the next

preceding school year as computed by him as provided in subdivision seven of section 1618 of this code; *provided*, that such amount shall not exceed one hundred dollars per pupil for each physically handicapped pupil in average daily attendance during said year.

5. He shall apportion the remainder of the funds among the high school districts pro rata upon the basis of average daily attendance during the preceding school year.

Whenever a high school district lies partly in one county, and partly in another, the county superintendent must apportion to such district, such proportion of the school money to which such district is entitled, as the number of pupils in average daily attendance, residing in that portion of the district situated in his county, bears to the total number of pupils in average daily attendance in the entire district, as shown by the principal's annual report for the preceding school year.

Districts in
two
counties

All moneys apportioned to any high school district under the provisions of this section shall be available for the maintenance of any high school located in such district, for the current school year, and shall be paid out in the same manner that high school district funds are paid out. As provided elsewhere in this code, the high school board of any high school district may file with the board of supervisors an estimate of the amount of money, in excess of state and county moneys, required for building and maintenance of the high school of such district for the current school year. No charge for tuition shall be made in any high school district of this state, except as hereinafter provided.

Whenever a special day or evening class for adults is established, except classes maintained in English and citizenship for foreigners and classes in elementary subjects, the governing board of the high school district may charge a tuition not to exceed six dollars a term per pupil; *provided*, the charge per pupil shall not exceed the estimated cost to the district per pupil for maintaining such class; *and provided, further*, that seventy-five per cent of the total receipts from such fees shall be spent for teachers' salaries.

Tuition.

SEC. 5. Section 1858 of the Political Code is hereby amended to read as follows:

Stats 1921,
p. 709,
amended.

1858. The school superintendent of every county and city and county must apportion all state and county school moneys for the elementary grades of his county or city and county as follows:

Apportion-
ment for
elementary
grades.

First—He must ascertain the number of teachers each school district is entitled to by calculating one teacher for the first thirty-five or a less number of pupils in average daily attendance and one additional teacher for each additional thirty-five pupils or fraction of thirty-five pupils in average daily attendance, in the district, and one additional teacher for each three hundred pupils in average daily attendance in the district as shown by the annual school report of the

Number of
teachers in
each
district

school district for the next preceding school year; and in addition to the teachers hereinbefore provided for each school district of the county or city and county, he must calculate one additional teacher for the county or city and county for each five hundred pupils or a major fraction thereof in average daily attendance in the aggregate in those school districts of the county, or city and county, in each one of which there were less than three hundred pupils in average daily attendance as shown by the annual school report of the county, or city and county for the next preceding school year.

Number of
teachers
in county

Second—He must ascertain the total number of teachers for the county or city and county by adding together the number of teachers allowed as provided in subdivision one hereof. He must make an annual report of the schools of his county or city and county under oath, to the superintendent of public instruction not later than August first of each year and must report the number of teachers ascertained or allowed to his county or city and county by the rule or provisions of subdivision one hereof.

Apportion-
ments

Third—One thousand four hundred dollars shall be apportioned to each school district for each and every teacher allowed to it; *provided*, that one thousand four hundred dollars shall be apportioned to each county or city and county for each teacher allowed on the aggregate average daily attendance of pupils in attendance in the various school districts, each of which had less than three hundred pupils in average daily attendance for the next preceding school year and the funds thus apportioned shall constitute an emergency and supervision fund under the control of the superintendent of schools of the county or city and county, and shall be used by him as provided by law; he shall then apportion to each elementary school district an amount equal to the excess cost of educating physically handicapped pupils in said district during the next preceding school year as computed by him as provided in subdivision seven of section 1618 of this code; *provided*, that such apportionment shall not exceed two hundred dollars per pupil for each physically handicapped pupil in average daily attendance during said year.

Apportion-
ment by
daily at-
tendance

Fourth—All school moneys remaining on hand after apportioning school moneys as provided for in subdivision three of this section, must be apportioned to the several districts in proportion to the number of pupils in average daily attendance in each school district during the next preceding school year.

In any newly organized school district where school was not maintained during the school year in which it was organized the county superintendent of schools must apportion one thousand four hundred dollars to the newly organized school district for the purpose of maintaining school therein during the school year next succeeding the school year in which it was organized.

If, in any school year, any existing school district shall be suspended by the board of supervisors upon the recommendation of the county superintendent of schools, one thousand four hundred dollars shall be apportioned to such suspended school district during the year in which such district was suspended and such portion of such sum of money as may be needed may be used from time to time to insure and maintain the school property of the suspended district.

Fifth—The board of trustees or the city board of education, of each school district shall fix the length of the school day for the kindergarten schools and for the elementary schools. A minimum school day's attendance for pupils of the kindergarten schools shall be one hundred twenty minutes; for pupils of grades one, two, and three of the elementary schools shall be two hundred minutes and for pupils of grades, four, five, six, seven and eight of the elementary schools shall be two hundred forty minutes, exclusive of intermissions, and recesses. Daily attendance, how determined

In fixing the length of the school day each board shall fix a day whose length shall be multiple of twenty minutes and shall place the noon intermissions so that the length of the parts of the day before and after the intermission shall each be a multiple of twenty minutes. The board shall divide its established school day into twenty periods of equal length, and any pupil who is absent one or more full periods shall be marked absent five per cent of his school day for each of such full period absences. The actual attendance of a pupil upon a regular full-time day school for any given length of time shall be the number of days school was actually taught during such time less the sum of his absences. Attendance upon evening schools and special day and special evening classes of day schools of elementary and secondary grade shall be kept according to regulations prescribed by the state board of education. A full day's attendance upon such schools or classes shall be four sixty-minute hours. Units of average daily attendance in elementary schools shall be construed to be the quotient arising from dividing the total number of days of pupils' attendance in the regular full-time day and evening elementary schools including the special day and evening classes of the elementary schools of the district for the school year by the number of days school was actually taught in the regular elementary day schools of the district during said year; and units of average daily attendance in secondary schools shall be construed to be the quotient arising from dividing the total number of days of pupils' attendance in the regular full-time secondary schools, the evening secondary schools, the special day and evening classes of secondary schools, and the part-time vocational courses of the district for the school year by the number of days school was actually taught in the regular secondary day schools of the district during said year; *provided*, that where a high school maintains during the school year four terms of school of at least twelve weeks each, and where the course of instruction is so arranged that students

may complete a full year's work in any three of these terms, the total number of days of pupils' attendance, as specified above, shall be divided by the greatest number of days school was actually taught in any three of the four terms, but in no case shall said divisor be less than one hundred seventy-five; *provided, further, that in making up the aggregate attendance, if the number of days of attendance of any pupil for the fiscal year exceeds the above-mentioned divisor, the number of days which may be included on account of such pupil's attendance shall equal said divisor.*

Regulations governing attendance.

Sixth—Subject to the provisions of this code, the state board of education shall adopt uniform regulations governing the keeping of attendance in all secondary schools. In adopting regulations governing the keeping of the attendance of pupils upon the part-time vocational courses provided for in section 1750c of this code, the state board may, in its discretion, provide that the time spent by a pupil in practical vocational work shall be counted in making up each six-hour minimum daily unit of attendance.

Schools closed because of contagious disease, etc

Seventh—Where a school in a district maintaining more than one school is closed for a part of a term by order of a city or county board of health or of the state board of health, on account of contagious disease, or where such school has been closed on account of fire, flood or other public disaster, the average daily attendance of said school shall be estimated separately and added to the average daily attendance of the other schools of the district. The units of average daily attendance of said school shall be determined by dividing the total number of days of pupils' attendance upon such school including the special day and evening classes and the part-time vocational courses by the number of full-day sessions actually maintained in such school during the year; *provided, that where such number is less than one hundred twenty days the divisor shall be one hundred twenty.*

Districts not having sufficient funds.

Eighth—Whenever between the first day of July and the last Monday in April of the succeeding year and prior to the receipt by the school districts of their state, county or city and county or special or high school fund, the school districts of a county or city and county shall not have sufficient money to their credit to meet current expenses of maintenance, it shall be the duty of the board of supervisors of said county or city and county to order, and of the treasurer of said county or of said city and county to make a temporary transfer from any fund of said county or said city and county, not immediately needed to pay claims against it, to the proper school fund an amount not to exceed eighty-five per cent of the amount of tax moneys which will accrue to such school district during such fiscal year, and upon the making of such transfer the treasurer shall immediately notify the superintendent of the amount so transferred. The funds so transferred to the credit of a school district shall be retransferred by the treasurer to the fund from which they were taken from the first moneys

accruing to such school district and before any other obligation of such school district is paid from such moneys so accruing.

SEC. 6. Section 1532 of the Political Code is hereby amended to read as follows:

Stats 1921,
p. 689,
amended
Duties of
Supt of
public
instruction
Generally.
Report to
Governor

1532. It is the duty of the superintendent of public instruction:

First—To superintend the schools of this state.

Second—To report to the governor, on or before the fifteenth day of September preceding each regular session of the Legislature, a statement of the condition of the public elementary and secondary schools, the state normal schools and other educational institutions, supported in whole or in part by the state.

Third—To accompany his report with tabular statements, showing the number attending public schools, and the average attendance; the amount of state school fund apportioned, and the sources from which derived; the amount raised by county, city and county and district taxes, or from other sources of revenue, for school purposes; and the amount expended for salaries of teachers, for building schoolhouses, for district school libraries, and for incidental expenses.

Tabular
statements

Fourth—To apportion the state school fund, and to furnish an abstract of such apportionment to the state controller, the state board of control, and to the county and city and county auditors, county and city and county treasurers and to the county and city and county superintendents of schools of the several counties and cities and counties of the state.

Apportion
school
funds.

In apportioning said funds, he shall apportion to every county and to every city and county, seven hundred dollars for each and every teacher determined and assigned to the county, or city and county on average daily attendance by the report of the county or city and county superintendent of schools for the next preceding year as required of the county or city and county superintendent of schools by the provisions of section 1858 of this code. After thus apportioning seven hundred dollars on the teacher basis, he shall apportion to each county and city and county in which special instruction for physically handicapped pupils in elementary school districts was given as provided in section 1618 of this code an additional amount equal to one-half of the excess cost of educating physically handicapped pupils in elementary school districts during the next preceding school year as computed by the various superintendents of schools as provided in subdivision seven of section 1618 of this code; *provided*, that such apportionment shall not exceed one hundred dollars per pupil for each physically handicapped pupil in average daily attendance during said year; he shall then apportion the balance of the state school fund to the several counties or cities and counties according to their average daily attendance as shown by the reports of the

county or city and county superintendents of schools for the next preceding school year.

Certify
apportion-
ments.

Fifth—To certify his apportionment of school moneys to the state controller, who must hereupon draw a warrant in favor of the treasurer of each county, or city and county, for the amount so apportioned to that county, or city and county.

Prepare
blanks

Sixth—To prepare, have printed, and furnish all officers charged with the administration of the laws relating to the public schools, and to teachers, such blank forms and books as may be necessary to the discharge of their duties, including blank teachers' certificates to be used by county and city and county boards of education.

Distribute
school
laws

Seventh—To have the laws relating to the public schools printed in pamphlet form, and to supply school officers and school libraries with one copy each.

Visit
orphanages

Eighth—To visit the several orphan asylums to which state appropriations are made, and examine into the course of instruction therein.

Visit
schools.

Ninth—To visit the schools in the different counties, and inquire into their condition; and the actual traveling expenses thus incurred; *provided*, that they do not exceed one thousand eight hundred dollars per annum, shall be allowed, audited and paid out of the general fund in the same manner as other claims are audited and paid.

Authenticate
orders

Tenth—To authenticate with his official seal all drafts or orders drawn by him, and all papers and writings issued from his office.

Bind
documents.

Eleventh—To have bound, at the state bindery, all valuable school reports, journals, and documents in his office, or hereafter received by him.

Report to
controller.

Twelfth—To report to the controller, on or before the tenth day of September of each year, the total average daily attendance in the elementary day and evening schools including the special day and evening elementary school classes, the average daily attendance in the day and evening high schools including the special day and evening high school classes, as shown by the annual reports of the county superintendents of the several counties on file in his office for the school year immediately preceding, and the average daily attendance of pupils upon each of such part-time vocational courses as are established and maintained by each high school district under the provisions of section 1750c of this code, and as are shown by these reports and approved by the commissioner of vocational education and the average daily attendance of all physically handicapped pupils who have been given special instruction by the various elementary and high school districts as provided in section 1618 of this code, as shown by the annual reports of the superintendents of schools of the several counties; and he shall furthermore certify the amount needed to reimburse the several counties for one-half the excess moneys actually expended by the elementary school districts thereof,

and the amount needed to reimburse the several high school districts for one-half the excess moneys actually expended by them, for the education of physically handicapped pupils as provided in section 1618 of this code; *provided*, that such added amount shall not exceed one hundred dollars per pupil for each physically handicapped pupil in average daily attendance during the next preceding school year.

Thirteenth—To deliver over, at the expiration of his term of office, on demand, to his successor, all property, books, documents, maps, records, reports, and other papers belonging to his office, or which may have been received by him for the use of his office.

Deliver property to successor

Fourteenth—To visit and inspect each state normal school from time to time, inquire into its condition and management, require such reports as he may deem proper from the teachers of the school and exercise general supervision over the same.

Visit teachers colleges.

Fifteenth—Not later than the twentieth day of July in each year to prepare an estimate of the amount of state school money that will be apportioned to each county or city and county during the current school year, and to furnish a certified copy of such estimate to each county or city and county superintendent of schools.

Estimate of amount to be apportioned

SEC. 7. Section 1761 of the Political Code is hereby amended to read as follows:

Stats 1921, p. 778, amended

1761. The money paid into the state high school fund is hereby appropriated without reference to fiscal years for the use and support of regularly established high schools and is exempt from the provisions of part III, title I, chapter III, article XVIII, of this code, relating to the state board of control:

Apportionment of state high school fund

The money in said state high school fund shall be apportioned during the school year to the high school districts of the state by the superintendent of public instruction in the following manner.

1. He shall apportion to each high school district on account of each day four-year high school, each day junior high school and each day senior high school maintained therein, five hundred fifty dollars for each year of the four-year course covering grades nine to twelve, inclusive, maintained by each such the preceding school year.

2. He shall apportion to each high school district on account of each day four-year high school and each day senior high school maintained therein, eighty dollars for each and every unit or major fraction of a unit of the first ten units of average daily attendance in an evening high school and in special day and evening classes (exclusive of part-time classes for persons under eighteen years of age) maintained in connection with each such school during the preceding school year; sixty dollars for each and every unit or major fraction of a unit of the second ten units of such attendance; and forty dollars for each and every unit or major fraction of a unit of the third ten units of such attendance.

3. He shall apportion to each high school district eighty dollars for each and every unit or major fraction of a unit of the first ten units of average daily attendance in part-time classes maintained therein during the preceding school year for persons under eighteen years of age; sixty dollars for each and every unit or major fraction of a unit of the second ten units of such attendance; and forty dollars for each and every unit or major fraction of a unit of the third ten units of such attendance.

4. He shall then apportion to each high school district in which special instruction for physically handicapped pupils was given as provided in section 1618 of this code an amount equal to one-half of the excess cost of educating physically handicapped pupils during the next preceding school year as reported by the superintendents of schools as provided in section 1551 of this code; *provided*, that such apportionment shall not exceed one hundred dollars per pupil for each physically handicapped person in average daily attendance during said year.

5. He shall then apportion the remainder of the annual high school fund among the high school districts of the state pro rata upon the basis of average daily attendance in the high schools of the various districts as shown by the official reports of the county or city and county superintendents for the preceding school year.

Upon making such apportionments the superintendent of public instruction shall certify to the state controller the amount apportioned to each high school district. Thereupon, the state controller must draw a warrant in favor of the treasurer of each county or city and county for the amount so apportioned to the high school districts of that county or city and county. The treasurer of the county or of the city and county shall immediately place the amount received on account of each high school district in his county to the credit of the account of said district.

SEC. 8. Section 443 of the Political Code is hereby amended to read as follows:

443. On or before the thirty-first day of December in the year one thousand nine hundred twenty-one, and on or before the thirtieth day of June and the thirty-first day of December in each succeeding calendar year, the state controller shall transfer from the general fund of the state, to the state school fund, such sums in addition to the funds provided by the constitution for the support of the common schools and any other funds paid into the state school fund from other sources or made available by any provision of law for the support of the elementary schools of the state as shall provide in said fund for distribution in each school year in such manner as the Legislature shall provide an amount not less than thirty dollars per pupil in average daily attendance in the day and evening elementary schools in the public school system during the next preceding school year and in addition thereto such

Stats. 1921,
p. 689,
amended
Transfer of
money to
school fund
by
controller.

sum as the superintendent of public instruction certifies is required to reimburse the several counties for one-half the excess moneys actually expended by the elementary school districts thereof for the education of physically handicapped pupils as provided in section 1618 of this code; *provided*, that such added amount shall not exceed one hundred dollars per pupil for each physically handicapped pupil in average daily attendance during the next preceding school year.

SEC. 9. Section 1760 of the Political Code is hereby amended to read as follows: Stats 1921,
p. 777,
amended.

1760. It shall be the duty of the state controller, annually, between the tenth day of August and the first day of September, at the time he is required to estimate the amount necessary for other school purposes, to estimate the amount necessary for the support of high schools. This amount he shall estimate by determining the amount required at thirty dollars per pupil in average daily attendance in all the duly established high schools of the state for the last preceding school year, as certified to him by the state superintendent of public instruction; and in addition thereto such sum as the superintendent of public instruction certifies is required to reimburse the several high school districts for one-half the excess moneys actually expended by such high school districts for the education of physically handicapped pupils as provided in section 1618 of this code; *provided*, that such added amount shall not exceed one hundred dollars per pupil for each physically handicapped pupil in average daily attendance during the next preceding school year. State high
school fund

The state controller and state treasurer shall each year transfer from the revenues from the taxes provided in section 14 of article XIII of the constitution of the State of California, together with all other state revenues, to a separate fund, hereby created, to be called the "state high school fund," the amount so estimated by the state controller.

SEC. 10. The sum of fifteen thousand dollars, or as much thereof as is necessary is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to defray such expenses as may be incurred by the superintendent of public instruction in enforcing the provisions of section 1 of this act during the seventy-ninth and eightieth fiscal years. Appropriation.

Any section, paragraph, clause, or sentence in conflict with this act is hereby repealed. If any section or portion of a section of this act is found unconstitutional it shall not affect the validity of this act. Repealed.
Constitutionality.

CHAPTER 586.

An act to amend sections fifteen and seventeen of an act known as the "Los Angeles county flood control act," approved June 12, 1915, as amended, relating to the purchase of materials and supplies and providing for cooperation of said flood control district with public and private corporations.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Stats. 1915,
p 1508,
amended.

Letting of
contracts.

SECTION 1. Section 15 of an act known and designated as "Los Angeles county flood control act," approved June 12, 1915, is hereby amended to read as follows:

Sec. 15. All contracts for furnishing the labor, materials or supplies required for any improvement or work, or any portion thereof, to carry out this act, shall be let to the lowest responsible bidder. The said board of supervisors of said district shall advertise by five or more insertions in a daily newspaper of general circulation, or by two or more insertions in a weekly newspaper of general circulation, printed and published in said district, inviting sealed proposals for furnishing the labor, materials and supplies for the proposed improvement or work before any contract shall be made therefor, and may let by contract separately any part of said work or improvement. The said board shall have the right to require such bonds as it may deem best from the successful bidder, to insure the faithful performance of the contract, and shall also have the right to reject any and all bids; *provided, however*, in the event said proposals are rejected or no proposals are received pursuant to advertisement therefor, or where the cost of such work does not exceed the sum of five thousand dollars, or in cases of rectification of channels, maintenance, repair, or emergency, nothing herein contained shall be construed as prohibiting the district itself from doing any proposed work by force account when deemed advisable, and the district shall have power to purchase in the open market, without advertising for bids therefor, materials and supplies for use in any work being constructed by it either under contract or by force account whenever the cost of such materials or supplies does not exceed the sum of one thousand five hundred dollars; *and provided, further*, that any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report shall be prohibited by law, or be rendered contrary to the best interests of said district by some change of conditions in relation thereto, in which event said board of supervisors may, by a vote of four-fifths of all the members thereof, order necessary changes made in

such proposed work or improvements, and may cause new plans and specifications to be made and adopted therefor.

Any work or improvement provided for in this act may be located, constructed and maintained in, along or across any public road or highway in the county of Los Angeles, in such manner as to afford security for life and property, but the said board of supervisors of said district shall restore or cause to be restored such road or highway to its former state as near as may be, so as not to impair its usefulness.

The plans and specifications for any work proposed to be done, or improvements to be made, under this act, in any municipality in said district shall first be approved by the legislative body of such municipality before the commencement of such work or improvements, and before any contract shall be let therefor; *provided*, that in the event such legislative body shall refuse or neglect to approve the said plans and specifications for such work or improvement within thirty days after being requested by said board of supervisors so to do, then said board of supervisors shall omit the doing of such work or making of such improvements within such municipality, and such omission shall not affect the validity of its proceedings under this act, and the funds which were to be expended for such proposed work or improvement in said municipality may be expended elsewhere by said board of supervisors for carrying out the purposes of this act.

Sec. 2. Section 17 of said act is hereby amended to read as follows:

Sec. 17. Said board of supervisors of said district shall have full power and authority to cooperate with and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or for the protection of property, or any of the harbors, channels, waterways, roads or highways in said district, or for the purpose of conserving said waters for beneficial use and to adopt a definite plan or system of work for such purpose, and when so adopted no substantial change affecting their interest shall thereafter be made in the same without the express consent of the officer, board, commission, department or agency of the state or federal government, or public or private corporation, in conjunction with which the same was originally adopted.

Stats. 1915,
p. 1511,
amended.
Cooperation
with state
and U. S.

CHAPTER 587.

An act to amend section one of an act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate

nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the state board of health, and to repeal an act approved March 20, 1905, entitled 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the board of regents of the University of California, and to provide penalties for violation thereof', approved June 12, 1913, as amended; and add a new section to be numbered seven and one-half, relating to the conduct of training schools for nurses.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p. 980,
amended.

SECTION 1. Section 1 of an act entitled "An act to promote the better education of nurses and the better care of the sick in the State of California, to provide for and regulate the examination and registration of graduate nurses, and to provide for the issuance of certificates of registration as registered nurses to qualified applicants by the state board of health, and to repeal an act approved March 20, 1905, entitled 'An act to promote the better education of the practice of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse, to qualified applicants of the board of regents of the University of California, and to provide penalties for violation thereof'," approved June 12, 1913, as amended, is hereby amended to read as follows:

Registration
of graduate
nurses.

Director.

Accredited
training
schools.

Section 1. Within thirty days after this act takes effect the state board of health shall establish and maintain a department of examination and certification of graduate nurses as hereinafter provided. The state board of health shall appoint a director, whose salary shall be fixed by the board, and said director shall have been graduated from an accredited training school for nurses as defined in this act, and shall be duly certified under the provisions of this act. Said director shall visit and inspect all training schools in this state, subject to the provisions of this act, at such times as may be required by the secretary of the board, and shall perform all duties required by this act and such other duties as may be required by the state board of health in order to carry out the objects and provisions of this act. Training schools shall comply with requirements herein specified and upon recommendation of the director, shall be accredited by the board. Lists of accredited training schools for nurses and a register of the names of all nurses duly certificated under this act shall be prepared and kept by the department. A biennial report shall be prepared and filed with the state board of health.

SEC. 2. A new section is hereby added to be numbered section 7½ and to read as follows:

Stats. 1913,
p. 614,
amended.
Training
schools.

Sec. 7½. It shall be unlawful to conduct a training school for nurses which does not comply with the minimum requirements of the state board of health, for an accredited school as herein provided; and a training school for nurses within the meaning of this act is hereby defined to be a school for the education and training of nurses attached to or operated in connection with a hospital or hospitals where patients receive medical and surgical treatment; a nurse within the meaning of this act is hereby defined to be one who has had a course of instruction in a training school for nurses as defined in this act.

CHAPTER 588.

An act to amend section three hundred seven of the Civil Code, relating to corporations.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 307 of the Civil Code is hereby amended to read as follows:

Stats 1903,
p. 253,
amended.
Elections.

307. All elections must be by ballot, and every stockholder shall have the right to vote in person or by proxy the number of shares standing in his name, as provided in section 312 of this code, for as many persons as there are directors to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit. The provisions of this section, so far as it relates to cumulative voting, shall apply to all corporations and associations doing business in this state, having a capital stock or shares of stock, and electing directors by a meeting of stockholders held in this state, whether such corporations or associations are organized under the laws of this state or not and no election for directors of any corporation or association, doing business in this state, and electing directors in this state, shall be valid, if the right of a stockholder to cumulate his shares as herein provided shall be denied. In corporations having no capital stock, each member of the corporation may cast as many votes for one director as there are directors to be elected, or may distribute the same among any or all the candidates. In any case the director receiving the highest number of votes shall be declared elected.

The provisions of this section, so far as it relates to cumulative voting, shall not apply to literary, religious, scientific, social or benevolent societies, having no capital stock or shares unless it shall be so provided in their by-laws or rules, nor to

cooperative corporations formed for agricultural purposes or for the purpose of marketing or manufacturing agricultural products where it is expressly prohibited in their by-laws.

CHAPTER 589.

A bill to amend the workmen's compensation, insurance and safety act of 1917 as amended, by adding two new sections to be known as sections thirty-six and one-half and fifty-five and one-half relating to authorization to the state compensation insurance fund to insure against liability under, and to the industrial accident commission to assist in the enforcement of the United States longshoremen's and harbor worker's compensation act.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Stats. 1917,
p 882,
amended.

SECTION 1. The workmen's compensation and safety act of 1917 as amended is hereby amended to add a new section thereto to be numbered section 36½ to read as follows:

Longshore-
men and
harbor
workers.

Sec. 36½. The state compensation insurance fund may insure California employers against liability for compensation under the United States longshoremen's and harbor worker's compensation act and any amendments which may from time to time be enacted thereto, as fully as any private insurance carrier.

Stats 1917,
p 888,
amended.

SEC. 2. Said workmen's compensation insurance and safety act of 1917 as amended is hereby amended to add a new section thereto to be numbered 55½ to read as follows:

Enforcement
of U. S.
longshore-
men's and
harbor
worker's
compensa-
tion act.

Sec. 55½. The industrial accident commission is hereby authorized and empowered to accept, in its discretion, any appointment as deputy commissioner under, or any delegation of authority to enforce, the United States longshoremen's and harbor worker's compensation act, if such appointment or authority be offered by the United States officers or board administering such act. The commission may enter into arrangements with the United States, subject to the approval of the department of finance, for the payment of any expenses incurred in the performance of services under said act. In the performance of any duties under said act, appointment, or authority, the commission shall be entitled, subject to the provisions thereof, to exercise any authority conferred upon said industrial accident commission by the laws of this state.

CHAPTER 590.

An act to add six new sections to the Political Code to be numbered two thousand nine hundred seventy-nine b, two thousand nine hundred seventy-nine c, two thousand nine hundred seventy-nine d, two thousand nine hundred seventy-nine e, two thousand nine hundred eighty-two a, four thousand forty-one d, relating to the care, treatment, transportation and physical rehabilitation of physically defective and handicapped persons, under the age of eighteen years, by the State of California, by and under the direction and supervision of the state board of health and by and under the direction of county boards of supervisors and making an appropriation therefor.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section to be numbered 2979b is hereby added to the Political Code to read as follows:

2979b. The state board of health shall have the power and it shall be its duty to seek out needy physically defective or handicapped persons under the age of eighteen years by local surveys arranged through local lawful authorities, social welfare and other public and private agencies; *provided*, that no record shall be taken and/or kept except of such children as are specified in this section.

It shall likewise have the power and it shall be its duty to arrange through such local agencies for local public diagnostic clinics or conferences for such physically defective and handicapped persons, when and where it shall appear necessary and bring to such persons expert diagnoses near their own homes.

Whenever the parents or guardian of any such physically defective or handicapped person shall be unable, in whole or in part, to furnish for such child or ward, resident of the state, necessary surgical, medical, hospital, physiotherapy, occupational therapy and other service, special treatment, materials, appliances and their upkeep, maintenance, care and transportation, the parents or guardian may petition the superior court of the county wherein such parents or guardian is or are resident for a certificate setting forth such fact, and if the judge is satisfied that the parents or guardian is or are unable, in whole or in part, to furnish such services, treatment, materials, or appliances and their upkeep, or such maintenance, care and transportation he shall issue a certificate to that effect. Such certificate shall be presented to the state board of health and it shall be its duty to furnish, in whole or in part, such services, transportation, materials or appliances and their upkeep, such maintenance, care and transportation as in its judgment are necessary and proper, the expense thereof to be advanced by the state board of health out of a revolving fund

New section

Physically defective and handicapped persons

Local clinics

Expense borne by state and counties.

appropriated for that purpose. *Provided, however,* that the state board of health may pay the same out of any funds received by it through gift, devise, or bequest without the possession of such certificate. All moneys expended under the authority of such certificate, as herein provided, shall constitute a legal county charge against the county from which such certificate is issued. Upon presentation to the board of supervisors of the county in which such certificate was issued, of an itemized claim, duly sworn to by the secretary of the state board of health, for the expense of the above set out services, transportation, materials, appliances and their upkeep, care and maintenance and furnished under the authority of said certificate, said board of supervisors shall audit and approve said claim, and the county auditor of said county, shall thereupon issue a warrant for the amount thereof payable to the state board of health, and the county treasurer shall pay the same.

Contracts
with
hospitals,
etc.

The state board of health is hereby authorized to arrange or contract with persons, hospitals, institutions, agencies or other organizations that are, in its judgment, properly qualified to furnish such services, materials, transportation, care, maintenance and appliances as above set forth, for such services, materials, transportation, care, maintenance and appliances necessary or requisite for the purpose of this act; and to pay for same in each particular case out of any funds appropriated for the purpose or which it may receive by gift, devise or bequest, as provided in this section.

Supervision.

It shall likewise, through its employees, persons and agencies cooperating in the services provided for in this section, maintain a strict supervision over such physically defective or handicapped persons as are under its care and jurisdiction; visiting them when advisable, causing a record to be kept showing their condition and improvement.

Arrange-
ments with
parents.

It may enter into agreements with parents, guardians and persons responsible for the care of such persons to pay such amounts as they may be able toward the cost of services, materials, transportation, care, maintenance, and appliances furnished under the provisions of this section. Nothing in this section shall authorize the care, treatment, supervision or any control over persons coming under the provisions of this act without the written consent of a parent or guardian.

New section.

SEC. 2. A new section to be numbered 2979c is hereby added to the Political Code to read as follows:

Revolving
fund

2979c. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of twenty thousand dollars for administration and twenty-five thousand dollars which shall be a revolving fund to be used in the carrying out of the provisions of this act, and may be expended under the direction of the state board of health for the services and materials as provided under section 2979b of the Political Code. The state board of health is hereby empowered to pay for such services, materials, transportation,

care, maintenance and appliances and their upkeep out of such fund; and the amount of such expenditures shall be charged against the county of which each such physically defective or handicapped person shall be resident as provided in section 2979*b*.

SEC. 3. A new section to be numbered 2979*d* is hereby New section. added to the Political Code to read as follows:

2979*d*. The state board of health shall have power to Gifts receive gifts, legacies and bequests and to expend or use the same for the purposes of this act; *provided*, that no part of such funds shall be used for administrative expenses.

SEC. 4. A new section to be numbered 2979*e* is hereby New section added to the Political Code to read as follows:

2979*e*. The board of managers or other managing authority Use of public institutions. of any public institution subject to the authority and under the control of the state department of institutions, or of political subdivisions of the state, in which institution, hospital facilities are maintained which can be used for the purposes of the act, may upon such conditions as shall be deemed wise without charge place such facilities at the disposition of the state board of health to be used in the care and treatment of physically defective or handicapped persons under eighteen years of age.

SEC. 5. A new section to be numbered 2982*a* is hereby New section. added to the Political Code to read as follows:

2982*a*. The state board of health may appoint an assistant Employees of state board secretary and other necessary employees whose duties shall be to assist in carrying out the provisions of this act. If available, such assistant secretary shall be a person trained and qualified in the work of treatment and care of physically defective and handicapped persons and who shall have knowledge of public health and social welfare services. It shall fix the salaries of such assistant secretary and employees and appoint other assistants and employees who may be willing to assist it without compensation.

SEC. 6. A new section to be numbered 4041*d* is hereby New section. added to the Political Code to read as follows:

4041*d*. The county board of supervisors in each county is Care by counties. authorized to provide for the care, treatment and cure of physically defective or handicapped persons under the age of eighteen years in each county when the parents or guardians of such persons consent thereto in writing and when such parents or guardians are not financially able to secure proper care or treatment. The county may cooperate in this service with the state board of health and pay the costs as provided in sections 2979*b*, 2979*c*, and 2982*a* of the Political Code or may perform such services independently.

In order to provide facilities for the care, treatment and Cooperation. cure for such physically defective or handicapped persons, the board of supervisors may cooperate with the state board of health and the state department of public welfare in making use of existing hospital facilities under the supervision

or inspection of such state departments within or without their respective counties.

Tax levy.

The county boards of supervisors may also levy a special tax which shall not exceed in any one year the sum of three mills on each dollar on the assessed valuation of the taxable property in the county. Such tax to be in addition to all other taxes provided for, which shall be deposited in a fund and be expended for the purposes hereof; and the boards of supervisors may transfer money from the general fund to the special fund in such amounts and at such times as such boards may determine, which money shall be used in carrying out the purposes of sections 2979*b*, 2979*c*, and 4041*d* of the Political Code.

Constitutionality.

SEC. 7. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 591.

An act to amend the "water commission act," approved June 16, 1913, as amended, by adding thereto a new section to be numbered thirty-seven f, relating to the compensation and travel expenses of water masters and the payment thereof.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Stats 1913,
p. 1022,
amended

SECTION 1. The "water commission act," approved June 16, 1913, as amended, is hereby amended by adding thereto a new section to be numbered 37*f* and to read as follows:

Compensation and
expenses of
water
masters.

Sec. 37*f*. Water masters appointed under the provisions of this act shall receive such compensation as may be fixed by the state water commission, but not to exceed fifteen dollars per day, and shall receive in addition thereto necessary travel expenses incurred in the performance of their duties. One-half of said compensation and travel expenses shall be paid by the state, as hereinafter provided, and the other one-half thereof shall be paid by the owners of the rights to divert or store water within the respective water districts created as in this act provided. The state water commission shall, between the first day of January and the first day of March of each year, prepare a statement for each water district, which shall contain a budget showing the amount of money estimated to be necessary to pay the cost of supervising the distribution of water in such water district for the current calendar year,

Annual
statements

including expenses theretofore incurred for the payment of which funds are not available, including the estimated cost of publication of said statement as hereinafter provided, and including a reasonable estimate for contingencies, and shall also contain an apportionment of one-half the amount of said budget among the owners of the various rights to store or divert water within the water district in the following manner, to wit: One-tenth of said one-half of the amount of said budget shall be apportioned equally among the respective ownerships of all such water rights, and the remaining nine-tenths of said one-half thereof shall be apportioned among the ownerships of said respective water rights in accordance with the quantity of water which the owner or owners of the respective water rights may be entitled to store or divert within the water district, as such rights shall have been determined by court decree and by permits or licenses which may have been issued by the state water commission subsequently to the adjudication proceedings on which such decree of court is based; *provided, however*, that in all cases of rights to divert the direct flow of a stream, without storage, for power development or other nonconsumptive use, where the entire flow so diverted, with the exception of reasonable transportation losses, is returned to the same stream system above the next lower diversion, the owner or owners of such rights shall share on account of such rights only in the equal apportionment of said one-tenth of said one-half of the amount of said budget, and shall not share in so far as such rights are concerned in the apportionment of the remaining nine-tenths of said one-half of said budget; *and provided, further*, that in all cases where rights exist to store or divert water for use for more than one purpose, the amount to be paid by the owner or owners of such rights shall be based upon the total amount of water said owner or owners may be entitled to store or divert, and said owner or owners shall not be required to pay more than one amount on the same water so stored or diverted notwithstanding use for more than one purpose. In making such apportionment to owners of the right to store water, three hundred and fifty acre-feet of storage capacity which such owner is entitled to use shall be considered the equivalent of the right to divert one cubic foot per second of the direct flow of a stream. Two certified copies of the statement for each water district shall be transmitted by the state water commission, prior to the fifteenth day of March of each year to the state treasurer and a like number to the tax collector of the county in which such water district is situated, or, if any water district be situated in more than one county, then two copies of the statement for such water district shall be so transmitted to the tax collector of each county in which any part of such water district is situated. One copy of each such statement sent to the state treasurer and to the proper tax collector or tax collectors shall be filed by said officials in their respective offices and shall at all times during business hours

Apportionments of amounts of budgets

Disposition of copies of statements.

be available for public inspection. The state water commission shall file the original of each such statement in its office and the original of each such statement shall there be open to public inspection at all times during business hours. Also the state water commission on or before the fifteenth day of March of each year shall file a certified copy of each such statement for record in the office of the recorder of each county wherein the district or any portion thereof is located. Also the state water commission shall cause publication of a copy of each such statement to begin on or before the fifteenth day of March of each year in a newspaper having a general circulation and published within the county or each county wherein such district or any portion thereof is situated, but in case there is no newspaper published within the county or a county wherein a portion of such district is situated, then publication shall be in a newspaper having a general circulation within such county wherein no newspaper is published. Publication of such statement shall be made at least once a week for three consecutive weeks and proof thereof shall consist of a copy of such statement as published, attached to and made a part of the affidavit of the publisher or foreman of the newspaper publishing same, which proof of publication shall be filed in the office of the state water commission. The owner or owners of each such right to store or divert water shall pay to the tax collector of the county in which the works for the diversion of water under such right are located the amount so apportioned to the owner or owners of such water right, and unless such payment is made on or before the last Monday in April of the year in which such apportionment was made, such payment shall become delinquent and ten per cent thereof shall be added thereto as a penalty for delinquency in the payment thereof. If the owner of any such right to store or divert water be a county, city and county, municipality, district or other political subdivision, public corporation or state agency, the amount so apportioned together with the penalty aforesaid in case of delinquency, shall be a legal charge against the general fund thereof, or such fund as may be provided for the maintenance and operation of its public works. If the owner of any such right be a public utility as defined in the "public utilities act" of this state, the amount so apportioned, together with the penalty aforesaid in case of delinquency, shall be a lien against any money of such public utility. If the water stored or diverted under any such right be for private use, then the amount so apportioned shall be a lien upon all the property used in the storage or diversion, conveyance or distribution of the water stored or diverted under such right and the land on which such water is or is entitled to be used. The liens herein declared shall be superior to all other liens against the property in question except liens for taxes and assessments levied by authority of law, and at any time after thirty days after any payment due hereunder shall have become delinquent the state

Publication
of
statements

Payment
of tax.

water commission may institute in the name of the people of the State of California a proceeding to foreclose any such lien or to compel the payment of the delinquent charge by any county, city and county, municipality, district or other political subdivision, public corporation or state agency, and may call upon the district attorney of the county in which any such proceeding may properly be brought to prosecute the same, in which case it shall be the duty of said official to bring and prosecute such proceeding and enforce the sale of the property on which any aforesaid lien exists, or so much thereof as may be necessary to pay the delinquent amount and all costs incurred in the proceeding. In all cases where a water right is owned by two or more parties, then such parties shall pay such portions of the amount apportioned to such water right as may be in proportion to their respective interests in such water right, as determined by said court decree and permits or licenses which may have been subsequently issued by the state water commission, and the statement prepared by the state water commission, as herein provided, shall contain an apportionment of the amount to be paid by the various owners of any such water right. A fund is hereby created in the state treasury to be known as the state water master service fund which fund shall be divided into separate accounts to the credit of the various water districts now in existence or hereafter created from time to time, as in this act provided. Each tax collector to whom any payments shall be made as herein provided shall at least once each month transmit the amount or amounts so paid to him to the state treasurer, who shall place the same in the state water master service fund and credit it to the account of the proper water district. The state water commission shall file with the state board of control on or before the first day of March of each year a certified copy of each water district statement herein provided for, and on receipt thereof the state board of control shall provide for the transfer of one-half the amount of each budget therein contained from the general support funds of the state water commission to the state water master service fund to the credit of the respective water districts for which such budgets were prepared. All expenditures for the supervision of the distribution of water in any water district shall be paid from that portion or account of the state water master service fund credited to that water district, upon claims approved by the state water commission and otherwise audited and approved as may be required in the case of other claims against the state. Any money remaining in the state water master service fund at the end of any year shall be available for use the following year for the respective water districts to which credited.

State water
master
service fund

CHAPTER 592.

An act relating to the service of county free libraries.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

County free
libraries.

SECTION 1. Whenever any of the territory being served by a county free library shall be annexed to, or otherwise included within, any municipal corporation not served by such county free library, the board of supervisors of such county shall order the county free library to continue to serve such territory so annexed to, or otherwise included within said municipality, until the end of the fiscal year or years for which a tax has been levied upon the property of such annexed territory for the support of said county free library.

CHAPTER 593.

An act to amend section one thousand eight hundred and fifty-nine of the Civil Code, relating to the liability of innkeepers.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Stats 1921,
p 149,
amended.
Liability of
innkeepers.

SECTION 1. Section 1859 of the Civil Code is hereby amended to read as follows:

1859. The liability of an innkeeper, hotel keeper, boarding house or lodging house keeper, for losses of or injuries to personal property, is that of a depositary for hire; *provided, however*, that in no case shall such liability exceed the sum of one hundred dollars for each trunk and its contents, fifty dollars for each valise or traveling bag and contents, ten dollars for each box, bundle or package and contents, and two hundred fifty dollars for all other personal property of any kind, unless he shall have consented in writing with the owner thereof to assume a greater liability.

CHAPTER 594.

An act to amend section thirty-seven of an act entitled "An act to be known as the 'Pacific colony act' to establish an institution for the care, confinement and instruction of feeble-minded and epileptic persons; to provide for the government and maintenance thereof; and for the study of mental deficiency and related problems; to provide for admission and commitment to such institution, and to prescribe penalties for unlawfully or improperly contriving

to have persons adjudged feeble-minded under this act; to provide for the sterilization of inmates of such institutions; to prescribe penalties for procuring the escape or aiding or advising in the escape of inmates; or concealing inmates thereof; to provide a contingent fund for the use of such institution and to make an appropriation therefor," approved June 1, 1917, as amended, relating to disposition of funds.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 37 of an act entitled "An act to be known as the 'Pacific colony act' to establish an institution for the care, confinement and instruction of feeble-minded and epileptic persons; to provide for the government and maintenance thereof; and for the study of mental deficiency and related problems; and to provide for admission and commitment to such institutions, and to provide penalties for unlawfully or improperly contriving to have persons adjudged feeble-minded under this act; to provide for the sterilization of inmates of such institutions; to provide penalties for procuring the escape or aiding or advising in the escape of inmates; or concealing inmates thereof; to provide a contingent fund for the use of such institution and to make appropriation therefor," approved June 1, 1917, as amended, is hereby amended to read as follows:

Stats 1917,
p 1630,
amended

Sec. 37. All moneys received from the sale of furniture, supplies or produce as provided by section 36 of this act shall at the close of each month be paid to the state treasurer to be deposited in the general fund of the state.

Proceeds
of sales

CHAPTER 595.

An act to amend section three hundred sixty-six of the Political Code, relating to the department of institutions.

[Approved by the Governor May 17, 1927. In effect July 29, 1927]

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

SECTION 1. Section 366 of the Political Code is hereby amended to read as follows:

Stats 1923,
p 285,
amended

366. A department of the government of the State of California to be known as the department of institutions is hereby created. The department shall be conducted under the control of an executive officer to be known as director of institutions which office is hereby created. The director shall be appointed by and hold office at the pleasure of the governor and shall receive a salary of six thousand dollars per annum. Before entering upon the duties of his office the director shall execute

Department
of
institutions

an official bond to the State of California in the penal sum of twenty-five thousand dollars, conditioned upon the faithful performance of his duties. Except as in this article otherwise prescribed, the provisions of article II of this chapter, title and part of the Political Code as adopted at the forty-fourth session of the Legislature, and as the same may be amended from time to time, shall govern and apply to the conduct of the department of institutions in every respect the same as if such provisions were herein set forth at length.

Transfer
of inmates.

The director of institutions may prescribe the conditions of and authorize the transfer of the inmates of one institution within the department to another institution within the department.

CHAPTER 596.

An act creating the Colorado river commission of California, prescribing its powers, fixing compensation and appropriating funds for its use.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

Colorado
river com-
mission of
California

SECTION 1. There is hereby created a commission to be known as the Colorado river commission of California, and hereinafter designated the "commission," consisting of three persons to be appointed by the governor and to serve at the pleasure of the governor, one of whom shall be designated by the governor as chairman of the commission. The chairman of the commission shall be regarded as the executive officer thereof and shall receive as compensation a per diem of fifteen dollars per day when actually engaged upon the work of the commission, and the other two commissioners shall each receive as compensation a per diem of ten dollars per day when actually engaged upon the work of the commission and each commissioner shall be reimbursed for traveling and other necessary expenses while engaged upon the business of the commission.

Powers.

SEC. 2. Said commission shall have the power:

To maintain an office at some suitable place within the state, to be selected by the commission;

To hold meetings and conferences within or without the state with representatives of other states or communities and with representatives of the United States relating to interstate agreements, compacts, water rights, and any and all things in which California or its citizens are or might become interested in or relating to the Colorado river; to take such steps as the commission may deem necessary or advisable to protect the interests of California and its citizens in the waters of or water rights in the Colorado river, and upon the

recommendation of the commission or the governor, the attorney general is hereby authorized to institute and prosecute such proceedings at law or in equity or otherwise, and in the name and on behalf of the people of the State of California, as will safeguard and protect their rights and interests; to appear before and cooperate with the congress of the United States or members or committees thereof, or any United States authority concerning any and all matters relating to the Colorado river in which California or its citizens are or might become interested; employ and appoint such secretaries, engineers, attorneys and other technical or other assistants as the commission may deem advisable and prescribe their duties and fix their compensation and do any and all things necessary to fully safeguard and advance the interests of California, in the Colorado river and the uses thereof, and carry out the purposes of this act and report their proceedings to the governor at such intervals as he may prescribe.

SEC. 3. The commission is hereby authorized, through the governor, to call upon any of the departments of the state for information, cooperation, or assistance and upon the request of the governor any department of the state is hereby directed to furnish such information, cooperation and assistance to the commission without cost to the commission.

State
departments
to aid.

SEC. 4. The sum of twenty-five thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to be expended in accordance with law, for the purpose of carrying out the provisions of this act.

Appropriation.

SEC. 5. The commission and all officers and positions thereunder shall cease and determine on the first day of September, 1929.

Time limit.

CHAPTER 597.

An act to provide for the establishment and maintenance of a division of narcotic enforcement under the direction and control of the state board of pharmacy.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

SECTION 1. The state board of pharmacy shall maintain under its supervision and control a division of narcotic enforcement which shall have charge of narcotic enforcement and shall have such powers as may from time to time be referred and delegated to it by the state board of pharmacy. The said board with the approval of the governor, shall appoint a chief of the division of narcotic enforcement who shall receive such compensations as the said board may deem necessary and proper.

Narcotic
enforcement
division

The state board of pharmacy is also hereby empowered subject to the approval of the department of finance to employ and

fix the compensation of such inspectors and other employees and of such attorneys as it may deem necessary to employ to perform all legal services connected with the said division. The said inspectors of the division of narcotic enforcement shall have all the powers and duties of peace officers in the performance of their duties, and shall be exempt from the provisions of the civil service laws of this state.

All expenses incurred hereunder in the maintenance of said division of narcotic enforcement shall be paid out of any funds under the control and supervision of the state board of pharmacy. Claims against any such funds shall be audited by the state board of pharmacy subject to the approval of the department of finance and shall be paid by the state treasurer upon warrants drawn by the state controller.

CHAPTER 598.

An act increasing the number of judges of the superior court of the State of California, in and for the county of San Bernardino, and providing for the appointment of an additional judge and for his compensation.

[Approved by the Governor May 17, 1927. In effect July 29, 1927.]

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

San
Bernardino
county
superior
judges

SECTION 1. The number of judges of the superior court of the State of California, in and for the county of San Bernardino, is hereby increased from two to three.

SEC. 2. Within ten days after the taking effect of this act the governor shall appoint one additional judge of the superior court of the State of California, in and for the county of San Bernardino, who shall hold office until the first Monday after the first day of January, A. D. 1929. At the general election to be held in November, A. D. 1928, a judge of the superior court of said county shall be elected in said county who shall be the successor to the judge appointed hereunder to hold office for the term prescribed by the constitution and by law. The salary of said additional judge shall be the same in amount and shall be paid at the same time and in the same manner as the salaries of the other judges of said superior court now or hereafter authorized by law.

CHAPTER 599.

An act to amend sections one, six, seven, eight and nine of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be

known as the California state board of pharmacy," approved March 20, 1905, as amended.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 20, 1905, as amended, is hereby amended to read as follows:

Stats. 1905,
p. 535,
amended

Section 1. From and after the passage of this act it shall be unlawful for any person to manufacture, compound, sell, or dispense any drug, poison, medicine or chemical, or to dispense or compound any prescription of a medical practitioner, unless such person be a registered pharmacist, or a registered assistant pharmacist within the meaning of this act, except as hereinafter provided. Every store, dispensary, pharmacy, laboratory or office for the sale, dispensing or compounding of drugs, medicines or chemicals, or for the dispensing of prescriptions of medical practitioners, shall be in charge of a registered pharmacist. A registered assistant pharmacist may be left in charge of a store, dispensary, pharmacy, laboratory or office for the sale, dispensing, or compounding of drugs, medicines or chemicals or for the dispensing of prescriptions of medical practitioners only during the temporary absence of the registered pharmacist. Temporary absence within the meaning of this act shall be held to be only those unavoidable absences which may occur during a day's work, and when the registered pharmacist in charge shall be within immediate call, ready and able to assume the direct supervision of said pharmacy. No registered assistant shall conduct a pharmacy. Every store or shop where drugs, medicines or chemicals are dispensed or sold at retail, or displayed for sale at retail, or where prescriptions are compounded, which has upon it or in it as a sign, the words "pharmacist," "pharmaceutical chemist," "apothecary," "druggist," "pharmacy," "drug store," "drugs," or any of these words shall be deemed a "pharmacy" within the meaning of this act, and no store or shop shall use the word drug or drugs in any advertisement, or display unless a licentiate is in charge.

Drugs to be
sold, etc.,
only by
pharmacists.

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

Stats 1905,
p 537,
amended

Sec. 6. It shall be the duty of the secretary to keep a book of registration open at the city of San Francisco, in which shall be entered under the supervision of the board the names, titles, qualifications and places of business of all persons coming under the provisions of this act. The secretary shall give

Duties of
secretary and
treasurer.

receipts for all moneys received by him and pay the same to the treasurer of the board, taking his receipt for the same.

The treasurer shall disburse the same by order of the board for necessary expenses, taking proper vouchers therefor. The balance of said money, after paying the expenses of the board, he shall pay to the state treasurer, who shall keep it in a special fund to be used in carrying out the provisions of this act. It shall be the duty of the secretary of the board to erase from the register the name of any registered pharmacist or assistant pharmacist who has died, or who in the opinion of the board has forfeited his right under the law to do business in this state. Besides the duties required by this act, it shall be the duty of the secretary to perform such other reasonable duties appertaining to his office as may be required of him by the board of pharmacy. The secretary shall receive such compensation as may be fixed by the board of pharmacy; no member of the board shall act as secretary except during the temporary absence of the regular authorized officer.

Compensation

Stats 1909,
p 1013,
amended.
Meetings.

SEC. 3. Section 7 of said act is hereby amended to read as follows:

Sec. 7. Four members of the board shall constitute a quorum. They shall hold a meeting at least once in every four months.

POWERS AND DUTIES OF THE BOARD.

Powers and
duties of
board.
By-laws and
regulations.

Subdivision 1. The state board of pharmacy shall have power:

(a) To make such by-laws and regulations, not inconsistent with the laws of this state, as may be necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

Practice.

(b) To regulate the practice of pharmacy.

Poisons

(c) To regulate the sale of poisons.

Quality of
preparations.

(d) To regulate the quality of all pharmaceutical preparations and medicines dispensed in this state, using the United States pharmacopœia or national formulary, as the standard.

Complaints.

(e) To investigate all complaints as to the quality and strength of all pharmaceutical preparations and medicines, and to take such action as may be necessary to prevent the sale of such as do not conform to the standard and tests prescribed in the latest edition of the United States pharmacopœia or national formulary.

Inspection

(f) To employ inspectors of pharmacy and to inspect during business hours all pharmacies, dispensaries, stores, or places in which drugs, medicines and poisons are compounded, dispensed or retailed, and to cause the prosecution of all persons whenever there appears to the board to be reasonable ground for such action.

Registration

(g) To examine and register as pharmacists and assistant pharmacists all applicants whom it shall deem qualified to be such. All persons applying for registration, under this act, shall pay the following fees therefor to the secretary of the

board of pharmacy. Every applicant for registration other than that of an apprentice, shall pay a fee of ten dollars on filing his or her application, which shall be compensation to the board of pharmacy for investigation or examination of the applicant; and if the board finds that any applicant for registration on experience and credentials is entitled to be registered, then he or she shall pay an additional fee of fifteen dollars upon the issuance of certificate of such registration; and any licentiate found by the board on examination to be entitled to a certificate shall pay the additional sum of five dollars upon the issuance of certificate; all applicants for examination as assistant, if found satisfactory by the board, shall be entitled to their certificate without further fee; *and provided further*, that an applicant for registration on experience and credentials may at his or her option be examined as a licentiate without further fee for application.

(h) In the event any person having registered shall have lost his or her certificate, or the same has been destroyed, or if he or she desires the renewal of the same, a new certificate may be issued by said board upon the applicant paying therefor the sum of three dollars; *provided further*, that where the original certificate is not lost or destroyed, then the certificate shall be surrendered before a renewal of same shall be issued; *and provided further*, that the board shall have the power to require satisfactory evidence from the applicant of the loss or destruction of the certificate; *and provided further*, that where the applicant is delinquent for the annual dues required by this act then he or she shall be required to pay to said board sufficient fees to cover his delinquency in that behalf before he or she shall be entitled to a reissue of the certificate in this subdivision provided for.

(i) To provide by proper rules and regulations for the temporary or permanent revocation by said board, of licenses issued under the provisions of this act: whenever the holder of such license shall have made false affidavits in reference to his experience or the experience of any other person applying for registration or shall be guilty of habitual intemperance or addicted to the use of narcotic drugs or shall have been convicted of a felony or embezzlement or larceny subsequent to the procuring of his or her license in any court having legal jurisdiction.

SEC. 4. Section 8 of said act is hereby amended to read as follows:

Sec. 8. No member of the board shall teach pharmacy in any of its branches, unless it be as a teacher in a public capacity and in a college of pharmacy. The members of the board of pharmacy shall each be paid the sum of ten dollars per diem for every meeting of the board which they attend, and for each day engaged in rating examination papers based upon one per diem for each forty papers or fraction thereof, together with their necessary expenses, and mileage at the rate of five cents per mile for each mile necessarily traveled. All compensation

New
certificates

Revocation
of licenses

Stats. 1905,
p. 538,
amended

Teaching by
members

Compensa-
tion of
members.

of members and all other expenses of the board shall be paid out of the examination and registration fees and fines.

Stats. 1907,
p 767,
amended
Annual
renewal of
registration

SEC. 5. Section 9 of said act is hereby amended to read as follows:

Sec. 9. Every person holding a certificate from said board shall renew annually their registration with said board; and every registered pharmacist, and every assistant registered pharmacist who desires to retain his registration on the books of the board of pharmacy in this State shall annually, after the expiration of the first year's registration and on or before the first day of July of each succeeding year, pay to the secretary of the board of pharmacy a renewal fee, to be fixed by the board, which shall not exceed two dollars for registered pharmacist and one dollar for assistant registered pharmacist, in return for which fee a renewal certificate of registration shall be issued. In case any person defaults in payment of said fee his or her registration may be revoked by the board of pharmacy on sixty days' notice, in writing from the secretary, unless within said time the fee is paid, together with such penalty, not exceeding ten dollars, as the board may impose. Upon payment of said fee and penalty the board must reinstate the delinquent's registration.

CHAPTER 600.

An act to add a new section to the Penal Code, to be numbered one thousand fifty, and to repeal section one thousand fifty-two of the Penal Code, relating to trials and continuances of criminal cases.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

New section.

SECTION 1. A new section is hereby added to the Penal Code to be number 1050, to read as follows:

Setting and
continuing
cases.

1050. The court shall set all criminal cases for trial for a date not later than thirty days after the date of entry of the plea of the defendant. No continuance of the trial shall be granted except upon affirmative proof in open court, upon reasonable notice, that the ends of justice require a continuance. No continuance shall be granted for any longer time than it is affirmatively proved the ends of justice require. Whenever any continuance is granted, the court shall enter in its minutes the facts proved which require the continuance. Criminal cases shall be given precedence over civil matters and proceedings. If any court is unable to hear all criminal cases pending before it within thirty days after the respective defendants have entered their pleas, it must immediately notify the chairman of the judicial council.

Code amdts
1880, p 20,
repealed

SEC. 2. Section one thousand fifty-two of the Penal Code is hereby repealed.

CHAPTER 601.

An act to amend section one thousand one hundred eighty-one of the Penal Code, relating to the grounds upon which new trials may be granted and providing for modification of verdicts in criminal cases.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1181 of the Penal Code is hereby amended to read as follows:

Original
section
amended.

1181. When a verdict has been rendered against the defendant, the court may, upon his application, grant a new trial, in the following cases only:

In what
cases it may
be granted

1. When the trial has been had in his absence, if the indictment is for a felony;

2. When the jury has received any evidence out of court, other than that resulting from a view of the premises;

3. When the jury has separated without leave of the court, after retiring to deliberate upon their verdict, or been guilty of any misconduct by which a fair and due consideration of the case has been prevented;

4. When the verdict has been decided by lot, or by any means other than a fair expression of opinion on the part of all the jurors;

5. When the court has misdirected the jury in a matter of law, or has erred in the decision of any question of law arising during the course of the trial;

6. When the verdict is contrary to law or evidence, but if the evidence shows the defendant to be not guilty of the degree of the crime of which he was convicted, but guilty of a lesser degree thereof or of a lesser crime included therein, the court may modify the judgment accordingly without granting or ordering a new trial, and this power shall extend to any court to which the cause may be appealed.

7. When new evidence is discovered material to the defendant, and which he could not, with reasonable diligence, have discovered and produced at the trial. When a motion for a new trial is made upon the ground of newly discovered evidence, the defendant must produce at the hearing, in support thereof, the affidavits of the witnesses by whom such evidence is expected to be given, and if time is required by the defendant to procure such affidavits, the court may postpone the hearing of the motion for such length of time as, under all the circumstances of the case, may seem reasonable.

CHAPTER 602.

An act to amend section one thousand one hundred fifty-six of the Penal Code, relating to special verdict in criminal cases.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

Original
section
amended.
Defective
special
verdicts.

SECTION 1. Section 1156 of the Penal Code, is hereby amended to read as follows:

1156. If the jury do not, in a special verdict, pronounce affirmatively or negatively on the facts necessary to enable the court to give judgment, or if they find the evidence of facts merely, and not the conclusions of fact, from the evidence, as established to their satisfaction, the court shall direct the jury to retire and return another special verdict. The court may explain to the jury the defect or insufficiency in the special verdict returned, and the form which the special verdict to be returned must take.

CHAPTER 603.

An act to amend section one thousand one hundred twenty-three of the Penal Code, relating to alternate jurors.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

Original
section
amended.
Jurors
becoming
unable to
perform
duties.

SECTION 1. Section 1123 of the Penal Code is hereby amended to read as follows:

1123. If, before the conclusion of the trial, a juror becomes sick, so as to be unable to perform his duty, the court may order him to be discharged. In that case, if any alternate jurors have been selected as provided by section 1089 of this code, one of them shall be designated to take the place of the juror so discharged. If, after all alternate jurors have been made regular jurors, a juror becomes so sick as to be unable to perform his duties and has been discharged by the court, a new juror may be sworn and the trial begin anew, or the jury may be discharged and a new jury then or afterwards impaneled.

CHAPTER 604.

An act to amend section one thousand ninety-six of the Penal Code, and to add a new section to the Penal Code to be numbered one thousand ninety-six a, relating to reasonable

doubt and the presumption of innocence, and the manner of charging juries concerning them.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1096 of the Penal Code is hereby amended to read as follows: Original section amended

1096. A defendant in a criminal action is presumed to be innocent until the contrary is proved, and in case of a reasonable doubt whether his guilt is satisfactorily shown, he is entitled to an acquittal, but the effect of this presumption is only to place upon the state the burden of proving him guilty beyond a reasonable doubt. Reasonable doubt is defined as follows: "It is not a mere possible doubt; because everything relating to human affairs, and depending on moral evidence, is open to some possible or imaginary doubt. It is that state of the case, which, after the entire comparison and consideration of all the evidence, leaves the minds of jurors in that condition that they can not say they feel an abiding conviction, to a moral certainty, of the truth of the charge." Presumption of innocence.
Reasonable doubt.

SEC. 2. A new section is hereby added to the Penal Code to be numbered 1096a, to read as follows: New section.

1096a. In charging a jury, the court may read to the jury section 1096 of this code, and no further instruction on the subject of the presumption of innocence or defining reasonable doubt need be given. Instruction to jury

CHAPTER 605.

An act to amend section one thousand seventy-eight of the Penal Code, relating to selection of jurors by trial judge.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1078 of the Penal Code is hereby amended to read as follows: Code amds. 1873-74, p. 443, amended

1078. It shall be the duty of the trial court to examine the prospective jurors to select a fair and impartial jury. He shall permit reasonable examination of prospective jurors by counsel for the people and for the defendant. Examination of jurors

CHAPTER 606.

An act to amend section one thousand forty-nine of the Penal Code, relating to time allowed defendant to prepare for trial in criminal cases.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

Original
section
amended.
Preparation
for trial.

SECTION 1. Section 1049 of the Penal Code is hereby amended to read as follows:

1049. After his plea, the defendant is entitled to at least five days to prepare for trial.

CHAPTER 607.

An act to add a new section to the Penal Code, to be numbered one thousand forty-four, relating to the duties of judges in the trial of criminal cases.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

New section.

SECTION 1. A new section to be numbered 1044 is hereby added to the Penal Code, to read as follows:

Control
of trial.

1044. It shall be the duty of the judge to control all proceedings during the trial, and to limit the introduction of evidence and the argument of counsel to relevant and material matters, with a view to the expeditious and effective ascertainment of the truth regarding the matters involved.

CHAPTER 608.

An act to amend section one thousand eight of the Penal Code, relating to the amendment of indictment or information.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

Stats. 1911,
p. 436,
amended.
Amendment
of indict-
ment or
information.

SECTION 1. Section 1008 of the Penal Code is hereby amended to read as follows:

1008. An indictment or information may be amended by the district attorney without leave of court, at any time before the defendant pleads. The court may order its amendment for any defect or insufficiency, at any stage of the proceedings; and the trial shall continue as if it had been originally filed as amended, unless the substantial rights of the defendant

would be prejudiced thereby, in which event a reasonable continuance, not longer than the ends of justice require, may be granted. If the defect or insufficiency be one that can not be remedied by amendment, the proceeding shall be dismissed, but the defendant shall not be discharged if the court shall direct the filing of a new information or the submission of the case to the same or a new grand jury. An indictment can not be amended so as to change the offense charged, nor an information so as to charge an offense not shown by the evidence taken at the preliminary examination.

CHAPTER 609.

An act to amend sections one thousand six and one thousand eleven of the Penal Code, relating to demurrers in criminal cases and effect of overruling thereof.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1006 of the Penal Code is hereby amended to read as follows:

Original
section
amended
Hearing on
demurrer

1006. Upon the demurrer being filed, the argument upon the objections presented thereby must be heard immediately, unless for exceptional cause shown, the court shall grant a continuance. Such continuance shall be for no longer time than the ends of justice require, and the court shall enter in its minutes the facts requiring it.

SEC. 2. Section 1011 of the Penal Code is hereby amended to read as follows:

Original
section
amended.

1011. If the demurrer is disallowed, the court must permit the defendant, at his election, to plead, which he must do forthwith.

If demurrer
is disallowed

CHAPTER 610.

An act to amend section nine hundred fifty-nine of the Penal Code, relating to the sufficiency of indictments, informations, and complaints.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 959 of the Penal Code is hereby amended to read as follows:

Code amdts.
1880, p 13,
amended.

959. The indictment, information, or complaint is sufficient if it can be understood therefrom:

Sufficiency
of indict-
ments, infor-
mations and
complaints.

1. That it is entitled in a court having authority to receive it, though the name of the court be not stated.

2. If an indictment, that it was found by a grand jury of the county in which the court was held, or if an information, that it was subscribed and presented to the court by the district attorney of the county in which the court was held.

3. That the defendant is named, or, if his name cannot be discovered, that he is described by a fictitious name, with a statement that his true name is to the jury or district attorney, as the case may be, unknown.

4. That the offense was committed at some place within the jurisdiction of the court, except where the act, though done without the local jurisdiction of the county, is triable therein.

5. That the offense was committed at some time prior to the time of the finding the indictment or filing of the information.

CHAPTER 611.

An act to amend sections nine hundred fifty-four and nine hundred fifty-six of the Penal Code, relating to pleadings and form of indictment, information, or complaint in criminal cases.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

Stats 1915,
p. 744,
amended.
Two or more
offenses in
one
indictment.

SECTION 1. Section 954 of the Penal Code is hereby amended to read as follows:

954. An indictment, information, or complaint may charge two or more different offenses connected together in their commission, or different statements of the same offense or two or more different offenses of the same class of crimes or offenses, under separate counts, and if two or more indictments or informations are filed in such cases the court may order them to be consolidated. The prosecution is not required to elect between the different offenses or counts set forth in the indictment or information, but the defendant may be convicted of any number of the offenses charged, and each offense upon which the defendant is convicted must be stated in the verdict; *provided*, that the court in the interest of justice and for good cause shown, may, in its discretion, order that the different offenses or counts set forth in the indictment or information be tried separately, or divided into two or more groups and each of said groups tried separately. A verdict of acquittal of one or more counts shall not be deemed or held to be an acquittal of any other count.

Original
section
amended.
Statement
as to person
injured.

SEC. 2. Section 956 of the Penal Code is hereby amended to read as follows:

956. When an offense involves the commission of, or an attempt to commit a private injury, and is described with sufficient certainty in other respects to identify the act, an

erroneous allegation as to the person injured, or intended to be injured, or of the place where the offense was committed, or of the property involved in its commission, is not material.

CHAPTER 612.

An act to amend section nine hundred fifty-two of the Penal Code, relating to pleadings and form of indictment or information.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 952 of the Penal Code is hereby amended to read as follows:

Original section amended, Statement charging offense

952. In charging an offense, each count shall contain, and shall be sufficient if it contains in substance, a statement that the accused has committed some public offense therein specified. Such statement may be made in ordinary and concise language without any technical averments or any allegations of matter not essential to be proved. It may be in the words of the enactment describing the offense or declaring the matter charged to be a public offense, or in any words sufficient to give the accused notice of the offense of which he is charged. In charging theft it shall be sufficient to allege that the defendant unlawfully took the property of another.

CHAPTER 613.

An act to amend section nine hundred fifty-one of the Penal Code, relating to the form of indictment or information in criminal cases.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 951 of the Penal Code is hereby amended to read as follows:

Code amdts 1880, p. 12, amended Form of indictment.

951. An indictment or information may be in substantially the following form: The people of the State of California against A. B. In the superior court of the State of California, in and for the county of _____. The grand jury (or the district attorney) of the county of _____ hereby accuses A. B. of a felony (or misdemeanor), to wit: (giving the name of the crime, as murder, burglary, etc.), in that on or about the _____ day of _____, 19____, in the county of _____, State of California, he (here insert statement of act or omission, as for example, "murdered C. D.")

CHAPTER 614.

An act to repeal sections nine hundred forty-one and nine hundred forty-two of the Penal Code, relating to grand juries.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

Original
sections
repealed.

SECTION 1. Section 941 of the Penal Code is hereby repealed.

SEC. 2. Section 942 of the Penal Code is hereby repealed.

CHAPTER 615.

An act to amend section eight hundred fifty-nine of the Penal Code, relating to the postponement of preliminary examinations for purpose of obtaining counsel.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

Original
section
amended.
Obtaining
of counsel

SECTION 1. Section 859 of the Penal Code is hereby amended to read as follows:

859. The magistrate must also allow the defendant a reasonable time to send for counsel, and may postpone the examination for not less than two nor more than five days for that purpose, and must, upon the request of the defendant, require a peace officer to take a message to any counsel in the township or city the defendant may name. The officer must, without delay and without fee, perform that duty.

CHAPTER 616.

An act to amend section eight hundred twenty-five of the Penal Code, relating to the time within which a defendant must be taken before a magistrate.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

Stats 1907,
p. 388,
amended
Right of
attorney to
visit
prisoner.

SECTION 1. Section 825 of the Penal Code is hereby amended to read as follows:

825. The defendant must in all cases be taken before the magistrate without unnecessary delay, and, in any event, within two days after his arrest, excluding Sundays and holidays; and after such arrest, any attorney at law entitled to practice in the courts of record of California, may at the

request of the prisoner or any relative of such prisoner, visit the person so arrested. Any officer having charge of the prisoner so arrested who wilfully refuses or neglects to allow such attorney to visit a prisoner is guilty of a misdemeanor. Any officer having a prisoner in charge, who refuses to allow any attorney to visit the prisoner when proper application is made therefor shall forfeit and pay to the party aggrieved the sum of five hundred dollars, to be recovered by action in any court of competent jurisdiction.

CHAPTER 617.

An act to amend section eight hundred nine of the Penal Code, relating to the filing of informations in criminal cases.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 809 of the Penal Code is hereby amended to read as follows:

809. When a defendant has been examined and committed, as provided in section 872 of this code, it shall be the duty of the district attorney, within fifteen days thereafter, to file in the superior court of the county in which the offense is triable an information charging the defendant with such offense. The information shall be in the name of the people of the State of California, and subscribed by the district attorney, and shall be in form like an indictment for the same offense. It may charge the offense, or offenses, named in the order of commitment, or any offense, or offenses, shown by the evidence taken before the magistrate to have been committed.

Code amds
1880, p 12,
amended
Information
to be filed

CHAPTER 618.

An act to add a new section to the Penal Code, to be numbered six hundred eighty-one a, relating to trials in criminal cases.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to the Penal Code, to be numbered 681a, to read as follows:

681a. The welfare of the people of the State of California requires that all proceedings in criminal cases shall be heard and determined at the earliest possible time. It shall be the duty of all courts and judicial officers and of all district attorneys to expedite the hearing and determination of all such cases and proceedings to the greatest degree that is consistent with the ends of justice.

New section.
Trials to be
expedited

CHAPTER 619.

An act to amend sections four hundred eighty-four, four hundred eighty-five, four hundred eighty-six, four hundred eighty-seven, four hundred eighty-eight, four hundred eighty-nine, and four hundred ninety, of the Penal Code, and to add a new section to the Penal Code, to be numbered four hundred ninety a, defining the crime of theft and prescribing punishment therefor.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

Original
section
amended.
Theft
defined.

SECTION 1. Section 484 of the Penal Code is hereby amended to read as follows:

484. Every person who shall feloniously steal, take, carry, lead, or drive away the personal property of another, or who shall fraudulently appropriate property which has been entrusted to him, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor, or real or personal property, or who causes or procures others to report falsely of his wealth or mercantile character and by thus imposing upon any person, obtains credit and thereby fraudulently gets or obtains possession of money or property or obtains the labor or service of another, is guilty of theft. In determining the value of the property obtained, for the purposes of this section, the reasonable and fair market value shall be the test, and in determining the value of services received the contract price shall be the test. If there be no contract price, the reasonable and going wage for the service rendered shall govern. For the purposes of this section, any false and fraudulent representation or pretense made shall be treated as continuing, so as to cover any money, property or service received as a result thereof, and the complaint, information or indictment may charge that the crime was committed on any date during the particular period in question. The hiring of additional employees without advising each of them of every labor claim due and unpaid and every judgment that the employer has been unable to meet shall be prima facie evidence of intent to defraud.

SEC. 2. Section 485 of the Penal Code is hereby amended to read as follows:

485. One who finds lost property under circumstances which give him knowledge of or means of inquiry as to the true owner, and who appropriates such property to his own use, or to the use of another person not entitled thereto, without first making reasonable and just efforts to find the owner and to restore the property to him, is guilty of theft.

Original
section
amended.
Theft of
lost
property.

- SEC. 3. Section 486 of the Penal Code is hereby amended to read as follows: Original section amended.
486. Theft is divided into two degrees, the first of which is termed grand theft; the second, petty theft. Degrees of theft.
- SEC. 4. Section 487 of the Penal Code is hereby amended to read as follows: Stats 1923, p 271, amended.
487. Grand theft is theft committed in either of the following cases: Grand theft defined.
1. When the property taken is of a value exceeding two hundred dollars.
 2. When the property is taken from the person of another.
 3. When the property taken is an automobile, horse, mare, gelding, cow, steer, bull, calf, mule, jack, jenny, sheep, or lamb.
- SEC. 5. Section 488 of the Penal Code is hereby amended to read as follows: Original section amended
488. Theft in other cases is petty theft. Petty theft
- SEC. 6. Section 489 of the Penal Code is hereby amended to read as follows: Original section amended
489. Grand theft is punishable by imprisonment in the state prison for not less than one nor more than ten years. Punishment of grand theft
- SEC. 6. Section 490 of the Penal Code is hereby amended to read as follows: Original section amended
490. Petty theft is punishable by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or both. Punishment of petty theft.
- SEC. 7. A new section is hereby added to the Penal Code to be numbered 490a, to read as follows: New section
- 490a. Wherever any law or statute of this state refers to or mentions larceny, embezzlement, or stealing, said law or statute shall hereafter be read and interpreted as if the word "theft" were substituted therefor. "Theft" to be substituted

CHAPTER 620.

An act to amend sections one thousand two hundred forty-six and one thousand two hundred fifty-two of the Penal Code, to add a new section to the Penal Code to be numbered one thousand two hundred fifty-six, and to repeal sections one thousand two hundred forty-seven, one thousand two hundred forty-seven a, one thousand two hundred forty-seven b, one thousand two hundred forty-seven c, and one thousand two hundred forty-seven d, of the Penal Code, relating to appeals in criminal cases.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

- SECTION 1. Section 1246 of the Penal Code is hereby amended to read as follows: Stats 1909, p 1087, amended.
1246. The record on appeal shall be made up and filed in such time and manner as shall be prescribed in rules to be Record on appeal.

promulgated by the judicial council. Until such rules are promulgated, the time and manner provided by statutes in force on January first, 1927, shall govern.

Code amds.
1880, p. 10,
amended.
Appeals,
setting and
hearing

SEC. 2. Section 1252 of the Penal Code is hereby amended to read as follows:

1252. All appeals in criminal cases shall be set and called for hearing for a date not later than thirty days after the filing of the record in the appellate court, unless said court, for exceptional cause shown, shall grant a continuance. No continuance shall be granted upon stipulation of counsel, and no continuance shall be granted for any longer period than the ends of justice shall require. On an appeal by a defendant, the appellate court shall, in addition to the issues raised by the defendant, consider and pass upon all rulings of the trial court adverse to the state which it may be requested to pass upon by the attorney general.

New section.

SEC. 3. A new section is hereby added to the Penal Code, to be numbered 1256, to read as follows:

District
attorney to
cooperate.

1256. It shall be the duty of the district attorney to cooperate with and assist the attorney general in presenting all criminal matters on appeal.

Repealed.

SEC. 4. Section 1247 of the Penal Code is hereby repealed.

SEC. 5. Section 1247^a of the Penal Code is hereby repealed.

SEC. 6. Section 1247^b of the Penal Code is hereby repealed.

SEC. 7. Section 1247^c of the Penal Code is hereby repealed.

SEC. 8. Section 1247^d of the Penal Code is hereby repealed.

CHAPTER 621.

An act to repeal section one thousand seventy-seven of the Penal Code, relating to challenges to individual jurors in criminal cases.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

Original
section
repealed.

SECTION 1. Section 1077 of the Penal Code is hereby repealed.

CHAPTER 622.

An act to add a new section to the Civil Code to be numbered four hundred ten, relating to foreign corporations.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

New section

SECTION 1. A new section is hereby added to the Civil Code to be numbered 410 and to read as follows:

Corporations
with same or
similar
names.

410. No corporation having the name of an existing corporation formed under the laws of this state or the name of a corporation organized under the laws of another state, terri-

tory, or of a foreign country, which is authorized to transact intrastate business in this state or having a name so similar to that of any such corporation as to tend to deceive, shall be entitled to comply with the provisions of sections 405 and 406 of this code until it obtains an order from a court of competent jurisdiction permanently restraining the other corporation from doing business in this state under such name and unless it files with the secretary of state a copy of such order of court, duly certified by the clerk of said court.

CHAPTER 623.

An act to prevent the unauthorized use and disposition of, and traffic in human bodies, to prescribe the keeping of proper records, to promote medical education and public health by regulating the disposition and utilization of the unclaimed dead, to provide penalties for the violation of this act and to repeal sections three thousand ninety-four and three thousand ninety-five of the Political Code and all other acts or portions of acts in conflict with this act.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

SECTION 1. It shall be the duty of every sheriff, coroner, keeper of a county poorhouse or reformatory, public hospital or asylum, county jail, state prison, or city or county undertaker, or any and all state, county, town and city officers having possession, charge or control of bodies to be buried at public expense, or the legally constituted representatives of any or all of these, to use due diligence to notify the relatives of the deceased and in the absence of a claimant, who will assume the cost of burial at private expense, to notify by telegraph collect, immediately after the lapse of twenty-four hours after death, the state board of health or the duly authorized agent of the same, stating, whenever possible, the name, age, sex and cause of death of any person or persons required to be buried at public expense.

Bodies of
unclaimed
dead

SEC. 2. It is hereby made unlawful for any person or persons except those specifically authorized by law, to hold a post mortem examination on the body of the unclaimed dead without the express permission of the secretary of the state board of health or the duly authorized agent of the same.

Post mortem
examinations.

SEC. 3. The unclaimed dead retained by the state board of health for educational purposes within the state shall be embalmed according to directions, and disposed of subject only to the instructions, of the said board; *provided, however,* that such unclaimed dead shall be held for a period of thirty days by those to whom they may have been assigned for educational purposes, subject to claim and identification by any authenticated relative of the deceased for purposes of burial at private expense.

Embalming
and holding

Use for
instruction
and study.

SEC. 4. The bodies of the unclaimed dead shall be used solely for the purpose of instruction and study in the promotion of medical education and science within the State of California, and any person or persons found guilty of the unlawful disposition, use or sale of the body or bodies of the unclaimed dead or violating any of the provisions of this act shall be guilty of misdemeanor.

Medical
history.

SEC. 5. It shall be the duty of those in charge of all public institutions in which the deceased was an inmate to transmit upon request, to the secretary of the state board of health or to any person designated by said board, a brief medical history of the unclaimed dead for purpose of identification and permanent record, which records shall be open to inspection by any state or county official or prosecuting attorney. All persons receiving the unclaimed dead for educational purposes within the State of California shall bear all reasonable expense incurred in the preservation and transportation of the dead and shall keep a permanent record of bodies received, giving the identification number, the name, age, sex, nationality and race, if possible, together with the place of last residence of the deceased and the source and disposition—with dates—of the body.

Expense and
record

Bodies not
to be used
for scientific
purposes.

SEC. 6. Whenever the duly authorized officer or agent of the state board of health deems a body required to be buried at public expense, unsuitable or unnecessary for scientific purposes, he shall notify the official custodian of such body or bodies, in order that it may be cremated, or buried at public expense as required by law. No warrants for the payment of the expenses of the burial of any person whose body is required to be buried at public expense, shall be drawn or paid except upon the certificate of the duly authorized officer or agent of the state board of health, stating that such body is unnecessary or unfit for anatomical purposes, or that the body is that of a soldier, sailor or marine. Whenever, through the failure of any person to duly notify, or to promptly deliver, the body of a deceased indigent as required by this act, such body shall become unfit for scientific or educational purposes, the duly authorized officer or agent of said state board of health shall so certify and such body shall be buried at the expense of those guilty of noncompliance with such provision of this act.

Obtaining
material in
the recent
state.

SEC. 7. All persons authorized by law with the performance of post mortem examinations are hereby authorized and directed to permit with the consent of relatives or in the absence of such relatives, with the consent of the state board of health or the duly authorized agent of the same, any representative of the anatomical or pathological departments of properly incorporated medical or osteopathic departments, schools or colleges to obtain at the time of necropsy or inquest, such material in the recent state as may be needed for scientific purposes, if said material is not required for the legal purposes of the state.

SEC. 8. Sections 3094 and 3095 of the Political Code, and all other acts or portions of acts in conflict with this act, are hereby repealed. Repealed.

CHAPTER 624.

An act to add a new section to the Political Code to be numbered four thousand forty-one authorizing counties to provide and maintain buildings, halls, meeting places and supply stations for the use of the United States war department and the navy department or either of them.

[Approved by the Governor May 18, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section to be numbered 4041a is hereby added to the Political Code to read as follows: New section.

4041a. Any county may acquire, provide and maintain buildings, halls, meeting places and supply stations for the use of the United States war department and the navy department, or either of them, and for such purpose the board of supervisors of any county shall have jurisdiction and power: Army and navy buildings.

(a) To purchase, receive by donation, take by condemnation, lease or otherwise acquire real or personal property, with or without improvements, necessary for such buildings, halls, meeting places and supply stations, and to erect such buildings, halls, meeting places and supply stations thereon and to improve, preserve, take care of, manage and control all such property.

(b) To purchase, construct or lease, build or rebuild, furnish or refurnish, or repair any and all such buildings, and to provide for the proper maintenance of the same.

(c) To enter into agreements on behalf of such county with the secretary of the war department and the secretary of the navy department of the United States, or either of them, for the use and occupancy of such buildings.

(d) To establish a fund or funds for the purposes hereof, to levy a special tax for such purposes, and to incur in the manner provided by law a bonded indebtedness on behalf of the county for any of such purposes.

CHAPTER 625.

An act to amend section four thousand two hundred eighty of the Political Code, relating to the compensation of officers in counties of the fifty-first class.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

Stats 1925,
p 983,
amended.
Counties of
51st class:
officers and
employees

SECTION 1. Section 4280 of the Political Code is hereby amended to read as follows:

4280. In counties of the fifty-first class the county and township officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

Clerk.

1. The county clerk, one thousand eight hundred dollars per annum and such fees as he may be by law allowed to retain; *provided*, that in counties of this class there shall be one deputy clerk who shall be appointed by the county clerk, to serve such times as may be required by the county clerk, and who shall receive a salary of fifty dollars per month, but not to exceed six hundred dollars in any one calendar year, which salary shall be paid by said county in the same manner and out of the same fund as the salary of the county clerk; *and provided*, that in any year when a new register of voters is required by law said county clerk may appoint such number of deputy clerks as may be necessary for the convenience of registration of voters, each of said deputies to receive the sum of ten cents per name for each elector registered by him whose name appears on the great register at the November election. Said sum to be paid out of the general county fund, on the presentation and filing with the board of supervisors of said county a duly verified claim therefor approved by the county clerk.

Sheriff.

2. The sheriff, two thousand four hundred dollars per annum, and the fees or commissions for the services of all papers issued by any court of the state outside of his county, and his actual and necessary traveling expenses while executing a warrant outside of his county issued by a magistrate or court within his county and his reasonable and necessary expenses incurred in the performance of the duties of his office in criminal matters, said expenses to be allowed by the board of supervisors as other county charges are allowed; *provided*, that in counties of this class there shall be, and there is hereby allowed to the sheriff one deputy sheriff who shall be appointed by the sheriff, and who shall receive a salary of one thousand two hundred dollars per annum, which shall be paid by the county in equal monthly installments at the same time and in the same manner, and out of the same funds as the salary of the sheriff is paid.

3. The recorder, one thousand six hundred dollars per annum; *provided*, that when the amount of fees collected by said recorder in any month shall exceed the sum of one hundred dollars, the recorder may receive and retain for his own use, in addition to his salary, one-half of all fees in excess of one hundred dollars collected by him in such month. Recorder.

4. The auditor, one thousand eight hundred dollars per annum and the fees or commissions now or hereafter allowed by law. Auditor.

5. The treasurer, nine hundred dollars per annum and the fees or commissions now or hereafter allowed by law. Treasurer.

6. The tax collector, one thousand five hundred dollars per annum and the fees or commissions now or hereafter allowed by law. Tax collector.

7. The assessor, one thousand eight hundred dollars per annum and the fees or commissions now or hereafter allowed by law; *provided*, he shall also have two deputies for a period of four months in each year, beginning March first and ending June thirtieth, at a salary of one hundred dollars per month each; said deputies to be appointed by the assessor, and the salaries of which shall be paid by said county at the same time and in the same manner, and out of the same funds as the salary of the assessor; *provided*, that the board of supervisors shall allow the traveling expenses of the assessor and his deputies, necessarily incurred in the performance of the duties of said office, not to exceed the sum of three hundred dollars per year, to be allowed and paid as other claims against the county are allowed and paid. Assessor

8. The district attorney, one thousand five hundred dollars per annum. Attorney.

9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner.

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

11. The superintendent of schools, two thousand two hundred dollars per annum; *provided*, that he shall have one deputy for a period of two months in each year, during the time selected by such officer to assist in the office when the superintendent is visiting the schools of the county, at a salary of one hundred dollars per month, which office is hereby created, and the salary of which deputy shall be paid by the county at the same time and in the same manner, and out of the same funds as that of the superintendent of schools; *provided*, that the board of supervisors shall allow the traveling expenses of the superintendent of schools necessarily incurred in the performance of said office, not to exceed the sum of three hundred dollars per year, to be allowed and paid as other claims against the county are allowed and paid. Supt of schools.

12. The county surveyor, the sum of ten dollars per day for all work performed for the county; *provided*, that in counties of the fifty-first class the board of supervisors shall provide the county surveyor with a suitable office, office furniture, heat, Surveyor.

light and care for the same, office and record books and other necessary material, and also all necessary expenses and transportation on work performed in the field.

Classifica-
tion of
townships.

13. For the purpose of fixing the compensation of justices of the peace according to their duties, townships of this class of counties are hereby classified according to population. The population shall be determined by the board of supervisors upon the enactment of this act, and also at the time of formation of any new township or townships. The board may determine such population by multiplying by three the number of registered voters at the last general election next preceding the date of such determination.

Justices.

(a) In townships having a population of five thousand five hundred and more, justices of the peace shall receive the sum of three hundred dollars per annum, payable monthly.

(b) In townships having a population of one thousand or over, the sum of three hundred dollars per annum, payable monthly.

(c) In townships having a population of less than one thousand the sum of two hundred forty dollars per annum, payable monthly; *provided*, that in case of the county having but one township, the justice of the peace therein shall receive a salary of one thousand dollars, and may sit in all matters pertaining to his office or jurisdiction in the several localities of said township, according as public convenience may require.

The above-named salary shall be in full compensation for all services of said justices of the peace in criminal and civil cases, and when acting as coroner said justices of the peace shall be allowed and paid actual expenses, which expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury. The above compensation shall be in lieu of all other fees received for services and said fees shall be accounted for to the auditor and paid into the county treasury.

The salary of the justices of the peace as herein provided for shall be paid in the same manner, at the same time, and out of the same fund as county officers are paid.

For the purpose of this subdivision the population of the several judicial townships is hereby determined to be the population of said townships as shown by the federal census taken in the year A. D. 1920.

Constables

14. Constables, each the sum of three hundred dollars per annum, which shall be paid in the manner and the same time and out of the same funds as county officers are now paid. The above compensation shall be in lieu of all other fees received for services, and said fees shall be accounted for to the auditor and paid into the county treasury.

Supervisors

15. Each member of the board of supervisors shall be allowed the sum of seventy-five dollars for each meeting of said board; *provided*, that no member shall be allowed to receive pay for more than twelve meetings during any one year; and the further sum of twenty cents per mile, mileage in traveling to

and from his residence to the county seat; and for his services as road commissioner, he shall receive twenty cents per mile for all distances actually traveled by him in the performance of his duties within the county; *provided*, he shall not in any one year receive more than six hundred dollars as such road commissioner.

16. Each member of the board of education excepting the superintendent of schools shall receive five dollars per day as compensation for his services when in actual attendance upon said board and mileage at the rate of ten cents per mile, one way only, from his residence to the place of meeting of said board. Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools. Claims for such service and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named, and in the same manner as the claims against the county are allowed. The compensation of the members of the board of education herein provided for, is not in addition to that provided in section 1770 of this code. Board of education

17. In counties of this class, for attending as a grand juror or as a trial juror in a criminal case in the superior court, for each day's attendance, the fee allowed by law. Such juror shall receive his actual and necessary expense in attending as a juror as shall be determined by the court. Jurors.

18. In counties of this class witnesses shall be allowed for each day's actual attendance, when legally required to attend upon the superior court in criminal cases, the fee allowed by law and his actual and necessary expenses as shall be determined by the court. Witnesses

The Legislature hereby declares that the provisions of this act are not intended to and do not increase or diminish the compensation of the officers herein mentioned, but are intended to change the same to a fixed salary basis wherever a salary is provided for compensation of such officers. Intent of act.

The provisions of this act shall take effect ninety days after the final adjournment of the session of the Legislature which passed this act and said provisions shall be in force and apply to the present incumbent. Effective.

If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered. Constitutionality.

All acts and parts of acts in conflict with this act are hereby repealed. Repealed.

CHAPTER 626.

An act to amend section six hundred sixty-nine of the Penal Code, relating to terms of imprisonment.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

Original
section
amended.
Terms,
SUCCESSIVE
and con-
current

SECTION 1. Section 669 of the Penal Code is hereby amended to read as follows:

669. When any person is convicted of two or more crimes the imprisonment to which he is sentenced upon the second or other subsequent conviction must commence at the termination of the first term of imprisonment to which he shall be adjudged, or at the termination of the second or other subsequent term of imprisonment, as the case may be; *provided*, that in exceptional cases the judgment, in the discretion of the court, may direct that such terms of imprisonment, or any of them, shall run concurrently.

CHAPTER 627.

An act to amend section four thousand two hundred fifty-three of the Political Code, relating to the salaries of the county officers of counties of the twenty-fourth class.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

Stats 1923,
p 918,
amended.
Counties of
24th class.
officers and
employees

SECTION 1. Section 4253 of the Political Code is hereby amended to read as follows:

4253. In counties of the twenty-fourth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, fees and expenses, to wit:

Clerk

1. The county clerk, three thousand dollars per annum; *provided*, that the county clerk shall have the power to appoint two deputies at a salary of two thousand four hundred dollars each per annum, one deputy at a salary of one thousand five hundred dollars per annum, and also one deputy to serve only during such years as general elections may be held, at a salary of one thousand eight hundred dollars per annum, such deputies to be paid at the same time and in the same manner as other county officers are paid; *provided, further*, that the county clerk shall receive for compiling the great register, and for services in connection with elections, the additional sum of one thousand two hundred dollars per annum; *and provided, further*, that he shall also receive and retain, for his own use and benefit, all such fees and commissions as now are, or which hereafter may be, allowed by law.

2. The sheriff shall receive, as full compensation for all ^{Sheriff.} services required of him by law, the sum of four thousand two hundred dollars per annum; *provided*, that the sheriff shall be allowed the amount of the actual and necessary expenses incurred by him in the performance of his official duties; *and provided*, that there shall be, and there hereby is, allowed to the sheriff three deputies at a salary of two thousand four hundred dollars each per annum, and one deputy at a salary of one thousand eight hundred dollars per annum. The deputies herein provided for shall be appointed by the sheriff, and shall be paid out of the county treasury in equal monthly installments, and in the same manner and at the same time as other county officials are paid. The sheriff shall pay into the county treasury at the close of each month all fees, mileage and per diems received by him as sheriff during the month, accompanied by a statement of the sources from which the same were received. It is hereby found as a fact that the changes specified and provided for in this section in respect to the salaries do not effect an increase in the compensation of the sheriff.

3. The recorder, two thousand four hundred dollars per ^{Recorder} annum; *provided*, that there shall be, and there hereby is, allowed to the recorder one chief deputy, at a salary of one thousand eight hundred dollars per annum, and one additional deputy at a salary of one thousand five hundred dollars per annum; *provided, further*, that the recorder may appoint such additional deputies as may be necessary to act as copyists, and who shall receive, as compensation for such services, the sum of six cents per folio for recording instruments or notices of all kinds, except maps and plats, and for making copies of any record; *and provided*, that the recorder shall pay into the county treasury all fees received by him in his official capacity from whatsoever source the same may be derived. The deputies herein provided for shall be appointed by the recorder, and shall be paid at the same time and in the same manner as other county officials are paid.

Provided, however, that if the photostat system of recordation be installed and put into effect in the said recorder's office, there shall be allowed to the recorder, to be appointed by him, the following deputies only, to be paid at the time and in the manner as other county officials are paid, to wit: One chief deputy, at a salary of one thousand eight hundred dollars per annum; one indexing deputy at a salary of one thousand five hundred dollars per annum; and three additional deputies, to serve as copyists and operators, at a salary of one thousand five hundred dollars each per annum.

4. The county auditor, two thousand four hundred dollars ^{Auditor} per annum; *provided*, that there shall be allowed to the auditor, to be appointed by him, one chief deputy, at a salary of two thousand one hundred dollars per annum; one deputy at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum, and one deputy at a salary of one thousand three

hundred eighty dollars per annum; *provided, further*, that the auditor may appoint or employ such additional assistants as he may require, the aggregate compensation therefor not to exceed the sum of three hundred dollars per year; the said deputies and assistants to be paid at the same time and in the same manner as other county officials are paid.

Provided, further, that in the event the county auditor shall serve as, and perform the duties of, the county purchasing agent, he shall receive, as full compensation for such services, the sum of nine hundred dollars per annum.

Treasurer.

5. The treasurer, three thousand dollars per annum; *provided*, that the treasurer shall have the power to appoint one deputy, at a salary of one thousand five hundred dollars per annum, payable at the same time and in the same manner as other county officials are paid; *and provided*, that the treasurer shall receive and retain for his own use and benefit, all such fees and commissions as now are, or hereafter may be, allowed by law.

Tax collector.

6. The tax collector, two thousand four hundred dollars per annum; *provided*, that there shall be allowed to the tax collector one deputy at a salary of one thousand five hundred dollars per annum, and two additional deputies, to serve for periods of five months and three months, respectively, during each year, at a salary of one hundred dollars each per month. The deputies herein provided for shall be appointed by the tax collector, and shall be paid at the same time and in the same manner as other county officials are paid.

Assessor

7. The assessor, four thousand two hundred dollars per annum; *provided*, that there shall be allowed to the assessor one chief deputy, at a salary of two thousand one hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum; one assistant for a period of three months of each year, at a salary of one hundred dollars per month; four field deputy assessors, for not to exceed three months of each year, and four additional field deputy assessors for not to exceed two months of each year, at a salary of two hundred dollars each per month. The deputies and assistants provided for herein shall be appointed by the assessor, and shall be paid at the same time and in the same manner as other county officials are paid.

Provided, that in the event the assessor shall engage in actual field work in assessing property he shall be allowed the amount of his actual and necessary traveling expenses incurred in the discharge of his official duties, but not to exceed the sum of six hundred dollars in any one year; *and provided*, that the assessor shall deposit in the county treasury all fees by him received, from whatsoever source the same may be derived.

Attorney.

8. The district attorney, two thousand four hundred dollars per annum; *provided*, that the district attorney shall be allowed the amount of his actual and necessary traveling and other expenses, when incurred in connection with the prosecution of criminals, within the county; *provided, further*, that

the district attorney shall have the power to appoint two deputies, one of whom shall receive a salary of one thousand eight hundred dollars per annum, and the other a salary of one thousand five hundred dollars per annum, the salary of each of such deputies to be paid at the same time and in the same manner as that of other county officers.

9. The coroner, one thousand five hundred dollars per annum; *provided*, that the coroner shall be allowed the amount of his actual and necessary expenses when in the discharge of his official duties outside of the county seat, including mileage at the rate of twenty-five cents for each mile necessarily traveled in going to each of such places where he may hold an inquest, together with an allowance of the sum of two dollars for summoning a jury. The coroner shall also be allowed two deputies, who shall act without compensation, except that they shall be allowed the amount of their traveling expenses for necessary travel outside of the county seat in the performance of their duties. The salary and allowances herein provided for shall be compensation in full for all services rendered by the coroner; *provided, however*, that when the coroner shall act as or in the place of the sheriff he shall be allowed the same fees that are allowed to the sheriff for like services. Coroner

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

11. The superintendent of schools, two thousand seven hundred dollars per annum, together with the amount of his actual traveling expenses when visiting schools of the county; *provided*, that the superintendent of schools shall have the power to appoint two deputies, one of whom shall receive a salary of one thousand eight hundred dollars per annum, and the other a salary of one thousand three hundred eighty dollars per annum, the salary of each of such deputies to be paid at the same time and in the same manner as that of other county officers. Supt of
schools.

12. The surveyor, one thousand eight hundred dollars per annum for all work performed for the county, and in addition thereto he shall be allowed his actual and necessary traveling and other expenses in connection with field work, and the cost of preparing maps, plats, block books and tracings for the assessor when directed by him to do so; *provided, however*, that if the county surveyor shall be appointed superintendent of permanent highways in the county, constructed under bond issue, pursuant to any statute in this state providing for the appointment of such superintendent, the surveyor shall receive the additional sum of three thousand dollars per annum as compensation for his services as such superintendent of permanent highways. Surveyor.

13. The justices of the peace shall receive the following monthly salaries, respectively, to be paid each month as the salaries of the county officers are paid, which shall be in full for all services rendered by them: (1) In each township having a population of five thousand or more, the justice of the Justices.

peace shall receive a salary of one hundred fifty dollars per month; *provided, however*, that in each case where there are two or more justices of the peace in any such township, or where two or more offices of justice of the peace may be hereafter created in any such township, the salary of each of such justices of the peace shall be one hundred dollars each per month; (2) in each township having a population of two thousand five hundred, but less than five thousand, sixty-five dollars per month; (3) in each township having a population of one thousand five hundred, but less than two thousand five hundred, sixty dollars per month; (4) in each township having a population of one thousand, but less than one thousand five hundred, forty-five dollars per month; (5) in each township having a population of five hundred, but less than one thousand, thirty-five dollars per month; (6) and in each township having a population of less than five hundred, thirty dollars per month. Each justice of the peace shall pay into the county treasury each month all fees and fines collected by him; *and provided, further*, that the county board of supervisors may, in its discretion, furnish and provide suitable offices for the transaction of the business of any one or more of the justices of the peace.

Constables

14. The constables shall receive the following monthly salaries, respectively, to be paid as the salaries of the county officers are paid, which shall be payment in full for all services rendered by them in all criminal cases or criminal matters: (1) In each township having a population of five thousand or more, one hundred dollars per month; (2) in each township having a population of two thousand five hundred, but less than five thousand, fifty dollars per month; (3) in each township having a population of one thousand five hundred, but less than two thousand five hundred, forty-five dollars per month; (4) in each township having a population of one thousand, but less than one thousand five hundred, thirty-five dollars per month; (5) in each township having a population of five hundred, but less than one thousand, thirty dollars per month; (6) and in each township having a population of less than five hundred, twenty dollars per month; *provided*, that, in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for necessary traveling expenses in his own district, for the service of a warrant of arrest, or any other process in a criminal case, or other criminal matters, when such service is in fact made, both going and returning, ten cents per mile; for each mile traveled out of his county, both going and returning from the place of arrest in the service of process, five cents per mile; and for transporting any person to the county jail, ten cents per mile each way. In addition to the monthly salary allowed him herein, each constable shall receive for his own use such fees in civil cases as now are or hereafter may be specified by law.

Supervisors.

15. The supervisors, the sum of one thousand two hundred dollars each per annum, and twenty cents per mile for all

distances actually traveled in the performance of his duty as road commissioner, not to exceed two hundred dollars per annum, together with mileage, at the rate of twenty cents per mile, in going only, from his place of residence to the county seat at each session of the board.

16. In each county of the twenty-fourth class, the official ^{Reporter} phonographic reporter of the superior court shall receive, for his services in reporting testimony and proceedings in court, and for the transcription thereof, such compensation and fees as now are, or hereafter may be, prescribed by law; *provided, however,* that when the court reporter is on duty in chambers in assisting the judge in his work, or is otherwise engaged therein, although not engaged in reporting testimony or proceedings in the court, he shall be allowed, and shall receive, the sum of ten dollars per day.

17. The county librarian shall receive a salary of two thousand one hundred dollars per annum. ^{Librarian}

18. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several townships shall be ascertained and determined by the board of supervisors by multiplying by three and one-half the vote cast for presidential electors in each township at the next preceding election therefor. ^{Population of townships.}

CHAPTER 628.

An act to add a new section to the Penal Code, to be numbered one thousand five hundred six, relating to appeals in habeas corpus cases.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section to be numbered 1506, is hereby ^{New section.} added to the Penal Code, to read as follows:

1506. An appeal may be taken to the district court of ^{Appeals in habeas corpus cases} appeal by the people from a final order of a superior court made upon the return of a writ of habeas corpus discharging a defendant after his conviction, in all criminal cases prosecuted by indictment or information in a court of record, excepting criminal cases where judgment of death has been rendered, and in such cases to the supreme court; and in all criminal cases prosecuted by indictment or information in a court of record, where upon appeal or original application after conviction of the defendant an application for a writ of habeas corpus has been heard and determined in a district court of appeal, either the defendant or the people may apply for a hearing in the supreme court. Such appeal shall be taken and such application for hearing in the supreme court shall be made in accordance with rules to be laid down by the judicial council. If the people appeal, or petition for hearing in

either the district court of appeal or the supreme court, the defendant shall not, in any case in which the judgment of conviction has become final, be discharged from custody pending final decision upon the appeal or petition for hearing and he must, in such cases, be retaken into custody if he has been discharged; *provided, however*, that in bailable cases the defendant may be admitted to bail, in the discretion of the judge, pending decision of the appeal or petition for hearing.

CHAPTER 629.

An act to amend section one thousand two hundred forty-three of the Penal Code, relating to stay of execution pending appeal in criminal cases.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

Code amdts.
1873-74
p. 450,
amended.
Stay of
execution
pending
appeal

SECTION 1. Section 1243 of the Penal Code is hereby amended to read as follows:

1243. An appeal to the supreme court or to a district court of appeal from a judgment of conviction stays the execution of the judgment in all cases where sentence of death has been imposed, but does not stay the execution of the judgment in any other case unless the trial court shall so order. The granting or refusal of such order shall rest in the sole discretion of the trial court. If such order is made, the clerk of the court shall issue a certificate stating that such order has been made. In cases where the defendant has been sentenced to death or life imprisonment he shall be confined in a state prison pending the decision upon his appeal.

CHAPTER 630.

An act to amend sections one thousand seventy, one thousand eighty-nine, and one thousand ninety-eight of the Penal Code, relating to number of peremptory challenges in criminal cases.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1070 of the Penal Code is hereby amended to read as follows:

Code amdts.
1873-74,
p. 441,
amended.
Number of
peremptory
challenges.

1070. If the offense charged be punishable with death, or with imprisonment in the state prison for life, the defendant is entitled to twenty and the state to twenty peremptory challenges. On a trial for any other offense, the defendant is entitled to ten and the state to ten peremptory challenges.

SEC. 2. Section 1089 of the Penal Code is hereby amended to read as follows:

Stats. 1895,
p. 279,
amended.
Alternate
jurors.

1089. Whenever, in the opinion of a judge of a superior court about to try a defendant against whom has been filed any indictment or information for a felony, the trial is likely to be a protracted one, the court may cause an entry to that effect to be made in the minutes of the court, and thereupon, immediately after the jury is impaneled and sworn, the court may direct the calling of one or two additional jurors, in its discretion, to be known as "alternate jurors."

Such jurors must be drawn from the same source, and in the same manner, and have the same qualifications as the jurors already sworn, and be subject to the same examination and challenges; *provided*, that the prosecution and the defendant shall each be entitled to one peremptory challenge to such alternate jurors.

Such alternate jurors shall be seated near, with equal power and facilities for seeking and hearing the proceedings in the case, and shall take the same oath as the jurors already selected, and must attend at all times upon the trial of the cause in company with the other jurors; and for a failure so to do are liable to be punished for contempt.

They shall obey the orders of and be bound by the admonition of the court, upon each adjournment of the court; but if the regular jurors are ordered to be kept in the custody of the sheriff during the trial of the cause, such alternate jurors shall also be kept in confinement with the other jurors; and except, as hereinafter provided, shall be discharged upon the final submission of the case to the jury.

If, before the final submission of the case, a juror die, or become ill, so as to be unable to perform his duty, the court may order him to be discharged and draw the name of an alternate, who shall then take his place in the jury box, and be subject to the same rules and regulations as though he had been selected as one of the original jurors.

SEC. 3. Section 1098 of the Penal Code is hereby amended to read as follows:

Stats. 1921,
p. 90,
amended.

1098. When two or more defendants are jointly charged with any public offense, whether felony or misdemeanor, they must be tried jointly, unless the court order separate trials. In ordering separate trials, the court in its discretion may order a separate trial as to one or more defendants, and a joint trial as to the others, or may order any number of the defendants to be tried at one trial, and any number of the others at different trials, or may order a separate trial for each defendant. If the defendants are tried jointly, the state and the defendants shall be entitled to the number of challenges prescribed by section 1070 of this code, which challenges on the part of the defendants must be exercised jointly. Each defendant shall also be entitled to five additional challenges which may be exercised separately; the state shall also be

Trial of
defendants
jointly
charged with
crime.

entitled to additional challenges equal to the number of all the additional separate challenges allowed the defendants.

CHAPTER 631.

An act to add a new section to the Penal Code, to be numbered nine hundred sixty-nine a, relating to pleading prior convictions in indictments or informations and providing for the filing of supplemental information charging prior conviction which may have been omitted in original indictment or information.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

New section

SECTION 1. A new section is hereby added to the Penal Code, to be numbered 969a, to read as follows:

Adding
charge of
prior
conviction

969a. Whenever it shall be discovered that a pending indictment or information does not charge all prior felonies of which the defendant has been convicted either in this state or elsewhere, said indictment or information shall be forthwith amended to charge such prior conviction or convictions, and such amendment may and shall be made upon order of the court, and no action of the grand jury (in the case of an indictment) shall be necessary. Defendant shall promptly be arraigned on such information or indictment as amended and be required to plead thereto. Whenever after sentence, and before the sentence has expired, it shall be discovered that the indictment or information on which defendant was convicted did not charge all felonies of which defendant had theretofore been convicted, either in this state or elsewhere, it shall be the duty of the district attorney of the county wherein defendant was sentenced to cause to be filed a supplemental information setting up such prior conviction or convictions. Said supplemental information may be filed either in the county from which defendant was sentenced or in the county in which he is then confined. Defendant shall thereupon be arraigned upon such supplemental information and be required to plead thereto. In whichever county the supplemental information is filed, the district attorney of the county from which defendant was sentenced shall sign the same and prosecute the proceedings. If defendant admit the prior conviction or convictions charged, the court shall resentence him to the sentence which would have been legal if such prior conviction or convictions had been admitted at the time of defendant's conviction, and such resentence shall operate as of the date of the original sentence. If defendant deny the prior conviction or convictions so charged, the issue shall be tried by a jury, or by the court if a jury be waived. If the issue be found in defendant's favor, such supplemental information

shall be dismissed. If the issue be found against defendant, the court shall resentence defendant to the sentence which would have been legal if such prior conviction or convictions had been admitted at the time of defendant's conviction, and such resentence shall operate as of the date of the original sentence.

CHAPTER 632.

An act to amend section nine hundred sixty of the Penal Code, relating to the sufficiency of indictment, information, or complaint in criminal cases.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 960 of the Penal Code is hereby amended to read as follows:

Code amds.
1880, p. 14,
amended.

960. No indictment, information, or complaint is insufficient, nor can the trial, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in matter of form which does not prejudice a substantial right of the defendant upon the merits.

Unprejudicial
defects and
imperfections

CHAPTER 633.

An act to amend section six hundred sixty-eight of the Penal Code, relating to added punishment of criminals because of prior convictions outside of this state.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 668 of the Penal Code is hereby amended to read as follows:

Original
section
amended.

668. Every person who has been convicted in any other state, government, or country, of an offense which, if committed within this state, would be punishable by the laws of this state by imprisonment in the state prison, is punishable for any subsequent crime committed within this state in the manner prescribed in sections 644, 666 and 667, and to the same extent as if such prior conviction had taken place in a court of this state.

Foreign
conviction of
former
offense

CHAPTER 634.

An act to amend section six hundred forty-four of the Penal Code, relating to the punishment of habitual criminals.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

Stats. 1923,
p. 237,
amended.
Habitual
criminals.

SECTION 1. Section 644 of the Penal Code is hereby amended to read as follows:

644. Every person convicted in this state of any felony, who shall have been previously twice convicted upon charges separately brought and tried, either in this state or elsewhere, of the crime of robbery, burglary, burglary with explosives, rape with force or violence, arson, murder, assault with intent to commit murder, grand theft, bribery of a public official, perjury, subornation of perjury, train wrecking, feloniously receiving stolen goods, felonious assault with a deadly weapon, or any of them, shall be adjudged an habitual criminal and shall be punished by imprisonment in the state prison for life and shall not be eligible for release on parole until he shall have served a minimum of at least twelve years. Every person convicted in this state of any felony who shall have been previously three times convicted, either in this state or elsewhere, of any felony, shall be punished by imprisonment in the state prison for not less than life and shall not be eligible to parole. Nothing in this act shall abrogate or affect the punishment by death in any and all crimes now or hereafter inflicting such punishment of death.

CHAPTER 635.

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

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

Stats. 1923,
p. 80,
amended.
Width of
highways.

SECTION 1. Section 2620 of the Political Code is hereby amended to read as follows:

2620. Width of highways. The width of all public highways, except state highways, bridges, alleys, and lanes, and trails, shall be at least forty feet. The width of all state highways or all roads, avenues or ways under the control or supervision of the California highway commission, shall be at least eighty feet. The width of all private highways and by-roads, except bridges, shall be at least twenty feet; *provided, however*, that nothing in this act shall be so construed as to increase or diminish the width of either kind of highways already established or used as such. Where it shall

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

Reconstruction of county roads.

CHAPTER 636.

An act providing for the investigation by the California highway commission of the operation of toll bridges in California and any matters connected therewith, and for the submission of a report thereon to the forty-eighth session of the Legislature embodying recommendations with reference to the taking over of any existing bridge or bridges by the state with a plan for financing acquisition of same and the amortization of the costs by tolls or the construction of toll bridges and any other pertinent matters relating to the same problem.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

SECTION 1. The California highway commission shall investigate any existing or contemplated toll bridges operated as connecting links of the state highway system and shall make a report to the Legislature at the forty-eighth session embodying recommendations with reference to taking over any or all existing privately owned or operated toll bridges by the State of California, with a plan for financing the acquisition of same and amortization of the cost of such acquisition by tolls; such bridge or bridges then to be free of tolls and be made a part of the state highway system; or make recommendations as to the construction of bridges, and any pertinent matter relating to the problem.

Toll bridge investigation.

SEC. 2. The said commission is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and subjects hereinbefore enumerated or recited, and to that end may employ all necessary clerical and legal assistance, and the said commission

Powers of commission

is hereby authorized and empowered to summon witnesses, require the production of persons, books, accounts, agreements, documents, records and papers of every kind, to issue subpoenas, and to take all necessary means to compel the attendance of witnesses and procure testimony; and the members of said commission are, and each of them is hereby empowered to administer oaths. Subpoenas and all orders or other processes which may be issued by the commission may be served by any peace officer of the state.

Expenditures SEC. 3. All expenditures by the commission in carrying out the purposes of this act shall be paid out of the appropriations or funds available for the support of the California highway commission upon claims presented and signed by the chairman of the commission in accordance with law, but all such expenditures of the commission shall not exceed the sum of five thousand dollars.

CHAPTER 637.

An act fixing the price, terms and conditions of sale at which jute goods shall be sold by the state, and providing for prosecution of and punishment of offenses under the same.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

**Jute goods,
sale price.**

SECTION 1. It shall be the duty of the state board of prison directors from time to time to fix the price, and to give public notice of the same, at which jute goods shall be sold by the state, which price so fixed shall not be more than one cent per bag in excess of the net cost of producing the same exclusive of the labor of prisoners and guards. Notice of the price fixed shall be given by publication in at least three newspapers of general circulation, printed and published as follows, to wit: one in Sacramento valley, one in San Joaquin valley and one in the Salinas valley.

**Affidavits
accompanying
orders**

SEC. 2. All orders for jute goods filed with the state board of prison directors must be accompanied by an affidavit, subscribed and sworn to before an officer authorized to administer oaths, setting forth the name, residence, post-office address and occupation of the applicant; that the amount of goods specified in the order is for the applicant's individual and personal use, and that he has not contracted for or agreed to contract for the sale of any portion thereof to any person or persons whatsoever.

**False
affidavits.**

SEC. 3. Any person who shall falsely or fraudulently make such affidavit, or who shall falsely or fraudulently procure jute bags under the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than two hundred dollars.

SEC. 4. The board of prison directors shall keep at San Quentin prison a book open at all times to public inspection in which shall be entered the number of jute bags, the amount of jute goods manufactured each year, and also the name of each purchaser, his post-office address, his occupation, number of jute bags or jute goods purchased by him, and the price paid by him therefor, and the date of sale and the place to which shipment is made. Record at
San Quentin

SEC. 5. All acts and part of acts in conflict with this act are hereby repealed. Repealed

CHAPTER 638.

An act to amend section nineteen x sixteen of the "juvenile court law," approved June 5, 1915, as amended, relating to the salaries of probation officers in counties of the sixteenth class and providing an additional assistant probation officer in counties of said class.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 19x16 of the "juvenile court law," approved June 5, 1915, as amended, is hereby amended to read as follows: Stats. 1921,
p. 862,
amended.

Sec. 19x16. In counties of the sixteenth class there shall be one probation officer whose salary shall be two hundred twenty-five dollars per month, one assistant probation officer whose salary shall be one hundred fifty dollars per month, and an additional assistant probation officer, on a part-time basis, whose salary shall be seventy-four and ninety-nine hundredths dollars per month. Counties of
16th class:
probation
officer.

CHAPTER 639.

An act to amend sections nine and ten of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their duties and powers and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereto and also to repeal all other acts or parts of acts in conflict with this act," approved June 2, 1913, as amended,

relating to certificates licensing the practice of medicine, drugless healing and chiroprody.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

Stats 1923,
p 619,
amended.

SECTION 1. Section 9 of an act entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their duties and powers and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereto and also to repeal all other acts or parts of acts in conflict with this act," approved June 2, 1913, as amended, is hereby amended to read as follows:

Applicants
must file
testimonials,
diplomas,
etc.

Sec. 9. Every applicant must file with the board, at least two weeks prior to the regular meeting thereof, satisfactory testimonials of good moral character, and a diploma or diplomas issued by some legally chartered school or schools approved by the board, the requirements of which school or schools shall have been at the time of granting such diploma or diplomas in no degree less than those required under this act, or satisfactory evidence of having possessed such diploma or diplomas, and must file an affidavit stating that he is the person named in said diploma or diplomas, and that he is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination without fraud or misrepresentation; *provided*, that in addition thereto, each applicant for a "physician and surgeon certificate" must show that he has attended four courses of study, each such course to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously, or consecutively; *provided, further*, that an applicant for a "drugless practitioner certificate" must show that he has attended two courses of study, each such course to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously or consecutively; *provided, further*, than an applicant for a certificate to practice chiroprody must show that he has attended two courses of study or prescribed work covering at least two thousand hours, each of said hours not including the time consumed by examinations or tests, to have been of not less than fifty consecutive minutes and each such course to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously or consecutively; that not more than eight hours work is to be credited to any student in any one day of twenty-four hours; and that

at least eleven months shall have intervened between the beginning of any course and the beginning of the preceding course; *provided, further*, that an applicant for a certificate to practice midwifery must show that the applicant has attended a one-year course in a hospital recognized as reputable by the board, and that a course of instruction in anatomy, physiology, obstetrics and hygiene and sanitation as set forth in section 10 hereof has been taken, covering a period of one year; *provided, further*, that in lieu thereof, an applicant who can submit satisfactory proof of the possession of a diploma from a recognized reputable hospital, and who in addition thereto has attended a course of instruction in the subjects enumerated in section 10 hereof and satisfactory proof that such instruction has been taken covering a period of at least three months; *and provided, further*, that in lieu thereof an applicant may present proof satisfactory to the board that the applicant has taken a course of instruction with the minimum requirements as designated in section 10 of any school or schools approved by the board as giving a course of instruction in said subjects for a certificate to practice medicine and surgery; *provided, also*, that before July 1, 1918, in lieu of the diploma or diplomas and preliminary requirements herein referred to where the applicant can show to the satisfaction of the board of medical examiners that he has taken courses hereinafter required in a school or schools approved by the board totaling for applicants for "drugless practitioner certificate" not less than sixty-four weeks consisting of not less than two thousand hours and for "physician and surgeon certificate" totaling not less than one hundred twenty-eight weeks consisting of not less than four thousand hours, it being required that all applicants shall have received passing grades in all such courses, that the applicant or applicants shall be admitted to examination for their respective form of certificates.

The said application shall be made upon a blank furnished by said board and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as the board may by rule prescribe. In addition to the requirements hereinabove provided for, applicants for any form of certificate hereunder shall present to said board at the time of making such application a diploma from a California high school or other school in the State of California requiring and giving a full four years' course of same grade, or other schools elsewhere, requiring and giving a full four years' standard high school course, or its equivalent, approved by the board, together with satisfactory proof that he is the lawful holder of such diploma, and that the same was procured in the regular course of instruction. The passing of an examination before the entrance examining board for the entrance to the academic department of the University of California, Stanford University or the University of Southern California, or the possession of documentary evidence of

Application.

Preliminary
education.

admission to the academic department of such institutions as a regular student or in full standing shall be sufficient basic or preliminary educational qualifications. In lieu of such diploma, the applicant may present: (1) a certificate from the college entrance examination board, or the college examining board of any state or territory showing that such applicant has successfully passed the examination of said board; or (2) if such applicant be thirty years or more of age he may show to the satisfaction of the board of medical examiners proof of preliminary education equivalent in training power to the foregoing requirements. Every applicant for a "physician and surgeon certificate" graduating after January 1, 1919, shall, in addition to the foregoing requirements, present to the board satisfactory evidence that before beginning the last half of the second year in the study of medicine, he has completed a one-year course of college grade in the subjects of physics, chemistry and biology; *provided*, that after January 1, 1924, the applicant shall present to the board satisfactory evidence of the completion of a one-year course of college grade in the subjects of physics, chemistry and biology before commencing the study of medicine. The preliminary or basic educational requirements for a chiroprapist shall be as follows: On and after July 1, 1915, the successful completion of one year of high school work or its equivalent; on and after July 1, 1918, two years of high school work or its equivalent; on and after July 1, 1920, three years of high school work or its equivalent; on and after July 1, 1922, four years of high school work or its equivalent.

The preliminary or basic educational qualifications for an applicant to practice midwifery in this state shall be the completion of one year of high school work or its equivalent, and for midwife applicants graduating after October, 1918, the presentation to the board of a diploma from a California high school giving a full four years' standard high school course or its equivalent.

Stats 1923,
p. 717,
amended
Professional
courses of
study.

SEC. 2. Section 10 of said act is hereby amended to read as follows:

Sec. 10. Applicants for any form of certificate shall file satisfactory evidence of having pursued in any legally chartered school or schools, approved by the board, a course of instruction covering a total of at least four thousand hours and including the following minimum requirements:

Physicians
and surgeons.

FOR A "PHYSICIAN'S AND SURGEON'S CERTIFICATE."

Group 1.

Anatomy, including embry-
ology and histology----- 14 to 18½ per cent

Group 2.

Physiology ----- 4½ to 6 per cent

Group 3.

Biochemistry ----- $3\frac{1}{2}$ to $4\frac{1}{2}$ per cent

Group 4.

Pathology, bacteriology and
immunology ----- 10 to 13 per cent

Group 5.

Pharmacology, including ma-
teria medica and toxicology 4 to 5 per cent

Group 6.

Preventive medicine and hy-
giene ----- 3 to 4 per cent

Group 7.

General medicine, neurology
and psychiatry, pediatrics,
dermatology, and syphilis 20 to $26\frac{1}{2}$ per cent

Group 8.

General surgery, orthopedic
surgery, urology, ophthal-
mology, otolaryngology,
roentgenology ----- 13 to $17\frac{1}{2}$ per cent

Group 9.

Obstetrics and gynecology --- 4 to 5 per cent
Total ----- 76 to 100 per cent
Electives ----- 24 0 per cent
Total number of hours required -- 4,000 hours

FOR A "DRUGLESS PRACTITIONER CERTIFICATE."

Drugless
practitioners

Group 1. 600 hours.

Anatomy ----- 485 hours
Histology ----- 115 hours

Group 2. 270 hours.

Elementary chemistry and toxicology -- 70 hours
Physiology ----- 200 hours

Group 3. 235 hours.

Elementary bacteriology ----- 40 hours
Hygiene ----- 45 hours
Pathology ----- 150 hours

Group 4. 370 hours.

Diagnosis ----- 370 hours

Group 5. 260 hours.

Manipulative and mechanical therapy -- 260 hours

Group 6. 265 hours.

Gynecology -----	100 hours
Obstetrics -----	165 hours

Total -----	2,000 hours

Chiroprodists.

FOR A CERTIFICATE TO PRACTICE CHIROPODY.

Group 1. 320 hours.

Anatomy -----	256 hours
Histology -----	64 hours

Group 2. 160 hours.

Chemistry -----	64 hours
Physiology -----	96 hours

Group 3. 192 hours.

Bacteriology -----	96 hours
Hygiene -----	32 hours
Pathology -----	64 hours

Group 4. 224 hours.

Diagnosis:

Syphilis -----	64 hours
Dermatology -----	96 hours
Physical diagnosis of diseases effecting the feet -----	64 hours

Group 5. 1040 hours.

Manipulative and mechanical therapy:

Didactic and clinical chiropody -----	704 hours
Orthopedics -----	208 hours
Surgery -----	128 hours

Group 6. 64 hours.

Materia medica and therapeutics -----	64 hours

Total -----	2,000 hours

Midwives

FOR A CERTIFICATE TO PRACTICE MIDWIFERY.

Group 1. 150 hours.

Anatomy -----	75 hours
Physiology -----	75 hours

Group 2. 265 hours.

Hygiene and sanitation -----	100 hours
Obstetrics -----	165 hours

Total -----	415 hours

Hours
required.

In the course of study herein outlined the hours required shall be actual work in the classroom, laboratory, clinic or hospital, and at least eighty per cent of actual attendance shall be required; *provided*, that the hours herein required

in any subject need not exceed seventy-five per cent of the number specified, but that the total number of hours in all the subjects of each group shall not be less than the total number specified for such group.

CHAPTER 640.

An act to amend section four thousand two hundred thirty-seven of the Political Code, relating to the salaries, fees and expenses of officers in counties of the eighth class.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4237 of the Political Code is hereby amended to read as follows:

4237. In counties of the eighth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees, and expenses, to wit:

1. The county clerk, four thousand dollars per annum. Clerk.
2. The sheriff, four thousand five hundred dollars per annum. The sheriff shall also be allowed his actual, reasonable and necessary expenses in all civil and criminal cases. Sheriff.
3. The recorder, three thousand six hundred dollars per annum. Recorder
4. The auditor, three thousand six hundred dollars per annum. Auditor.
5. The treasurer, two thousand six hundred dollars per annum. Treasurer.
6. The tax collector, two thousand five hundred dollars per annum. Tax collector.
7. The assessor, four thousand dollars per annum. The assessor shall receive his actual, reasonable and necessary expenses while engaged in his official duties in the field. Assessor.
8. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class the district attorney in addition to the salary herein fixed, shall be allowed his traveling and other personal expenses incurred in criminal cases arising in the county and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested, all of which said charges and expenses incurred by him shall be a legal charge against the county. Attorney.
9. The coroner, such fees as are now or may be hereafter allowed by law. Coroner
10. The public administrator, such fees as are now or may be hereafter allowed by law. Admin-
istrator.

Stats 1925,
p. 118,
amended
Counties of
8th class.
officers and
employees.

Supt. of
schools

11. The superintendent of schools, four thousand five hundred dollars per annum; *provided, however,* that in counties of this class the superintendent of schools in addition to the salary herein fixed shall be allowed ten dollars per school district for traveling expenses where he shall have visited each school of said district in the county during any one calendar year.

Surveyor

12. The surveyor, four thousand dollars per annum, and actual, reasonable and necessary expenses when engaged in the field, or in the office in the discharge of his official duties in the county.

Justices

13. Justices of the peace shall receive the following salaries for all services rendered by them, payable in the same manner as county officers are paid, viz: In townships having a population of twenty thousand or more, three hundred dollars per month; in townships having a population of not less than fifteen thousand nor more than twenty thousand, two hundred dollars per month; in townships having a population of not less than nine thousand nor more than fifteen thousand, one hundred fifty dollars per month; in townships having a population of not less than five thousand nor more than ten thousand, one hundred dollars per month; in townships having a population of not less than three thousand, nor more than five thousand, sixty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, twenty-five dollars per month; *provided,* that for the purposes of this section the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election by three and one-half. The compensation herein fixed for justices of the peace shall be in full for all services rendered and all fees collected by them shall be paid into the county treasury as provided by law. In townships having a population of twenty thousand or more, the justice of the peace shall be allowed a clerk, which position is hereby created. Such clerk shall be appointed by the justice of the peace of said township, and shall hold office during the pleasure of said justice of the peace. Said clerk shall give a bond in the sum of three thousand dollars, with at least two sureties to be approved by a judge of the superior court of the county in which said township is situated, conditioned for the faithful discharge of the duties of the office; and he shall receive an annual salary of one thousand eight hundred dollars. The justice's clerk shall keep a record of the proceedings of the said court, and shall issue all process ordered by the court, and shall collect and receive all fines and forfeitures in criminal cases and pay the same, to the authorities legally entitled to receive the same, at the time and in the manner provided by law. He shall

prepare bonds, justify bail when the amount has been fixed by the court, and shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceedings in said justice's court. The clerk shall be in attendance on the court in the courtroom of said justice's court for the dispatch of official business, daily, legal holidays excepted, from the hour of nine o'clock a.m. until five o'clock p.m. and during such reasonable times thereafter as may be necessary for the proper performance of his duties.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz: In townships having a population of five thousand or more, one hundred dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred, nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, twenty-five dollars per month. Constables in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law for mileage in criminal cases and shall also receive such fees as are now or may hereafter be allowed by law in civil cases. Such mileage in criminal cases is intended to cover the ordinary expenses of constables, and other than such mileage, they shall be allowed the following expenses and no other, to wit: In criminal, insane, inebriate and drug habitue cases, the actual, reasonable and necessary cost of transporting prisoners to and from the county jail; of supporting such prisoners while in their custody; of pursuing criminals when a felony has been committed within their township and no warrant has been issued, whether an arrest has been made or not; of transporting inebriates, drug habitues and insane persons from the justice's court to the place of detention and from the place of detention to the superior court, and from the superior court to the insane asylum, but no mileage shall be allowed for such transportation to the place of detention, to the superior court or to the insane asylum.

15. Each member of the board of supervisors, one thousand eight hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board; and fifteen cents a mile in traveling to and from his residence to the county seat; *provided*, that not more than one mileage at any one regular or special meeting of the board shall be allowed.

16. The bonds of the clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, coroner, public administrator, surveyor and superintendent of schools, justice of the peace, constable and clerk of the justice of the peace,

and the full time deputies and the bond clerk in the county treasurer's office, shall be executed with a reliable bond and security company, and the cost of said bond when duly approved, shall be a charge against the county, and payable out of the general fund.

Clerk's
employees

17. The county clerk shall have one chief deputy at a salary of two thousand seven hundred dollars per annum; three courtroom deputies at a salary of two thousand four hundred dollars per annum each; five office deputies at a salary of one thousand eight hundred dollars per annum each; one deputy who shall act as clerk to the board of supervisors at a salary of two thousand four hundred dollars per annum; and a deputy or deputies not to exceed fifteen for the purpose of registering electors and performing all duties pertaining to elections who shall be paid not to exceed five dollars per diem each; also a deputy or deputies to register electors who shall receive a compensation of ten cents for each elector registered and who shall receive no other compensation or expenses.

Recorder's
employees.

The county recorder, one first assistant at a salary of two thousand four hundred dollars per annum; one second assistant at a salary of one thousand nine hundred twenty dollars per annum; two comparing clerks and one index clerk at a salary of one thousand eight hundred dollars per annum each; one deputy at a salary of one thousand six hundred twenty dollars per annum; four deputies at a salary of one thousand five hundred sixty dollars per annum each; the recorder may hire necessary assistants in cases of emergency and at a salary not to exceed five dollars per diem, each; but the aggregate pay of such assistants for such work shall not exceed three thousand dollars in any one calendar year.

Treasurer's
employees

The treasurer, one chief deputy at a salary of three thousand dollars per annum; one deputy at a salary of two thousand one hundred sixty dollars per annum; three deputies at a salary of two thousand forty dollars per annum each; four deputies who shall serve for a period of not to exceed six months in any one calendar year and shall receive therefor the sum of one hundred fifty dollars per month each; one cashier and bond clerk who shall serve for a period of not to exceed one hundred eighty days in any one calendar year and shall receive therefor the sum of six dollars per diem; one cashier, who shall serve for a period of not to exceed seventy-five days in any one calendar year and shall receive therefor the sum of six dollars per diem; and such emergency deputy or deputies as shall be required and who shall receive for his or their services a sum not to exceed five dollars per diem each; *provided, however,* that the aggregate pay of such emergency deputy or deputies shall not exceed in any one calendar year the sum of three thousand dollars.

Auditor's
employees.

The county auditor, one chief deputy at a salary of two thousand four hundred dollars per annum; one chief accountant at a salary of two thousand four hundred dollars per

annum; one second deputy at a salary of one thousand eight hundred dollars per annum; one third deputy and redemption clerk at a salary of two thousand four hundred dollars per annum; one stenographer at a salary of one thousand five hundred dollars per annum; the auditor may hire necessary assistants for the purpose of extending taxes and in cases of emergency at a salary not to exceed five dollars per diem each; *provided*, that the aggregate salaries of such assistants shall not exceed the sum of two thousand dollars in any one calendar year.

The district attorney, an assistant district attorney at a salary of three thousand four hundred fifty dollars per annum; one second assistant district attorney at a salary of two thousand five hundred fifty dollars per annum; one third assistant district attorney at a salary of two thousand four hundred dollars per annum; one shorthand reporter at a salary of two thousand seven hundred dollars per annum; one chief clerk at a salary of two thousand four hundred dollars per annum; three stenographers at a salary of one thousand two hundred dollars per annum each.

Attorney's
employees

The superintendent of schools, one first deputy at a salary of two thousand four hundred dollars per annum; one second deputy at a salary of one thousand five hundred dollars per annum; and an emergency deputy or deputies who shall be paid, not to exceed five dollars per diem each; *provided*, that the aggregate pay of said emergency deputy or deputies shall not exceed two thousand dollars in any one calendar year.

Supt. of
schools'
employees.

The sheriff, an undersheriff who shall receive a salary of two thousand seven hundred dollars per annum; a chief deputy who shall receive a salary of two thousand one hundred dollars per annum; one deputy sheriff who shall be employed as superintendent of identification who shall receive a salary of two thousand one hundred dollars per annum; one deputy sheriff, who shall be employed as assistant to the superintendent of identification who shall receive a salary of one thousand nine hundred twenty dollars per annum; four deputy sheriffs for service in the field who shall receive a salary of one thousand seven hundred forty dollars per annum each; one motor boat deputy who shall receive a salary of one thousand seven hundred forty dollars per annum; four jailors who shall receive a salary of one thousand seven hundred forty dollars per annum each; three bailiffs or courtroom deputies who shall receive a salary of one thousand six hundred eighty dollars per annum each; one bookkeeper and clerk who shall receive a salary of one thousand six hundred eighty dollars per annum; two stenographers who shall receive a salary of one thousand five hundred dollars per annum each.

Sheriff's
employees

The coroner, one deputy who shall be paid by the coroner out of his fees.

Coroner's
employees

The county assessor shall have one chief deputy at a salary of two thousand seven hundred dollars per annum; one draftsman at a salary of two thousand seven hundred dollars per

Assessor's
employees.

annum; one chief office deputy at a salary of two thousand one hundred dollars per annum; two office deputies at a salary of one thousand eight hundred dollars per annum each; one stenographer and copyist at a salary of one thousand five hundred dollars per annum; one utility and valuation deputy for inside work who shall serve not to exceed one hundred fifty days in any one calendar year and for which service he shall be paid at the rate of five dollars per diem; three deputies to be employed in preparing assessment rolls who shall serve not to exceed one hundred thirty days each in any one calendar year, and be paid therefor at the rate of five dollars per diem each; one deputy to be employed in assessing automobiles and who shall serve not to exceed eighty days in any one calendar year and be paid therefor at the rate of five dollars per diem; two utility and valuation clerks for outside work who shall serve not to exceed eighty days in any one calendar year and be paid therefor at the rate of seven dollars per diem each; *provided, however,* that such deputy shall furnish at his own expense necessary automobile transportation while so employed: three field deputies for service inside the city of Stockton who shall serve not to exceed one hundred days each in any one calendar year and be paid therefor five dollars per diem each; twelve field deputies to be employed in the county outside of the city of Stockton and who shall serve not to exceed eighty days each in any one calendar year and be paid therefor at the rate of seven dollars per diem each; *provided,* that such deputy shall each furnish at his own expense necessary automobile transportation while so employed; and an emergency deputy or deputies, at a salary of five dollars per diem each, which said emergency deputy or deputies shall not receive more than four thousand dollars in the aggregate in any one calendar year.

Surveyor's
employees.

The county surveyor, one chief deputy who shall be paid a salary of two thousand four hundred dollars per annum. One draftsman who shall be paid a salary of one thousand eight hundred dollars per annum; one stenographer at a salary of one thousand eighty dollars per annum.

Employees'
duties and
compensa-
tion.

All the deputies, assistants, employees, emergency help and clerks hereinbefore mentioned shall perform in addition to the duties herein enumerated such other duties as their respective principals shall require, and they shall be paid out of the salary fund at the same time and in the same manner as the principals are paid; *provided, however,* that allowances for use of motor vehicle by deputy sheriffs employed as traffic officers shall be made on claims against the county and paid by the board of supervisors as other claims are paid.

Compensa-
tion in full

18. The salaries, fees, mileage and commissions herein provided shall be in full for all official services performed. No county, district or township officer shall receive from the county any salary, compensation, fees, commission or mileage, except as in this section provided. All compensation, commissions, fees and mileage now or hereafter provided by law to

be paid to any county, district or township officer for any official service, except as in this section otherwise provided, shall be paid into the county treasury to the credit of the general fund, unless some other fund is especially designated by law. All compensations, fees, commissions, and mileage, except as in this section otherwise provided, received by any county, district or township officer, either as such officer, or as the agent of the State of California, or of any officer thereof or as the agent of any political subdivision of the State of California, or of any officer thereof, shall be paid into the county treasury to the credit of the general fund, unless some other fund is specially designated by law. Until such county, district or township officer shall pay into the county treasury all compensation, commissions, fees and mileage as herein required to be paid, he shall receive no salary, and it shall be the duty of the auditor to refuse to deliver to him thereafter a salary warrant, and it shall be the duty of the treasurer to refuse to pay the same.

19. For attending as a grand juror or as a juror in superior court, for each day's attendance, per day, three dollars. For each mile actually traveled in attending court as a juror in going, only, per mile, twenty-five cents. Jurors.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 641.

An act to amend section four thousand two hundred forty-five of the Political Code, relating to salaries and fees of county and township officers, and organization of townships in counties of the sixteenth class.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4245 of the Political Code is hereby amended to read as follows: Stats. 1925,
p 916,
amended.

4245. In counties of the sixteenth class the county officers shall receive as compensation for their services required of them by law, or by virtue of their offices, the following salaries, and fees: Counties of
16th class
officers and
employees.

1. The county clerk, three thousand six hundred dollars per annum, and registration fees; all other fees of the clerk's office to be paid into the county treasury; *provided*, that in counties of this class there shall be a chief deputy clerk who shall be paid a salary of two thousand four hundred dollars per annum Clerk.

in equal monthly installments; said chief deputy in addition to his other duties, to prepare all deeds for the county without extra cost to the county.

One deputy clerk for each department of the superior court in this class of counties who shall receive a salary of one thousand eight hundred dollars each per annum, to be paid in equal monthly installments, also one deputy clerk who shall be paid one thousand eight hundred dollars per annum, to be paid in equal monthly installments; and also a stenographer at a salary of one thousand five hundred dollars per annum; the salaries of said deputy clerks to be paid at the same time, and in the same manner, and out of the same fund as the salary of the county clerk, the clerk also to receive ten cents a name for each person registered in his office, which shall be allowed by the board of supervisors of the county. He shall also be allowed not to exceed ten deputies for the purpose of registering electors, who shall be paid by the county not to exceed ten cents for each elector registered; except that any of such deputies as are required to work in the office shall receive not to exceed four dollars per day for the time so employed. All deputies for the purpose of registering electors in excess of those above referred to shall be paid by the county clerk, the sum of ten cents for each elector registered by such deputies.

The changes provided for in this section shall not be effective until the beginning of the next term of office of the county clerk.

Sheriff.

2. The sheriff, three thousand six hundred dollars per annum and mileage for the service of papers or process coming from courts other than those of his own county; *provided*, that in counties of this class there shall be one undersheriff at two thousand four hundred dollars per annum to be paid in equal monthly installments; one chief criminal deputy sheriff at two thousand four hundred dollars per annum to be paid in equal monthly installments; and five deputy sheriffs at one thousand eight hundred eighty dollars per annum, to be paid in equal monthly installments. The sheriff may also with the consent of the superior judge, when necessary for the care of the jury, appoint a woman as deputy sheriff who shall be paid a per diem of four dollars when actually engaged in the performance of her duties. The sheriff may also employ a matron for the county jail, who shall be paid a per diem of four dollars for each day a female is imprisoned in the county jail. It is hereby found as a fact that the changes provided for in this section do not work an increase in the compensation of the principal and it is intended that the same apply to the present incumbents.

Recorder.

3. The recorder, three thousand dollars per annum; and said recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required by law to be collected; *provided*, that in counties of this class there shall be one chief deputy recorder who shall receive a salary

of two thousand one hundred dollars per annum, one indexing deputy recorder who shall receive a salary of one thousand eight hundred dollars per annum, and three deputies who shall each receive a salary of one thousand five hundred dollars per annum, and such copyists as are necessary to perform the duties of the office, at a compensation of five cents per folio, the salaries of said recorder, deputies and copyists to be paid in equal monthly installments by the county.

4. The auditor, three thousand dollars per annum; *provided*, Auditor. that in counties of this class there shall be one deputy auditor who shall receive a salary of two thousand four hundred dollars per annum, and one deputy auditor who shall receive a salary of one thousand five hundred dollars per annum. And one deputy auditor who shall receive a salary of one thousand two hundred dollars per annum. The auditor shall also be allowed and may employ such additional clerical and office help as may be absolutely necessary for the performance of his official duties, at a salary not to exceed five dollars per day, and not exceeding a total sum of one thousand dollars per annum, such salary to be paid at the times and in the manner and from the same fund as the salary of the auditor is paid.

5. The treasurer, one thousand eight hundred dollars per annum and the fees and commissions now or hereafter allowed by law. Treasurer.

6. The tax collector, one thousand eight hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class, there shall be one deputy tax collector who shall receive a salary of two thousand four hundred dollars per annum, to be paid in equal monthly installments at the same time and out of the same fund as the salary of the tax collector is paid; *also, provided*, that in counties of this class there shall be one deputy tax collector for not exceeding seven months in each year at a salary of one hundred twenty-five dollars per month, and also one deputy tax collector for not exceeding five months in each year, at one hundred twenty-five dollars per month, and also one deputy tax collector for not exceeding two months in each year at a salary of one hundred dollars per month, said salaries to be paid at the times and in the manner and out of the same fund as the tax collector's salary is paid. The tax collector shall also be allowed and may employ such additional clerical and office help as may be absolutely necessary for the performance of his official duties, at a salary not to exceed five dollars per day, and not exceeding a total sum of five hundred dollars per annum, such salary to be paid at the times and in the manner and from the same fund as the salary of the tax collector is paid. It is hereby found as a fact that the changes provided for in this section do not work an increase in the compensation of the tax collector and it is intended that the same shall apply immediately to the present incumbents. Tax collector.

Assessor.

7. The assessor, two thousand seven hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class there shall be allowed three deputies who shall be appointed by the assessor. one to receive a salary of two thousand four hundred dollars per annum, and one a salary of one thousand eight hundred dollars per annum, and one a salary of one thousand five hundred dollars per annum to be paid in equal monthly installments, at the same time and in the same manner and out of the same funds as the salary of the assessor is paid. It shall be the duty of said deputies, among other things, to make and correct all plats, maps and block books for the assessor's office; *provided, also*, that for each statement upon the assessment roll in excess of twenty thousand, the assessor shall receive the sum of fifty cents; *provided*, that the assessor shall not be allowed or paid for more than one statement per taxpayer in any one school district; *provided, further*, that in counties of this class the assessor shall also be allowed and may employ such additional clerical and office help as may be absolutely necessary for the performance of his official duty at a salary not to exceed five dollars per day each, and not exceeding a total sum of three thousand dollars per annum; such salaries to be paid at the times and in the manner and out of the same fund as the assessor's salary is paid. The changes herein provided for shall not become effective until January 1, 1926. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation of the assessor, and it is intended that after January 1, 1926, the same shall apply to the present incumbents.

Attorney.

8. The district attorney, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy district attorney at a salary of two thousand four hundred dollars per annum, and one deputy district attorney at a salary of two thousand one hundred dollars per annum to be paid in equal monthly installments by the county. In addition, the district attorney shall be allowed one stenographer who shall be paid a salary of one thousand five hundred dollars per annum, to be paid in equal monthly installments by the county.

Coroner.

9. The coroner, such fees as are now or may hereafter be allowed by law.

Admin-
istrator.

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

Supt. of
schools.

11. The superintendent of schools, three thousand dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expenses shall not exceed the sum of one thousand dollars in any one year. He shall receive five dollars per day for his services while serving as secretary of the board of education. The superintendent of schools shall be allowed one deputy, to be appointed by the principal, who shall receive as salary two thousand dollars per annum; also, one deputy, who shall

receive a salary of one thousand five hundred dollars per annum; one deputy for not exceeding three months in each year, at a salary of one hundred dollars per month; said salaries of deputies to be paid in equal monthly installments, at the same time in the same manner, and out of the same fund as the salary of the superintendent of schools is paid.

12. The surveyor shall receive three thousand dollars per annum, and in addition thereto, all actual traveling and other necessary expenses incurred in connection with field work. He shall have one deputy county surveyor at a salary of two thousand four hundred dollars per annum, and one draftsman at a salary of two thousand one hundred dollars per annum, said deputy and draftsman to be appointed by the principal and paid at the same time and in the same manner as the county surveyor. It shall be the duty of the surveyor, among other things, to make all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings; also, to prepare all maps or plats necessary to accompany reports made by him on road work, and prepare and keep all the necessary and proper records in his office; *provided*, he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping the proper records in his office. He shall at all times be subject to the orders of the board of supervisors. The office of the county surveyor shall be kept open for the accommodation of the public, with the surveyor, a deputy, or a competent clerk in charge from nine o'clock a.m. until five o'clock p.m., the same as other county offices. The county surveyor shall be allowed the services of a competent clerk, to be appointed by the principal, and receive a salary of one thousand two hundred dollars per annum, to be paid out of the same fund, at the same time and in the same manner as other county officers are paid. Such compensation and salaries as above set forth shall be in full for all services as such county surveyor, and all fees and compensation received or collected by him for services other than for the county, shall be paid into the county treasury. In counties of this class, the surveyor shall be allowed and may employ such additional assistance as may be absolutely necessary for the performance of his official duties, except with regard to roads, at a salary not to exceed five dollars per day each and their actual and necessary expenses incurred in connection with field work, said salary not to exceed a total sum of one thousand dollars, and to be paid at the times and in the manner and out of the same fund as the salary of the surveyor is paid. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of

Classification
of townships

counties are hereby classified according to their population as shown by the total number of registered voters, in each township, at the next preceding general election, prior to the fixing of the classification, the said population to be determined by multiplying the said total number of registered voters by three and one-half; townships having a population of fifteen thousand and more shall belong to and be known as townships of the first class; townships having a population of eleven thousand and less than fifteen thousand shall belong to and be known as townships of the one and one-half class; townships having a population of eight thousand and less than eleven thousand shall belong to and be known as townships of the second class; townships having a population of three thousand and less than eight thousand shall belong to and be known as townships of the third class; townships having a population of one thousand and less than three thousand shall belong to and be known as townships of the fourth class; townships having a population of less than one thousand shall belong to and be known as townships of the fifth class; *provided*, that the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one

Justices.

13a. Justices of the peace shall receive the following monthly salaries, to be paid each month as county officers are paid, which shall be in full compensation for all services rendered by them, to wit: In townships of the first class, one hundred seventy-five dollars per month; *provided*, in townships of this class the justice of the peace shall be allowed a clerk, which position is hereby created. Such clerk shall be appointed by the justice of the peace of said township and shall hold office during the pleasure of said justice of the peace. He shall have authority to receive and file all pleadings and other papers to be filed; sign and issue summons and process, including writs of attachment and execution; enter satisfaction of judgments; issue transcripts and abstracts thereof and shall have authority to administer and certify oaths and take and certify affidavits in any action, suit or proceedings in said justice's court.

The clerk shall be in attendance on the court in the court room of said justice's court for the dispatch of official business, daily, legal holidays excepted, from the hour of nine o'clock a.m. until five o'clock p.m. of each day.

Such clerks shall receive a salary of one hundred dollars per month, payable monthly in the same manner as salaries of county officers are paid.

In townships of the one and one-half class, one hundred fifty dollars per month; in townships of the second class, one hundred dollars per month; in townships of the third class seventy-five dollars per month; in townships of the fourth class, thirty dollars per month; in townships of the fifth class twenty dollars per month. Each justice must pay into the county treasury once a month all fees and fines collected by him. Justices of the peace of the first class are required to keep their offices open from nine o'clock a.m., until five

o'clock p.m., and justices of the peace of the one and one-half class are required to keep their offices open from nine o'clock a.m. until twelve m. and from one o'clock p.m. until five o'clock p.m. daily, legal holidays excepted. In townships of the first, one and one-half, second and third classes the board of supervisors shall furnish adequate office room, in all other townships all justices shall be allowed not to exceed five dollars per month for office rent.

14. Constables shall receive the following monthly salaries ^{Constables} to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, one hundred twenty-five dollars; in townships of the one and one-half class, one hundred dollars; in townships of the second class, one hundred dollars; in townships of the third class eighty dollars; in townships of the fourth class, sixty dollars; in townships of the fifth class, forty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now allowed or may hereafter be allowed by law, for all services rendered by him in civil action, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury; *provided, further*, that when a constable is required to go out of his own county to serve a warrant of arrest or any other papers in a criminal case, he shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expenses shall be audited by the board of supervisors. These salaries shall also apply to incumbents.

15. Supervisors shall receive the sum of two thousand four ^{Supervisors.} hundred dollars per annum, each, and mileage at the rate of ten cents per mile for each mile traveled in coming to and from the meetings of the board; *provided*, that only one mileage at any one session of the board shall be allowed. They shall act as road commissioners in their respective districts. It is hereby found as a fact that the change in compensation hereby made does not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

15½. The librarian shall receive two thousand one hundred ^{Librarian.} dollars per annum; *provided*, that when the county librarian also acts as city librarian that he may receive additional compensation from said city for which he acts as city librarian. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

16. Witnesses in criminal cases and in cases of dependent ^{Witnesses} and delinquent persons shall receive two dollars per day, and ten cents per mile for each mile actually traveled, one way only.

The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

Jurors.

17. Jurors in a county of this class, both grand and petit jurors in the superior court, shall each receive for each day's attendance, per day, the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat in going and returning the sum of ten cents per mile, such mileage to be allowed but once during each session such jurors are required to attend. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amount due, and the treasurer shall pay the same.

Traffic officer.

18. The traffic officer shall receive a salary of two thousand four hundred dollars per year, said officer to provide and maintain his equipment and all costs of operating thereof.

The traffic officer shall be allowed not to exceed four deputies. Each of such deputies shall receive a salary of one hundred seventy-five dollars a month, and shall provide and maintain his equipment and all costs of operating the same.

Such traffic officer and his deputies shall be appointed by the board of supervisors, and shall hold office for the period provided by law; *provided, however*, that the board of supervisors shall have authority at any time to remove such officer, or any of said deputies.

Effective

This act shall go into effect immediately, and apply to all present incumbents, except as herein expressly provided and excepted.

CHAPTER 642.

An act to provide for the formation, management, alteration of boundaries, and dissolution of sewer maintenance districts in unincorporated territory of counties, defining the powers of such districts and providing for the levy and collection of taxes to defray the expenses thereof.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

Sewer maintenance districts, formation of.

SECTION 1. Any portion of the unincorporated territory of a county wherein lateral or collecting sanitary sewers have been installed, for the maintenance and repair of which provision is not otherwise made, may be formed into a sewer maintenance district under the provisions of this act. The board of supervisors of any county may determine by resolution that any portion of the unincorporated area of said county not already included within a sewer maintenance district is in need of sewer maintenance and should be formed into a sewer maintenance district. Thereupon said board of supervisors

shall fix a time and place for the hearing of the matter of the formation of such sewer maintenance district and shall direct the clerk of said board to publish a notice, once a week for two successive weeks in the newspaper of general circulation circulated in the territory which it is proposed to organize into such sewer maintenance district which said board deems most likely to give notice to the inhabitants thereof, of the proposed formation of such district. The board shall also direct the clerk to cause said notice to be posted in three public places of said territory at least ten days prior to the date set for such hearing. Said notice shall be headed "Notice of the proposed formation of-----sewer maintenance district" (stating the name of the proposed district), which heading, in said notice as posted, shall be in letters of not less than one inch in height. Said notice as published and posted shall state the fact that the board of supervisors of said county has fixed the time and place (which shall be stated in said notice) for a hearing on the matter of the formation of a sewer maintenance district. Said notice shall set forth the exterior boundaries of the territory proposed to be organized into a sewer maintenance district.

SEC. 2. At any time prior to the time fixed for the hearing of said matter any person interested may file with the clerk of the board written objections to the formation of the district. At the time and place fixed for the hearing or at any time to which said hearing may be continued, the board of supervisors shall consider all written objections filed and shall pass upon the same. If the board overrules said objections it shall hear any person having objection to the inclusion within said proposed district of any territory and may upon such hearing, exclude any territory therefrom which would not be benefited by inclusion within the district. At the conclusion of the hearing the board of supervisors may by resolution abandon the proposed establishment of a sewer maintenance district or it may establish said district, and fix and define the boundaries thereof either as set forth in said notice or as modified upon said hearing, provided that the boundaries shall not be so changed as to include any territory outside of the boundaries described in the notice.

SEC. 3. The clerk of the board of supervisors shall file in the office of the county assessor a certified copy of each resolution establishing a sewer maintenance district and shall also file with the county assessor a certified copy of each resolution of the board of supervisors made pursuant to the provisions of sections 7, 8 and 9 of this act. The county assessor shall thereafter in making up the assessment roll segregate thereon the property included within each sewer maintenance district.

SEC. 4. The board of supervisors of any county wherein any sewer maintenance district is established shall be the governing body thereof and shall have the power to make and enforce all rules and regulations necessary for the administra-

Hearing.

Resolutions
to be filed.Government
of district

tion and government of such district and for the cleaning, repair, reconstruction, renewal, replacement, operation and maintenance of lateral and collecting sewers therein; to acquire by gift, condemnation, purchase or otherwise in the name of the county and to own, control, manage and dispose of personal property necessary or convenient for such purposes and to perform all of the acts necessary or proper to accomplish the purposes of this act.

Supervision

SEC. 5. The board of supervisors may appoint the county surveyor to supervise the work of cleaning, repairing, reconstructing, renewing, replacing, operating and maintaining such sewers and their appurtenances and may enter into contracts for the purchase of water to be used in flushing such sewers.

Tax levies.

SEC. 6. The board of supervisors shall have power to levy a tax in each year upon the taxable property in each sewer maintenance district sufficient to defray the cost of maintaining, operating and repairing the sewers in said district and of the maintenance of said district and to meet such other expenditures as are authorized by this act in connection therewith. Such tax shall be levied and collected at the same time and in the same manner as general county taxes levied for county purposes and when collected shall be paid into the county treasury to the credit of the maintenance fund of such district and shall be used only in furtherance of the purposes of this act.

Dissolution
of districts.

SEC. 7. Any such sewer maintenance district may be dissolved by the board of supervisors as in this section provided. Upon receiving a petition signed by fifty or more freeholders and residents of such district, or by a majority of such freeholders and residents if there are less than three hundred freeholders and residents in such district, requesting the dissolution of such district, the board of supervisors shall fix a time for the hearing of such petition, which shall not be less than fifteen days nor more than thirty days after the receipt thereof, and shall, at least ten days prior to the time so fixed, publish a notice of such hearing by one insertion in a newspaper circulated in such district. At the time appointed for said hearing or at any time to which the same may be continued, the board of supervisors shall hear and pass upon such petition and may grant or deny the same, and its decision thereon shall be final and conclusive. If such petition shall be granted, the board of supervisors shall by resolution order the dissolution of such district and such district shall thereupon be dissolved, and the property of such district shall remain the property of the county in which such district is located.

Withdrawal
of territory.

SEC. 8. Any portion of a sewer maintenance district which will not be benefited by remaining within such district may be withdrawn therefrom as in this section provided. Upon receiving a petition signed by fifty or more freeholders within the portion desired to be withdrawn from any sewer maintenance district, or by a majority of such freeholders, if there are

less than one hundred freeholders within the portion sought to be withdrawn, requesting the withdrawal of such portion from the district on the ground that such portion will not be benefited by remaining in said district, the board of supervisors shall fix a time for the hearing of such petition and for hearing protests to the continuance of the remaining territory as a sewer maintenance district, which shall not be less than fifteen days, nor more than thirty days after the receipt thereof. The said board shall, at least ten days prior to the time so fixed, publish a notice of such hearing by one insertion in a newspaper circulated in said district, which the board deems most likely to give notice to the inhabitants thereof of the proposed withdrawal.

Any person interested may appear at said hearing and object to the withdrawal of said portion from said district, or may object to the continuance of the remaining territory as a sewer maintenance district, and the board of supervisors shall consider all objections and shall pass upon the same, and if it finds that said portion of the district sought to be withdrawn will not be benefited by remaining within said district, and that the territory not sought to be withdrawn will be benefited by continuing as a sewer maintenance district, then it shall grant said petition, and by resolution establish the boundaries of such district as reestablished after such withdrawal of territory. Upon the withdrawal of any territory from a sewer maintenance district, as in this section provided, all property acquired for the district shall remain vested in the county and be used for the purpose of the district.

SEC. 9. The boundaries of any such sewer maintenance district may be altered and outlying contiguous territory, be annexed thereto in the following manner: A petition signed by fifty or more freeholders within the territory proposed to be annexed, or by a majority of such freeholders if there are less than one hundred within the portion proposed to be annexed, designating the boundaries of such contiguous territory proposed to be annexed and asking that such territory be annexed to said sewer maintenance district, shall be presented to the board of supervisors of the county in which said sewer maintenance district is situated. Annexation of territory.

At their first regular meeting after the presentation of said petition, said board of supervisors shall cause notice of the hearing of said petition to be published in a newspaper published and circulated in the territory sought to be annexed, if there be such a newspaper, otherwise, by posting copies of said notice in three conspicuous places in said territory proposed to be annexed, for three weeks prior to the date to be fixed by said board for the hearing of said petition. Upon the date fixed for such hearing, or to which it may be continued, said board of supervisors shall take up and consider said petition, and any objections which may be filed to the inclusion of any property in said district.

Said board of supervisors shall have the power by resolution to grant said petition either in whole or in part, and to alter the boundaries of said sewer maintenance district and to annex thereto, all, or such portion of said contiguous territory described in said petition as will be benefited by inclusion in said sewer maintenance district, and from and after the adoption of said resolution, such territory shall become and be a part of such sewer maintenance district, and shall be taxed, together with the remainder of said district, for all taxes to be thereafter levied by said board of supervisors for the operation and maintenance of said sewer maintenance district. No territory which will not be so benefited, or which is not contiguous to said sewer maintenance district, or which is not described in said petition, shall be included in said district.

Effect
of act.

SEC. 10. This act shall in no way be construed to repeal the provisions of any act providing for the organization of sanitary districts or county sanitation districts nor to authorize the governing body of any sewer maintenance district to manage or control or otherwise interfere with the maintenance or repair of any sewers under the control of a sanitary district or county sanitation district.

Short
title.

SEC. 11. This act may be designated and referred to as the sewer maintenance district act and any reference thereto by such designation shall be sufficient for all purposes.

CHAPTER 643.

An act to authorize the attorney general to bring suit against the United States in the court of claims in behalf of the Indians of the State of California in the event that the congress of the United States authorizes the same.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

Indian
claims.

SECTION 1. In the event that congress of the United States by legislation has heretofore or may hereafter authorize the attorney general of this state to institute a suit or suits in the court of claims in behalf of the Indians of the State of California, the attorney general is hereby authorized with the approval of the governor of this state to cause suit or suits to be instituted and to employ special counsel to assist in the prosecution of such suit or suits and to pay all necessary expenses incident thereto from moneys appropriated to the attorney general; *provided*, that the congressional authority therefor shall provide that in the event the court shall render judgment against the United States the State of California shall be reimbursed for all necessary costs and expenses incurred by said state; *provided*, that no reimbursement shall be made to the State of California for the services rendered by its attorney general in person.

CHAPTER 644.

An act to repeal an act entitled "An act for the support of certain cemeteries in Tehama county," approved April 1, 1872, and to provide for the disposition of moneys and funds heretofore collected under the provisions of said act.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

SECTION 1. The act entitled "An act for the support of certain cemeteries in Tehama county," approved April 1, 1872, is hereby repealed. Stats 1871-72, p. 872, repealed.

SEC. 2. The balance of the moneys and funds heretofore collected under and pursuant to the provisions of the act hereby repealed and apportioned to thereunder for the use of the "trustees" of the "Red Bluff cemetery" shall be and continue to be available for the use of said trustees with the same force and effect as if the said act of April 1, 1872, had not been repealed. Red Bluff cemetery funds

SEC. 3. The balance of the moneys and funds heretofore collected under and pursuant to the provisions of the act hereby repealed and apportioned to thereunder for the use of the "trustees" of the "Tehama cemetery" shall be and continue to be available for the use of said trustees with the same force and effect as if the said act of April 1, 1872, had not been repealed. Tehama cemetery funds

CHAPTER 645.

An act to amend sections seven hundred fifty-one and eight hundred fifty-one of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, relating to titles of officers of cities of the fifth and sixth classes.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 751 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, as amended, is hereby amended to read as follows: Stats 1901, p. 70, amended

Sec. 751. The government of said city shall be vested in:

A board of five trustees to be known as the city council;

A board of education, to consist of five members; and whenever a free public library and reading room is established therein, five trustees thereof;

A recorder who shall be known as the city judge;

A treasurer;

Municipal officers

A clerk;

An attorney;

A marshal who shall be known as the chief of police;

An assessor and such subordinate or other officers as are hereinafter provided for.

The city council may, in its discretion, by an ordinance adopted, published and recorded as required for general ordinances, at least thirty days before a general city election, at which city officers are to be elected, unite and consolidate certain offices by declaring that:

1. The city marshal elected shall be ex officio superintendent of streets, and health officer;

2. The city clerk elected shall be ex officio recorder and assessor;

3. The city treasurer elected shall be ex officio tax collector and license collector;

4. The city attorney elected shall be ex officio city clerk.

The president of the city council shall be known as the mayor.

The court conducted by the city judge shall be known as the city court.

Stats. 1895,
p 266,
amended
Municipal
officers.

SEC. 2. Section 851 of said act is hereby amended to read as follows:

Sec. 851. The government of such city or town shall be vested in:

1. A board of five trustees who shall be known as the city or town council;

2. A clerk, who shall be ex officio assessor;

3. A treasurer;

4. A marshal, who shall be known as the chief of police, to be appointed by the city or town council, and who shall be ex officio tax and license collector;

5. A recorder who shall be known as the city judge, to be appointed by the city or town council, and;

6. Such subordinate or other officers as are hereinafter provided for.

The president of the city town council shall be known as the mayor.

The court conducted by the city judge shall be known as the city court.

CHAPTER 646.

An act to amend sections twenty and eight of an act entitled "An act to be known as the 'Inheritance tax act,' to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; and to repeal chapter five hundred eighty-nine

of the laws of the session of the Legislature of California of 1917, approved May 23, 1917, known as the "Inheritance tax act," and to repeal all acts and parts of acts in conflict with this act," approved June 3, 1921, as amended, and adding two sections, to be numbered section six and one-half and section two and three-quarters.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 20 of an act entitled "An act to be known as the 'Inheritance tax act,' to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; and to repeal chapter 589 of the laws of the session of the Legislature of California of 1917, approved May 23, 1917, known as the 'Inheritance tax act,' and to repeal all acts and parts of acts in conflict with this act," approved June 3, 1921, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 1521,
amended.

Sec. 20. The treasurer of each county shall be allowed to retain, on all taxes paid and accounted for by him each year under this act, in addition to his salary or fees now allowed by law, three per centum of the first fifty thousand dollars so paid and accounted for by him, one and one-half per centum on the next fifty thousand dollars so paid and accounted for by him, and one per centum on all additional sums so paid and accounted for by him; *provided*, that no county treasurer of a county of the first class, of a county of the second class or a county of the third class shall be entitled to retain to his own use more than the sum of five hundred dollars out of the inheritance taxes paid on account of any transfer or transfers made by or resulting from the death of any one decedent; *provided*, that the county treasurer of a county of all other classes shall not be entitled to retain to his own use more than the sum of two hundred dollars out of the inheritance taxes paid on account of any transfer or transfers made by or resulting from the death of any one decedent; *provided*, that no portion of the moneys paid on account of inheritance taxes in any one case in excess of the sum entitling the treasurer of a county of the first class, of a county of the second class and a county of the third class to retain five hundred dollars and entitling the treasurer of a county of all other classes to retain two hundred dollars for his own use shall be considered in computing his commissions in succeeding cases; *and provided, further*, that in counties of the first class the treasurer shall be entitled to retain as commissions

Percentage
retained by
county
treasurer.

not exceeding twelve thousand dollars out of the total inheritance taxes accounted for by him in any one year; that in counties of the second class the treasurer shall be entitled to retain as commissions not exceeding twelve thousand dollars out of the total inheritance taxes accounted for by him in any one year; that in counties of the third class the treasurer shall be entitled to retain as commissions not exceeding eight thousand dollars out of the total inheritance taxes accounted for by him in any one year; and that in counties of all other classes the treasurer shall be entitled to retain as commissions not exceeding five thousand dollars out of the total inheritance taxes accounted for by him in any one year.

Stats. 1921,
p. 1506,
amended.

Residents of
states not to
pay in-
heritances.

SEC. 2. A new section is hereby added to said inheritance tax act to be numbered 6½ and to read as follows:

Sec. 6½. The tax imposed by this act in respect of intangible personal property shall not be payable if the decedent is a resident of a state or territory of the United States which at the time of his death did not impose a legacy or succession tax or a death tax of any character in respect of intangible personal property within said state or territory of residents of this state, or if the laws of the state or territory of residence of the decedent at the time of his death contained a reciprocal provision under which nonresidents were exempted from legacy or succession taxes or death taxes of every character in respect of intangible personal property providing the state or territory of residence of such nonresidents allowed a similar exemption to residents of the state or territory of residence of such decedent. For the purposes of this section the District of Columbia shall be considered a territory of the United States.

Stats. 1921,
p. 1503,
amended.

Federal
estate tax.

SEC. 3. A new section is hereby added to said inheritance tax act to be numbered 2¾ and to read as follows:

Sec. 2¾. (1) Where the tax imposed by this act is of a lesser amount than the maximum credit of eighty per cent of the federal estate tax allowed by the federal estate tax act because of said tax herein imposed, then the tax provided for by this act shall be increased so that the amount of tax due this state shall be the maximum amount of the credit allowed under said federal estate tax act. Said additional tax shall be paid out of the same funds as any other ordinary charge against the estate.

(2) Where no tax is imposed by this act because of the exemptions herein and a tax is due the United States under the federal estate tax act then a tax shall be due this state equal to the maximum amount of the credit allowed under said federal estate tax act.

(3) Should the amount of tax in this act increased by this section be afterwards found to be more than the maximum credit allowed under the federal estate tax act, then any excess over and above the said maximum credit shall be refunded as is provided in section 11 of this act.

(4) If this section, or any subsection, phrase or clause thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion or portions of this act in force at the time of the enactment of this section, nor shall such decision affect the validity of the remaining portion or portions of this section.

SEC. 4. Section 8 of said act is hereby amended to read as follows: Stats. 1921,
p. 1507,
amended.

(1) When any grant, gift, legacy, devise or succession upon which a tax is imposed by section 2 of this act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, and the market value thereof determined, in the manner provided in section 16 or 17 of this act, and the tax prescribed by this act shall be immediately due and payable to the treasurer of the proper county, and, together with the interest thereon, shall be and remain a lien of said property until the same is paid. Immediate
appraisal
and payment.

(2) In estimating the value of any estate or interest in property, to the beneficial enjoyment or possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made on account of any contingent incumbrance thereon, nor on account of any contingency upon the happening of which the estate or property or some part thereof or interest therein might be abridged, defeated or diminished; *provided, however*, that in the event of such incumbrance taking effect as an actual burden upon the interest of the beneficiary, or in the event of the abridgment, defeat or diminution of said state or property or interest therein as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of such tax on account of the incumbrance when taking effect, or so much as will reduce the same to the amount which would have been assessed on account of the actual duration or extent of the estate or interest enjoyed. Such return of tax shall be made in the manner provided by section 11 hereof upon order of the court having jurisdiction. Encumbrance.

(3) When property is transferred in trust or otherwise, and the rights, interest or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended, or abridged, a tax shall be imposed upon said transfer at the highest rate which, on the happening of any of the said contingencies or conditions, would be possible under the provisions of this act, and such tax so imposed shall be due and payable forthwith by the executors or trustees out of the property transferred; *provided, however*, that on the happening of any contingency whereby the said property, or any part thereof, is transferred to a person or corporation exempt from taxation under the provisions Property
transferred
in trust.

Property
transferred
in trust
(cont'd).

of this act, or to any person taxable at a rate less than the rate imposed and paid, such person or corporation shall be entitled to a return of so much of the tax imposed and paid as the difference between the amount paid and the amount which said person or corporation should pay under the provisions of this act; such return of overpayment shall be made in the manner provided by section 11 of this act, upon order of the court having jurisdiction; *provided*, that the person or persons or body politic or corporate beneficially interested in the property chargeable with said tax or the trustees thereof may elect not to pay the same until such person or persons, or body politic or corporate beneficially interested in such property shall come into the actual possession or enjoyment thereof, and in that case such person or persons or body politic or corporate or trustees shall execute a bond to the people of the State of California in a penalty of the amount of said tax plus interest thereon for five years at the rate of seven per cent per annum with such sureties as the said superior court may approve, conditioned for the payment of said tax and interest thereon at the rate of seven per cent per annum commencing at the expiration of eighteen months from the death of the decedent at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, and conditioned further, that if said bond be not renewed and the returns made as herein provided, the amount of said tax and interest thereon shall immediately become due and payable. Said bond shall be filed in the office of the county clerk of the proper county and a certified copy thereof shall be immediately transmitted to the state controller; *provided, further*, that such person or persons or body politic or corporate, or trustees, shall enter into such security within a period of ninety days after the entry of the order or decree fixing the inheritance tax charged against such transfer, or within such period thereafter as the court may in its discretion permit, and shall make a full and verified return of such property to said court and file the same in the office of the county clerk within one year from the date of such order or decree fixing tax, and at such times thereafter as the court on the application of the state controller may require, and renew such security every five years after the date of the approval thereof. Upon the approval of said bond as herein provided, said tax shall cease to be a lien upon the property so transferred. If such security shall not be renewed before the expiration of each five year period, said bond shall immediately become due and payable and if the same be not paid forthwith, the attorney general shall file an action in the name of the people of the state on the relation of the controller, to recover the same and the penalties thereunder and no demand for payment shall be necessary before the institution of such suit. Whenever it shall be made to appear to the satisfaction of the court that any surety on such bond or undertaking has for any reason

become insufficient, the court may on motion of the state controller, after such notice to such person or persons, body politic or corporate, or trustees as the court may require, order the giving of a new undertaking with sufficient sureties in lieu of such insufficient undertaking. In case such new undertaking so required shall not be given within the time required by such order, or in case the sureties thereon fail to justify thereon when required, all rights obtained by the filing of such original undertaking, or subsequent undertaking, shall cease and the amount of said tax and interest thereon shall immediately become due and payable.

(4) Estates in expectancy which are contingent or defeasible and in which proceedings for the determination of the tax have not been taken or where the taxation thereof has been held in abeyance, shall be appraised at their full, undiminished value when the persons entitled thereto shall come into the beneficial enjoyment or possession thereof, without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation, upon which said estates in expectancy may have been limited. Estates in expectancy.

(5) Where an estate or interest can be divested by the act or omission of the legatee or devisee it shall be taxed as if there were no possibility of such divesting. If estate can be divested.

(6) The value of every future, or contingent or limited estate, income or interest, shall, for the purposes of this act be determined by the rule, methods and standards of mortality and of value that are set forth in the actuaries' combined experience tables of mortality for ascertaining the value of policies of life insurance and annuities and for the determination of the liabilities of life insurance companies, save that the rate of interest to be assessed in computing the present value of all future interest and contingencies shall be five (5) per cent per annum. The insurance commissioner shall without a fee on the application of any superior court or of any inheritance tax appraiser determine the value of any future or contingent estate, income or interest therein limited, contingent, dependent or determinable upon the life or lives of persons in being, upon the facts contained in any such appraiser's application or other facts to him submitted by said appraiser or said court and certify the same in duplicate to such court or appraiser, and his certificate thereof shall be conclusive evidence that the method of computation therein is correct. When an annuity or a life estate is terminated by the death of the annuitant or life tenant, and the tax upon such interest has not been fixed and determined, the value of said interest for the purpose of taxation under this act shall be the amount of the annuity or income actually paid or payable to the annuitant or life tenant during the period for which such annuitant or life tenant was entitled to the annuity or was in possession of the life estate. Future or contingent estates.

CHAPTER 647.

An act to amend section two thousand three hundred twenty-two x twenty-four of the Political Code, relating to the office of the horticultural commissioners in counties of the twenty-fourth class.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

Stats 1925,
p. 206,
amended
Counties of
24th class-
horticultural
commis-
sioner

SECTION 1. Section 2322x24 of the Political Code is hereby amended to read as follows:

2322x24. In counties of the twenty-fourth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows:

(a) One deputy county horticultural commissioner at a salary of two thousand dollars per annum.

(d) The commissioner is also authorized and empowered to appoint not to exceed three inspectors at a salary of one hundred fifty dollars per month each during the time such inspectors are actually employed; two inspectors at a salary not to exceed one hundred twenty-five dollars a month each during the time such inspectors are actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed the sum of six thousand dollars.

(c) The commissioner is also authorized and empowered to appoint one clerk at a salary of ninety dollars a month during the time actually employed, but the aggregate amount which shall be spent in any one year for such clerk shall not exceed one thousand eighty dollars.

CHAPTER 648.

An act to amend section one thousand five hundred forty-three a of the Political Code, relating to the payment of interest on unpaid orders or demands against any school district.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

Stats. 1911,
p. 1360,
amended
Interest on
unpaid
orders.

SECTION 1. Section 1543a of the Political Code is hereby amended to read as follows:

1543a. When any claim or demand against any school district, or union school district, or joint union school district, or high school district, or city high school district, or union high

school district, or joint union high school district, or county high school district shall be presented to the superintendent of schools of any county or city and county, no requisition upon the county auditor shall be drawn thereon unless there is sufficient money in the fund against which such order or demand is drawn to pay the same in full. When any such order or demand is presented to the superintendent of schools of any county, or city and county for approval and is not approved for want of funds and the amount of said order or demand does not exceed the income and revenue provided for the year in which the indebtedness was incurred, for which said order or demand was drawn, such superintendent of schools must indorse thereon the words "Not approved for want of funds," with the date of presentation and shall, in attestation thereof, affix his signature thereto; and shall number such endorsement and shall register said order or demand in the records of his office and shall thereupon deliver said order or demand to the claimant, or his order. From that time, such order or demand shall bear interest at the rate of six per cent per annum, as herein provided.

When the superintendent of schools shall ascertain from the treasurer that there are sufficient public school moneys in the treasury of the county, or city and county, which can be applied to the payment of the aforesaid indorsed orders or demands and is not otherwise appropriated he shall set apart the same, or so much thereof, as may be necessary for the payment of such indorsed orders or demands and accrued interest; and he shall, in addition, forthwith give notice, in a newspaper published in the county in which he shall have his office, and, if there shall not be any newspaper in such county, then by written notice posted on the courthouse door, stating therein that he is ready to approve said order, or orders, demand, or demands. Such notice shall be dated the day of its publication or posting, and, from the first publication or posting of such notice, such order or orders, demand or demands, shall cease to bear interest. In advertising any order or orders, demand or demands under the provisions of this section, such superintendent of schools shall not publish the order or orders, demand or demands in detail, but shall give notice that the order or orders, or demand or demands of any particular district, specifying the district or districts, presented for approval prior to the date of said notice, are ready to be approved and that requisitions upon the county auditor will be drawn thereon. When only a part of such order or orders, demand or demands are ready for approval and can be paid, such superintendent of schools must designate in such advertisement the order or orders, demand or demands which are approvable at the date thereof, and shall repeat such notice until notice is given of the payment of all such order or orders, demand or demands.

After the posting or publication of the notice herein provided, when any order or orders, demand or demands drawn

Funds available to pay indorsed orders.

Payment of orders and interest.

against any school fund, indorsed as herein provided, shall be again presented to the superintendent of schools of any county or city and county, for approval, such superintendent of schools shall compute the interest due on each of said order or orders, demand or demands, bearing interest under the provisions of this section, and shall note the amount of interest on the order or demand, and shall enter in the records of his office, the amount of interest distinct from the principal; and shall thereupon draw his requisition upon the county auditor for the amount of said order or orders, demand or demands, and the interest computed thereon, in the manner provided by section 1543 of this code and in the order in which said order or orders, demand or demands, were registered in his office; *provided*, that, as an alternative to the method heretofore provided, when any corporation, firm, or person presents two or more warrants for payment at the same time, registered on the same date, and issued by one district against the same fund, such warrants may be consecutively numbered by the county superintendent of schools and the county auditor, and the county superintendent of schools may compute the total sum of the interest on such warrants and issue his special interest warrant upon said district and fund for the said total sum of the interest on such warrants, which said special interest warrant shall bear upon its face substantially the following notation: "This warrant is in full payment of interest due on warrants number ----- to number ----- inclusive of the ----- district drawn on the ----- fund of said district." Said special interest warrant shall bear the number immediately succeeding the number on the last warrant of the two or more warrants above mentioned. Said interest shall be paid as part of said order or demand by the treasurer.

Failure to
present
orders.

Should the holders of such indorsed orders or demands fail to present the same for payment within sixty (60) days from the date of the notice herein provided for, the funds set aside for the payment of the same must be, by the superintendent of schools and treasurer, applied to the payment of unpaid orders or demands, next in order of indorsement and, if no other indorsed orders or demands shall be presented, then such money shall be applied to the payment of orders or demands not so indorsed, or otherwise disposed of according to law.

Monthly
reports of
interest.

The superintendent of schools shall report to the county treasurer and the county auditor not later than the second Monday of each month, the amount of money computed as interest under this section. Such report shall show each district, for which interest has been computed on indorsed and approved orders or demands and the amount thereof for each district. The superintendent of schools shall immediately report, in writing, to the clerk or secretary of each district for which interest has been computed, as aforesaid, the amount computed for the district, of which he is clerk or secretary.

CHAPTER 649.

An act to amend section four thousand two hundred eighty-four of the Political Code, relating to the salaries of county officers of counties of the fifty-fifth class.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 4284 of the Political Code is hereby amended to read as follows:

4284. In counties of the fifty-fifth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, fees and expenses, to wit:

- | | |
|---|---------------------|
| 1. The county clerk, two thousand dollars per annum. | Clerk. |
| 2. The sheriff, three thousand dollars per annum. | Sheriff. |
| 3. The recorder, one thousand dollars per annum. | Recorder. |
| 4. The auditor, one thousand dollars per annum. | Auditor. |
| 5. The treasurer, one thousand five hundred dollars per annum; <i>provided</i> , that all fees and commissions now allowed by law or which may hereafter be allowed by law to said treasurer by virtue of the said office shall be paid into the county treasury. | Treasurer |
| 6. The tax collector, one thousand two hundred dollars per annum. | Tax collector |
| 7. The assessor, three thousand dollars per annum; <i>provided</i> , that all commissions and fees now allowed by law or which may hereafter be allowed by law to the said assessor on the collection of personal property taxes, road and hospital taxes, shall be paid into the county treasury. | Assessor. |
| 8. The district attorney, two thousand dollars per annum. | Attorney. |
| 9. The coroner, such fees as are now or may be hereafter allowed by law. | Coroner. |
| 10. The public administrator, such fees as are now or may be hereafter allowed by law. | Admin-
istrator. |
| 11. The superintendent of schools, one thousand two hundred dollars per annum which said sum of one thousand two hundred dollars shall also be in full payment of the services of such superintendent of schools upon the board of education. | Supt of
schools. |
| 12. The surveyor, ten dollars per day when engaged in county work. He shall also receive his actual and necessary expenses when at work in the field. | Surveyor. |
| 13. In counties of this class the justices of the peace shall receive the following compensation, to wit: | Justices. |
| (a) In townships having a population of one thousand or over, twenty dollars per month; | |
| (b) In townships having a population of less than one thousand, ten dollars per month; <i>provided, however</i> , that the justice of the peace residing at the county seat shall receive twenty dollars per month, even when presiding as justice of the peace in townships having less than a population of one thousand. | |

Stats 1925,
p. 29,
amended.
Counties of
55th class.
officers

The above named salaries shall be in full compensation for all services of said justices of the peace in criminal and civil cases, and when acting as coroner said justices of the peace shall be allowed and paid actual expenses, which expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury. The above compensation shall be in lieu of all other fees received for services and said fees shall be accounted for to the auditor and paid into the county treasury.

The salaries of justices of the peace as herein provided for shall be paid in the same manner, at the same time, and out of the same funds as county officers are paid:

For the purposes of this subdivision the population of the several judicial townships is hereby determined to be the population of said townships as shown by the federal census taken A. D. 1910.

Constables. 14. In counties of this class the constables shall receive the following compensation, to wit:

(a) In townships having a population of one thousand or over, twenty dollars per month;

(b) In townships having a population of less than one thousand, ten dollars per month, together with such fees as may be now or hereafter allowed for mileage for serving papers.

The salaries of the constables as herein provided for shall be paid in the same manner, at the same time, and out of the same funds as county officers are paid.

Supervisors. 15. Each member of the board of supervisors, nine hundred dollars per annum; mileage from residence to county seat at each sitting of the board, twenty cents per mile.

Jurors. 16. The fees of grand jurors and trial jurors in the superior courts of counties of this class, in civil and criminal cases, shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of twenty-five cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants.

Fees. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

CHAPTER 650.

An act to add a new section to the Political Code, to be numbered two thousand five hundred twenty-seven a, relating to the powers of the state board of harbor commissioners as to the construction and leasing of extensions of wharves

or piers owned by the State of California and under the control of said board, and providing for the right of ingress to and egress from such extensions over such wharves or piers during the term of said lease.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered section 2527a, and to read as follows: New section.

2527a. Whenever in the judgment of the state board of harbor commissioners it is advisable that any wharf or pier owned by the State of California and under the control of said board be extended to any island within the navigable waters of the bay of San Francisco within the jurisdiction of said board, said board is authorized to cause said wharf or pier to be extended to said island and to lease such extension and its appurtenances for a term not to exceed twenty-five years, and for an amount not less than the cost of constructing said extension, the rent therefrom to be applied, in whole or in part, in payment of the cost of such construction, and the lessee under said lease, its licensees and assigns, shall have the right of ingress to and egress from such extension over said wharf or pier, during the term of said lease, subject to the rules and regulations of said board. Said board, in their discretion, may provide in the contracts for said work that the rents to be derived from said lease shall be so applied, or the work be paid for, in whole or in part, from such rents. Extensions
of wharfs
and piers
to islands.

If and when any such extension of said wharf or pier is completed, then said board of state harbor commissioners shall have jurisdiction and it shall be their duty to collect the same tolls and charges for the use of any portions of said wharves or piers as are charged or will be charged at other wharves or piers, and any lease that may be entered into must expressly provide that all such tolls must be paid on all merchandise moving onto, off or over said dock and all dockage charges, rents and other charges must be paid for the use of any property in any way connected with or attached to said dock or any such extension thereof.

It is hereby expressly provided that said board of state harbor commissioners shall not have power to make any lease of any property under its jurisdiction which shall deprive it at any time of the power to collect tolls, dockage charges and other similar port charges, anywhere within the boundaries of the property described in section 2524 of the Political Code of the State of California, and any lease that may be made by said board of state harbor commissioners must expressly make such reservation.

All leases made pursuant to this section shall be made upon competitive bids after such public advertisement as said board shall deem sufficient, inviting proposals or bids therefor, and

may be awarded to the person who will pay the amount required to construct such improvement, and execute and take a lease thereof for the shortest period of such time, but said board shall have power to reject any and all bids.

CHAPTER 651.

An act providing for the creation and management of the Tamalpais state park, making an appropriation therefor and creating the Tamalpais state park commission, with power to acquire land and other property for the creation, maintenance and improvement of said park, and for additions thereto, and to maintain and manage the same, and to appoint a guardian thereof.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

Tamalpais
state park
commission.

SECTION 1. The governor of the State of California and four other commissioners appointed by him shall constitute the Tamalpais state park commission, whose duty it shall be to select such lands lying upon or adjacent to the slopes of Mount Tamalpais, in the county of Marin, State of California, which lands in the judgment of the commission are most suitable for park uses, for the purpose of preserving for the use and enjoyment of the people of the State of California, the said lands in the state of nature in which they now exist, and of maintaining the same for the benefit of succeeding generations. The commissioners appointed by the governor shall hold office for four years; *provided, however*, that the first board appointed by the governor shall so classify its members by lot that one of them shall go out of office at the expiration of one year from the date of said appointment; one at the expiration of two years, one at the expiration of three years, and one at the expiration of four years from said appointment. Vacancies in the said commission shall be filled by appointment by the governor; *provided, however*, that any person appointed to any vacancy arising otherwise than by expiration of term shall hold office only for the unexpired term of the commissioner he succeeds. Said commission shall elect from its members a president and a secretary.

Tamalpais
state park
fund.

SEC. 2. The sum of twenty thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, which shall be subject to the control and expenditure of said commission, in the manner hereinafter provided but which shall be used solely for the acquisition of land suitable for the said park hereinbefore provided for. There is hereby created a Tamalpais state park fund. Whenever there shall be deposited in the said Tamalpais state park fund any sum of money other than the appropriation

made hereby the controller shall transfer from the general fund to the said Tamalpais state park fund from the appropriation made hereby an amount equal to one-half of said amount so deposited in said Tamalpais state park fund. The state treasurer is hereby authorized to receive contributions in any amount and from any source whatsoever and credit the same to the said Tamalpais state park fund. All expenditures from said Tamalpais state park fund shall be made solely for the acquisition of land suitable for the said park hereinbefore provided for. Such expenditures from said fund shall be made upon the written order of the president of said commission and audited by the state board of control, or other proper authorities, who must allow the same and direct payment thereof to be made, and the controller shall draw warrants therefor on the state treasury for the payment of the same to the said Tamalpais state park commission out of the said Tamalpais state park fund.

SEC. 3. The commission shall have the power to purchase or otherwise acquire said land, or any portion thereof, or it may by action at law in the superior court condemn the same in the name of the people of the State of California, or in the name of the said Tamalpais state park commission. It shall be the duty of the attorney general of the State of California to prosecute any such action as may be directed by said commission, or the commission may in its discretion employ its own private attorney or attorneys to commence and prosecute such action or actions, without compensation therefor; *provided, however,* that there shall be and there is hereby specifically reserved to the county of Marin, State of California, a right of way over, on, across and through any and all real property selected or acquired as such park, for the purpose of the construction and maintenance of a public highway between Mill Valley and Stinson Beach in said county of Marin. The route of said public highway shall be selected by the board of supervisors of said county of Marin.

SEC. 4. The said Tamalpais state park commission shall have the right, power and authority to receive and accept either in its own name, or in the name of the people of the State of California, by gift, devise, grant or other conveyance, real property, or any interest therein, including water, water rights, roads, trails and rights of way, to be added to or used in connection with said Tamalpais state park; also to receive and accept by gift, devise, contribution, or bequest, money to be used in acquiring, maintaining or improving said real estate as a part of, or in connection with said park; also to receive and accept personal property in the same manner and for the purposes connected with said park; and the said commission is hereby authorized and empowered to expend said money and to use said property, or any part thereof, in accordance with the terms under which the same may be received; said commission may also acquire by purchase or by condemnation proceedings, either in its own name or in

the name of the people of the State of California, or in any other manner, such real and personal property as it may see fit for the extension, improvement or development of said park.

Compensa-
tion
of com-
missioners.

SEC. 5. Said commissioners shall receive no salary or compensation, but shall receive out of any moneys in the hands of said commission, their reasonable and necessary traveling expenses in attending upon their own meetings and in the discharge of their duties as such commissioners. They shall have full power and control over said park, and over the funds provided for the purchase, maintenance and improvement thereof, and shall make and enforce all necessary rules and regulations for the care, maintenance and government of the same and for the carrying out of the purposes of this act.

Regulations.

Guardian.

SEC. 6. Said commission shall have power to appoint a guardian of said park, who shall be a person qualified to care for, maintain and improve the same, and shall have power to pay the said guardian, out of any moneys in their hands, other than the money hereinbefore appropriated, a salary of not to exceed the sum of one thousand five hundred dollars per year, and may in addition allow him to occupy as living quarters any existing buildings in said park, or may erect for him suitable living quarters thereon.

Title to
land.

SEC. 7. No payment of any part of said sum of twenty thousand dollars shall be made for any parcel of land until an abstract or certificate of title shall have been furnished to the attorney general of the State of California, showing that said parcel and the whole thereof is free from any valid liens and incumbrances; and it is hereby made the duty of said attorney general to examine said abstracts and certificates of title and to at once render and deliver to said commission his opinion in writing, certifying that no valid liens or incumbrances exist thereon, and that the title to said lands and the whole thereof is good and valid. Said opinions of the attorney general, together with said abstracts and certificates of title shall be filed in the office of the secretary of state.

Improvement
and upkeep.

SEC. 8. Said commission is hereby authorized and empowered to expend any part of any money that may come into its hands, other than the money hereinbefore appropriated, in the construction of roads, trails and bridges within the boundaries of said park; in the construction and maintenance of suitable buildings, and for the care and maintenance of ample fire trails within said park.

Contracts.

SEC. 9. Said commission is hereby authorized and empowered to enter into any contracts necessary for the care, maintenance and improvement of said park, or to carry out the terms and provisions of this act.

Dept of
natural
resources.

SEC. 10. In the event of the creation by law, of a department of natural resources the said department shall succeed to and is hereby invested with all the powers, purposes, responsibilities and jurisdiction of the Tamalpais state park commission and of the several officers, deputies and employees of said commission, and whenever by the provisions of any statute or

law now in force or that may hereafter be enacted a duty or jurisdiction is imposed or authority conferred upon said commission or the officers, deputies or employees thereof by any statute the enforcement of which is transferred to the department, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of natural resources and the appropriate officers thereof with the same force and effect as though the title of said department of natural resources had been specifically set forth and named therein in lieu of the name of said commission, or any officer, deputy or employee thereof. Said commission and offices, the duties, powers, purposes, responsibilities and jurisdiction of which are so transferred and vested in the department of natural resources, and the positions of all officers, deputies and employees hereunder, shall be abolished and shall have no further legal existence, but the statutes and laws under which they existed and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction, together with all lawful rules and regulations established thereunder are hereby expressly continued in force.

CHAPTER 652.

An act to amend sections two thousand four hundred forty and two thousand four hundred sixty of the Political Code, relating to the appointment, powers, duties, compensation and expenses of the board of pilot commissioners for the ports of San Francisco, Mare Island and Benicia and of the officers and employees of said board, creating a special fund in the state treasury for the receipt of moneys collected by said board and providing for the disbursement of the moneys in said fund.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2440 of the Political Code is hereby amended to read as follows:

2440. There must be appointed by the governor, by and with the advice of the Senate, three experienced and competent shipmasters or nautical men, citizens of the United States, and residents in either of the cities of San Francisco, Oakland, Vallejo or Benicia, or of the towns of Brooklyn or Alameda, a board of pilot commissioners for the ports of San Francisco, Mare Island, and Benicia. Each of the members of said board shall receive as compensation for their services such amount as may be determined from time to time by the board. The board shall have the power to appoint and fix the compensation of a secretary, a treasurer and such other employees as may be necessary. The members of the board

Original
section
amended
Pilot com-
missioners
for San
Francisco,
Mare Island
and Benicia

and its officers and employees shall be allowed their actual necessary expenses in the performance of their duties.

Stats 1899,
p 6,
amended
Monthly
accounts of
pilotage

SEC. 2. Section 2460 of said code is hereby amended to read as follows:

2460. Every pilot of the harbor of San Francisco, Mare Island, Vallejo, and Benicia must, once in each month, upon blanks to be furnished to them by the board of pilot commissioners, render a verified account to the board of all moneys received by him, or by any other person for him, or on his account, and pay five per cent thereof to the board, in full compensation for its official services, for the services of its secretary and treasurer, and all incidental expenses. Such account shall give the name of each vessel piloted, and the master thereof, and of each vessel for which pilotage has been charged or collected, and the amount charged to or collected from each, and any rebates made and allowed and the amounts thereof, where the same is registered, the depth of its draft, its tonnage, whether inward or outward bound, and whether the amount so received, collected, or charged is for full pilotage or half pilotage, and the secretary shall record such account in full detail in a book prepared for that purpose, which book shall at all times be open to public inspection.

Board of
pilot com-
missioners'
special
fund

Any and all moneys received by the board under the provisions of this section and any and all other moneys received by the board under or pursuant to the provisions of any other act or law, shall be accounted for at the close of each month to the state controller in such form as the controller may prescribe and at the same time, on the order of the controller, shall be paid into the state treasury to the credit of the board of pilot commissioners' special fund, which fund is hereby created.

Immediately upon the taking effect of this amendment, any moneys received by the board, or any officer thereof, collected under or pursuant to the provisions of this section and now in the hands of the board or of any officer thereof, shall be accounted for to the controller and paid into the state treasury to be credited and disposed of in the manner herein indicated. The moneys deposited in the state treasury to the credit of the pilot commissioners' special fund are hereby appropriated without regard to fiscal years for the payment of the compensation and expenses of the board and of the officers and employees thereof.

CHAPTER 653.

An act to add two new sections to be numbered nine and ten to an act entitled "An act authorizing the use of convict labor on state highways or state roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for

a forfeiture of such compensation; providing for creation of prisoners' recreation and educational fund; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison; authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith," approved June 9, 1923, relating to the status of prisoners at prison road camps and making an appropriation for the maintenance of such road camps.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section to be numbered 9 is hereby added to an act entitled "An act authorizing the use of convict labor on state highways or state roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation; providing for creation of prisoners recreation and educational fund; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison; authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith," approved June 9, 1923, to read as follows: Stats 1923,
p 670,
amended.

Sec. 9. This act is not intended to restore, in whole or in part, the civil rights of any convict used hereunder and said act shall not be so construed. No convict so used on the state highway or roads shall be considered as an employee or be employed by the state highway commission, nor shall any such convict come within any of the provisions of the workmen's compensation, insurance and safety act of 1917 or be entitled to any benefits thereunder whether on behalf of himself or that of any other person. Civil
rights.

SEC. 2. A new section to be numbered section 10 is hereby added to said act to read as follows: Stats 1923,
p 669,
amended

Sec. 10. The sum of six hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purpose of paying the compensation provided by section 1 of this act to convicts employed in the construction of portions of the state highway system in accordance with the provisions of this act. Appropriation.

CHAPTER 654.

An act to amend section sixteen of the juvenile court law, approved June 5, 1915, as amended.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

Stats 1915,
p. 1238,
amended.
Superior
courts as
juvenile
courts.

SECTION 1. Section 16 of the juvenile court law, approved June 5, 1915, as amended, is hereby amended to read as follows:

Sec. 16. The superior court in every county and city and county in this state shall exercise the jurisdiction conferred by this act, and while sitting in the exercise of its said jurisdiction shall be known and referred to as the "juvenile court." In counties or cities and counties having more than one judge of the superior court, the judges of such court must annually, in the month of January, designate one or more of their number, whose duty it shall be to hear all cases coming under this act; *provided*, that nothing in this section contained shall be construed in conflict with article VI, section 6 of the constitution of the State of California; and the judge or judges so designated must hold as many sessions of the juvenile court, in each week, as may be needed to dispose expeditiously of all of the judicial business properly coming before such court. The order and findings of the superior court in all cases coming under the provisions of this act shall be entered in a suitable book or books, or other form of written record, to be kept for that purpose, and known as the "juvenile court record." All cases coming under the provisions of this act shall be heard at a special or separate session of the court, and no other matter shall be heard at such session, nor shall there be permitted to be present at such session, except as a witness in any such case, any person on trial or awaiting trial, or under accusation of crime, who does not come under the provisions of this act.

CHAPTER 655.

An act authorizing the state board of prison directors to transfer to the California highway commission from the appropriations for the support of San Quentin Prison or Folsom Prison an amount or amounts, not to exceed one hundred thousand dollars, for the purpose of providing compensation for such convicts as may be in the custody of the California highway commission in accordance with the provisions of an act entitled "An act authorizing the use of convict labor on state highways or state roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation;

providing for creation of prisoners' recreation and educational fund; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison; authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith, approved June 9, 1923," as amended, and as the same may be amended from time to time.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

SECTION 1. The state board of prison directors with the approval of the department of finance is hereby authorized to transfer to the control of the California highway commission an amount or amounts of money, not to exceed one hundred thousand dollars, which may be available from the appropriations for the support of San Quentin Prison or Folsom Prison, by reason of the transfer of inmates from such prisons to prison road camps, to be used by the said California highway commission for the purpose of paying the compensation of convicts in accordance with the provisions of an act entitled "An act authorizing the use of convict labor on state highways or state roads; providing for the compensation of such convict labor; regulating the handling of such convict labor; providing for payment of compensation to the dependents of such convicts; providing for a forfeiture of such compensation; providing for creation of prisoners' recreation and educational fund; providing for manner of payment of compensation to said convicts upon release on parole or release or discharge from prison; authorizing allowance of extra good time credits for such labor; providing penalties for interference with such convict labor and repealing all acts or parts of acts in conflict herewith, approved June 9, 1923," as amended, and as the same may be amended from time to time.

Compensation of convicts for highway labor.

SEC. 2. Upon receipt of a certified copy of a resolution by the state board of prison directors with the approval of the department of finance, authorizing such transfer, the state controller shall transfer to the control of the California highway commission the amount or amounts prescribed in such resolution, which shall then be available for the purposes mentioned or referred to in section 1 of this act.

Controller to transfer funds.

CHAPTER 656.

An act to amend section two hundred thirty-one of the Code of Civil Procedure, relating to juries.

[Approved by the Governor May 19, 1927. In effect July 29, 1927.]

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

Stats 1923,
p. 241,
amended.
Selection
and sum-
moning of
jurors.

SECTION 1. Section 231 of the Code of Civil Procedure is hereby amended to read as follows:

231. Such jurors must be summoned from the list of persons prepared as hereinafter stated, by notifying each orally that he is summoned and of the time and place at which his attendance is required or by leaving a written notice to that effect at his place of residence with some person of proper age or by mailing such notice by registered mail.

In the month of January in each year it shall be the duty of each justices' court and of each police or other inferior court in this state to make an order designating the estimated number of trial jurors that will, in the opinion of the court, be required for the transaction of the business of the court and the trial of causes therein during the ensuing year; and immediately after said order is made the county clerk of the county in which said court is held shall select a list of men and women to serve as trial jurors in such court during the ensuing year or until a new list of trial jurors shall be provided.

The selections and lists shall be made of persons suitable and competent to serve as jurors resident respectively in the city and county, township, city or township in which the court has jurisdiction and in making such selections the county clerk shall take the names of such only as are not exempt from serving, who are in the possession of their natural faculties, are not infirm or decrepit, of fair character and approved integrity, and of sound judgment. A certified list of the persons selected to serve as trial jurors in each such court shall at once be placed in the possession of and filed with such court. The persons whose names are so returned shall be known as regular jurors and shall serve for one year and until other persons are selected and returned.

Whenever the business of such court shall require the attendance of a trial jury, the justice or judge of the court, or any one of the justices or judges when there is more than one, may make an order directing the sheriff, constable, marshal or policeman of the jurisdiction to summon trial jurors as hereinabove provided.

Whenever, after all of the persons whose names appear upon the list of jurors for such a court have been summoned and there is not a sufficient number of competent jurors present, the court, or a justice or judge thereof, may direct the sheriff, constable, marshal or policeman of the jurisdiction to

summon a sufficient number of persons having the qualifications of jurors from the body of the city and county, township or city in which such court has jurisdiction.

CHAPTER 657.

An act to add a new section to the Political Code, to be numbered six hundred twenty-nine b, relating to group life insurance.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to the Political Code, to be numbered 629b, to read as follows:

629b. 1. Group life insurance is hereby declared to be that form of life insurance covering not less than fifty employees with or without medical examination, written under a policy issued to the employer, the premium on which is to be paid by the employer or by the employer and employees jointly, and insuring only all of his employees, or all of any class or classes thereof determined by conditions pertaining to the employment, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the employer; *provided, however*, that when the premium is to be paid by the employer and employee jointly and the benefits of the policy are offered to all eligible employees, not less than seventy-five per centum of such employees may be so insured.

The following form of life insurance is also declared to be group insurance within the meaning of this chapter: Life insurance covering the members of any labor union, written under a policy issued to such union which shall be deemed to be the employer for the purposes of this chapter, the premium on which is to be paid by the union or by the union and its members jointly, and insuring only all of its members who are actively engaged in the same occupation, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the union or its officials; *provided, however*, that when the premium is to be paid by the union and its members jointly and the benefits are offered to all eligible members, not less than seventy-five per centum of such members may be so insured; *provided, further*, that when members apply and pay for additional amounts of insurance, a smaller percentage of members may be insured for such additional amounts if they pass satisfactory medical examinations.

2. No policy of group life insurance shall be issued or delivered in this state unless and until a copy of the form thereof has been filed with the commissioner of insurance and approved by him; nor shall such policy be so issued or delivered

Form and
provisions
of policies
(cont'd)

unless it contains in substance the following provisions: (a) A provision that the policy shall be incontestable after two years from its date of issue, except for nonpayment of premiums and except for violation of the conditions of the policy relating to military or naval service in time of war.

(b) A provision that the policy, the application of the employer and the individual applications, if any, of the employees insured, shall constitute the entire contract between the parties, and that all statements made by the employer or by the individual employees shall, in the absence of fraud, be deemed representations and not warranties, and that no such statement shall be used in defense to a claim under the policy, unless it is contained in a written application.

(c) A provision for the equitable adjustment of the premium or the amount of insurance payable in the event of a misstatement of the age of an employee.

(d) A provision that the company will issue to the employer for delivery to the employee, whose life is insured under such policy, an individual certificate setting forth a statement as to the insurance protection to which he is entitled, to whom payable, together with provision to the effect that in case of the termination of the employment for any reason whatsoever the employee shall be entitled to have issued to him by the company, without evidence of insurability and upon application made to the company within thirty-one days after such termination, and upon the payment of the premium applicable to the class of risk to which he belongs and to the form and amount of the policy at his then attained age, a policy of life insurance in any one of the forms customarily issued by the company, except term insurance, in an amount equal to the amount of his protection under such group insurance policy at the time of such termination.

(e) A provision that to the group or class thereof originally insured shall be added from time to time all new employees of the employer eligible to insurance in such group or class.

Policies of group life insurance, when issued in this state by any company not organized under the laws of this state, may contain, when issued, any provision required by the law of the state, or territory, or district of the United States under which the company is organized; and policies issued in other states or countries by companies organized in this state, may contain any provision required by the laws of the state, territory, district, or country, in which the same are issued, anything in this section to the contrary notwithstanding. Any such policy may be issued or delivered in this state which in the opinion of the commissioner of insurance contains provisions on any one or more of the several foregoing requirements more favorable to the employer or to the employee than hereinbefore required.

3. In every group policy issued by a domestic life insurance company, the employer shall be deemed to be the policyholder for all purposes within the meaning of this chapter, and, if

Policy-
holder

entitled to vote at meetings of the company, shall be entitled to one vote thereat.

4. No policy of group life insurance, nor the proceeds thereof, when paid to any employee or employees thereunder, shall be liable to attachment, garnishment, or other process, or to be seized, taken, appropriated or applied by any legal or equitable process or operation of law, to pay any debt or liability of such employee, or his beneficiary, or any other person who may have a right thereunder, either before or after payment; nor shall the proceeds thereof, when not made payable to a named beneficiary, constitute a part of the estate of the employee for the payment of his debts.

Freedom
from
attachment,
etc.

(a) This act shall take effect immediately.

CHAPTER 658.

An act to add a new section to the Civil Code, to be numbered two thousand seven hundred sixty-eight, relating to the disposition of the proceeds of policies of life or endowment insurance.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to the Civil Code to be numbered 2768, and to read as follows:

New section

2768. Any policy of life or endowment insurance may provide that the proceeds thereof or payments thereunder shall not be subject to transfer, anticipation or commutation or encumbrance by any beneficiary, and shall not be subject to the claims of creditors of any beneficiary or any legal process against any beneficiary.

Disposition
of proceeds

CHAPTER 659.

An act to amend section six hundred twenty-nine a of the Political Code, relating to group life insurance and valuation thereof.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 629a of the Political Code is hereby amended to read as follows:

Stats. 1923,
p. 724,
amended.

629a. Any life insurance company may issue life or endowment insurance, with or without annuities, with special rates of premiums less than the usual rates of premiums for such insurance upon the group plan, and may value policies of such insurance on any accepted table of mortality and interest

Group life
insurance
and valuation
thereof.

assumption adopted by the company for that purpose; *provided*, that the legal minimum standard for the valuation of group term insurance policies under which premium rates are not guaranteed for a period in excess of five years shall be the American men ultimate table of mortality with interest at three and one-half per centum per annum. All policies of group insurance shall be segregated by the company into a separate class and the mortality experience kept separate. The number of policies, amount of insurance, reserves, premiums and payments to policy holders thereunder, together with the mortality table and interest assumption adopted by the company, shall be reported separately in the company's annual financial statement.

CHAPTER 660.

An act requiring certain reports to be made concerning children with impaired hearing.

[Approved by the Governor May 20, 1927. In effect July 20, 1927.]

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

Deaf
children to
be reported

SECTION 1. It shall be the duty of every attending or consulting physician, nurse, parent or guardian having charge of any minor who is totally deaf or whose hearing is impaired, to report at once to the superintendent of schools of the county, or incorporated city, or city and county of which said child is a resident, the name, age and residence of such minor.

Information
as to schools

SEC. 2. Upon receipt of this information by the county superintendent of schools of the county or the city and county, it shall be his duty to communicate to the parent the address of the California School for the Deaf and also of the nearest public school for the deaf and the nearest public school for the hard of hearing, if there be either or both in the county with information concerning the advantages offered by the school and the benefits to accrue to the child from attendance at such schools or either of them.

Registration
card

SEC. 3. It shall be the duty also of the superintendent of schools of the county or city and county to issue to said parent or guardian of said minor thus afflicted an official registration card signifying that said child has been properly registered with the local and state boards of education and to send to each of the schools mentioned in section 2 hereof the name, address and age of said minor child.

Parents'
rights

SEC. 4. No official or agent or representative in carrying out the provision of this act shall enter any home or take charge of any child over the objection of the parents, or either of them, or the person standing in loco parentis or having custody of said child.

Nothing in this act shall be construed as limiting the power of a parent or guardian or person standing in loco parentis to determine what treatment or correction shall be provided for a child or the agency or agencies to be employed for such purpose.

CHAPTER 661.

An act to amend section twenty-five of the Civil Code, relating to age of majority.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 25 of the Civil Code is hereby amended to read as follows: Original section amended.

25. Minors are all persons under twenty-one years of age; Minors, who are. *provided*, that this section shall be subject to the provisions of the titles of this code on marriage and shall not be construed as repealing or limiting the provisions of section 204 of this code; *provided, further*, that upon the lawful marriage of any female of the age of eighteen years or over but under the age of twenty-one years, such female shall be deemed an adult person for the purpose of entering into any engagement or transaction respecting property or any contract, the same as if such person was over twenty-one years of age.

CHAPTER 662.

An act providing for the manner of payment of the extra compensation of justices, judges and justices of the peace, sitting in courts other than their own under assignment thereto by the chairman of the judicial council, and for the manner of payment of the necessary expenses for travel, board and lodging of such justices and judges incurred in the discharge of such assignments.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

SECTION 1. The extra compensation of judges and justices of the peace sitting in superior courts, under assignments thereto by the chairman of the judicial council under the provisions of section 1a of article VI of the constitution of this state, and, in addition, in those cases where such judges and justices are assigned to courts in a county other than that in which they regularly sit, the necessary expenses for travel, board and lodging, incurred by them in the discharge of such assignments, shall be paid in the following manner: Extra compensation of judges and justices sitting in superior courts.

(a) The state shall pay a portion of such extra compensation of a superior judge equal to the difference between the amount which the state pays toward the salary of such judge, and the amount which the state pays toward the salary of a judge of the superior court in the county to which such judge is assigned;

(b) The county to which a superior judge is assigned shall pay a portion of such extra compensation equal to the difference between the amount paid toward the salary of such judge by the county from which he is assigned, and the amount paid by the county toward the salary of a superior judge in the county to which he is assigned;

(c) Of the extra compensation of a justice of the peace or of a judge of a municipal or other court of lower jurisdiction than the superior court, assigned to a superior court, the state shall pay the same proportion that it pays of the salary of a judge of such superior court, the remainder of such extra compensation to be paid by the county in and for which is held the superior court to which such justice or judge is assigned;

(d) The expenses of each judge or justice of the peace assigned to a superior court in a county other than that in which he regularly sits shall be borne by the state and the county to which assigned, in the same proportions as the extra compensation of such judge or justice of the peace, and shall be audited and paid according to rules prescribed by the state board of control for the presentation, audit and payment of such expenses;

(e) The state controller and the auditor of each county or city and county shall be and are hereby authorized to draw their warrants in accordance with such rules, for the payment of extra compensation or expenses provided in this section;

(f) The payment by the state toward such extra compensation and expenses shall be made from the moneys appropriated for the support of the judicial council. The payment by the county or city and county toward such extra compensation and expenses shall be made from the same fund as salaries and expenses of officers of the county or city and county are made.

Judges and
justices
sitting in
lower courts.

SEC. 2. The extra compensation of judges and justices of the peace sitting in courts of lower jurisdiction than superior courts, under such assignments, shall be paid by the city, city and county, or county which by law is charged with the payment of the compensation of the judge or judges of the court to which the assignment is made. In those cases where a judge or justice is assigned to such a court in a county other than that in which he regularly sits, the necessary expenses for travel, board and lodging incurred in the discharge of his assignment shall also be paid by such city, city and county, or county. The payments of a city, city and county, or county under this section shall be made from the same fund as salaries and expenses of officers of the county or city and county are made.

SEC. 3. The extra compensation of justices and judges sitting in the supreme court and district courts of appeal, under such assignments, together with the necessary expenses for travel, board and lodging incurred by them in the discharge of such assignments, shall be paid by the state.

Service in
supreme
court, etc.

CHAPTER 663.

An act to amend an act entitled "An act to provide for the formation of levee districts in the various counties of this state, and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905, as amended, by adding a new section thereto to be numbered section twenty-six to provide for the dissolution of such levee districts.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

SECTION 1. A new section is hereby added to an act entitled "An act to provide for the formation of levee districts in the various counties of this state, and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905, as amended, to read as follows:

Stats 1907,
p 338,
amended.

Sec. 26. The district may at any time be dissolved upon the vote of two-thirds of the qualified electors thereof, upon an election called by the board of trustees upon the question of dissolution. Said board must call such election upon being presented with a petition requesting such dissolution, signed by a majority of the land owners within such district. Such election shall be called and conducted in the same manner as other elections of the district. Upon the vote of two-thirds of the qualified electors thereof in favor of dissolution, the board of directors shall make an order declaring said district dissolved and a certified copy of same shall be filed in the office of the county recorder of said county. Upon dissolution of said district all property of said district shall by the sheriff be sold at public auction in the same manner as like property under execution, the proceeds thereof deposited in the county treasury and applied to payment of any indebtedness of the district. In case, however, there is no indebtedness, said proceeds and any other funds in said districts shall, or if more than sufficient

Dissolution
of districts

funds to pay all outstanding indebtedness upon application to the superior court of the county wherein said district is situated, or in case it is situated in more than one county, in the county in which the greatest area is located, be ordered distributed to the landowners of said district in the same proportion as each tract of land contributed to the last assessment for district purposes in said district. In case there be an outstanding bonded indebtedness, or other indebtedness of such district at the time of dissolution, such district shall be dissolved for all purposes, excepting only the levy and collection of taxes for the payment of such indebtedness and the payment of the expenses of assessing, levying and collecting the same, and the board of supervisors are hereby constituted, ex officio, trustees of said district for that purpose and it is hereby made obligatory upon such board to levy such taxes, and perform any and all other acts necessary to make such levy, to pay such indebtedness and the interest thereon as same becomes due, and the county tax collector shall collect and deposit same in the county treasury, and the county treasurer shall disburse such funds collected to pay said indebtedness and the interest as same becomes due, upon presentation to him of the bonds due or coupons thereon or warrants, as same become due and payable.

CHAPTER 664.

An act to add a new section to be numbered four thousand two hundred sixty-seven a to the Political Code, relating to the salaries, fees and expenses of the county surveyor in counties of the thirty-eighth class.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

New section. SECTION 1. Section 4267a of the Political Code is hereby amended to read as follows:

Counties of 38th class: surveyor 4267a. In counties of the thirty-eighth class the county surveyor shall receive the sum of two thousand two hundred fifty dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1927, payable in equal monthly installments and thereafter a salary of two thousand seven hundred dollars per annum, for all work performed for the county, and in addition thereto he shall receive his actual traveling and other necessary expenses incurred by him while engaged in work in the field for the county; said salary shall be paid in the manner and out of the same fund as the salaries of county officers are paid.

CHAPTER 665.

An act to amend section six hundred twenty-nine of the Penal Code, relating to the installation and maintenance of fish screens.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 629 of the Penal Code is hereby amended to read as follows:

629. It shall be the duty of the state board of fish and game commissioners to examine from time to time all mill races, irrigating ditches, pipes, flumes, tunnels and canals taking or receiving water from any river, creek, stream or lake in this state. Whenever in the opinion of the state fish and game commission it shall be necessary to screen any such mill race, irrigating ditch, pipe, flume, tunnel or canal in order to prevent fish from passing through or into such mill race, irrigating ditch, pipe, flume, tunnel or canal and away from any river, creek, stream or lake in which fish have been planted or may exist, the state fish and game commission shall order the person, company or corporation, irrigation district, or other political subdivision owning, leasing, controlling or having in charge any such mill race, irrigating ditch, pipe, flume, tunnel or canal to install and maintain a screen on such mill race, irrigating ditch, pipe, flume, tunnel or canal. Said order shall be in writing and shall specify the type, size, mesh, material and location of such screen and the time within which said screen must be installed.

After making and serving an order to install and maintain a screen as provided herein, the board of fish and game commissioners shall, when requested by said owners, lessees or operators or said irrigation district or other political subdivision owning, leasing or operating such mill race, irrigating ditch, pipe, flume, tunnel or canal, fix a time and place in the county in which the intake of such mill race, irrigating ditch, pipe, flume, tunnel or canal is situated for the taking of evidence upon the question of the necessity of installing and maintaining such screen and cause a notice in writing of the time and place of hearing to be served upon said owner, lessee, or operator, or upon the secretary or director of an irrigation district, or upon the chairman of the board of trustees or officers holding a corresponding position of such political subdivision owning or operating such mill race, irrigating ditch, pipe, flume, tunnel or canal at least ten days before such hearing at such time and place designated in said notice testimony under oath shall be taken on the part of the board of fish and game commissioners and the person, company, corporation, irrigation district or other political subdivision requesting such hearing. If said request for a hearing upon the order herein

Stats. 1923,
p. 975,
amended.
Screening of
mill races,
pipes, etc.

Investigation
as to neces-
sity for
screens.

specified is not made within ten days after the service of said order upon said person, company, corporation, irrigation district or other political subdivision, owners, lessees or operators of said mill race, irrigating ditch, pipe, flume, tunnel or canal said hearing shall be deemed to have been waived and said order herein specified shall become final.

Location,
size and
time for
installation

If it appears from the evidence upon said hearing that fish exist or have been planted in the river, stream, creek, lake or other body of water from which said mill race, irrigating ditch, pipe, flume, tunnel or canal takes its waters, said board of fish and game commissioners shall make an order in writing and cause the same to be served on said owner, lessee or operator or on said irrigation district or other political subdivision owning or operating said mill race, irrigating ditch, pipe, flume, tunnel or canal; said order shall designate the point on said mill race, irrigating ditch, pipe, flume, tunnel or canal at which said screen shall be located, and the type, size, mesh and materials of said screen and the time within which said screen must be installed. Said time shall be not less than thirty days, nor more than six months, from the date of service of said order upon said owner, lessee, operator or upon said irrigation district or other political subdivision owning, leasing or operating said mill race, irrigating ditch, pipe, flume, tunnel or canal.

Inspection
of screen

When said screen shall have been installed the owner, lessee or occupant thereof may by written notice within ninety days after such installation request the fish and game commission to inspect said screen for the purpose of accepting the same. Thereupon it shall be the duty of the fish and game commission to inspect said screen and if the same shall have been installed in full accordance with the order and plans and specifications furnished by the fish and game commission, then it shall further be the duty of the fish and game commission to accept and approve the same in writing. If upon such inspection it shall appear that the said screen has not been properly constructed and installed, it shall be the duty of the fish and game commission within sixty days after such inspection to notify the owner, lessee or occupant of any defect or deviation from the order. Thereupon such defect or deviation may be remedied within ninety days and a further inspection requested.

Screen
failing to
function.

After acceptance, should said screen fail to function in an efficient manner, due to faulty design, no changes in conditions affecting its operations having occurred subsequent to the acceptance of said screen, then the owner, lessee or occupant shall not be required to install a new screen but shall furnish a site to be selected by the fish and game commission upon which the fish and game commission may construct and install a screen of new design, the cost of which shall be paid out of the fish and game preservation fund; *provided*, that such construction and installation of the screen of new design shall not

relieve the owner, lessee or occupant of such mill race, irrigation ditch, pipe, flume, tunnel or canal of the maintenance of such screen as provided in this act, and such person shall be charged with the maintenance of such screen.

The evidence in any investigation, inquiry or hearing, provided by this section, may be taken by any of the members of the board of fish and game commissioners, or such deputy fish and game commissioner, or employee, as the board may designate to take such evidence, and each member of the board and any of its deputies or employees designated to take evidence at the hearing provided hereby shall have the power to administer oaths, take affidavits and issue subpoenas for the attendance of witnesses at such hearings. Each witness, legally subpoenaed, attending at a hearing, shall receive for his attendance the same fees and mileage allowed by law to a witness in civil cases, which amount shall be paid by the party to whose request such witness is subpoenaed.

Taking of
evidence

The superior court in and for the county, or city and county, in which any inquiry, investigation, hearing or proceeding may be held under authority of this section shall have the power to compel the attendance of witnesses, the giving of testimony and the production of papers, as required by any subpoena issued under authority of this section. The commission, or representative of the commission, before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court in and for the county, or city and county, in which the proceeding is pending, by petition setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers, and that the witness has been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend or produce the papers required by the subpoena, before the commission or its representative, in the cause or proceeding named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court compelling the witness to attend and testify or produce said papers before the commission or its representative. The court, upon the petition of the commission or its representative, shall enter an order directing the witness to appear before the court, at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and there show cause why he has not attended and testified or produced said papers before the commission or its representative. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission or its representative, the court shall thereupon enter an order that said witness appear before the commission or its representative at the time and place fixed in said order, and testify or produce the required papers, and upon failure

Compelling
attendance
of witnesses

to obey said order, said witness shall be dealt with as for contempt of court.

Depositions. The commission or its representative, or any party, may, in any investigation or hearing before the commission or its representative, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state and to that end may compel the attendance of witnesses and the production of documents and papers.

Penalties. Any person, company, or corporation, and the directors or officers of any irrigation district or other political subdivision failing, refusing or neglecting to install or maintain such screen so ordered by the board of fish and game commissioners within the time prescribed in said order and any person, company, corporation and the directors or officers of any irrigation district or other political subdivision who suffers or permits said screen to get out of order or suffers or permits said screen to be removed or taken out of place while water is running in said mill race, irrigating ditch, pipe, flume, tunnel or canal shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail of the county in which said conviction shall be had of not less than fifty days nor more than one hundred fifty days, or by both such fine and imprisonment.

Continuance from day to day of failing or refusing to install or maintain said screen shall constitute a separate offense.

All fines and forfeitures imposed and collected for any violation of any of the provisions of this act shall be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 666.

An act to amend section four hundred nine of the Political Code, relating to fees to be collected by the secretary of state.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

Stats 1923,
p. 143,
amended
Fees to be
collected by
secretary of
state

SECTION 1. Section 409 of the Political Code is hereby amended to read as follows:

409. The secretary of state, for services performed in his office, must charge and collect the following fees:

1. For a copy of any law, resolution, record, or other document on file in his office, twenty cents per folio.

2. For comparing a copy of any law, resolution, record, or other document or paper with the original, or the certified copy of the original, on file in his office, five cents per folio.

3. For affixing certificate and seal of state, unless otherwise provided for, two dollars.

4. For filing articles of incorporation, if the capital stock amounts to twenty-five thousand dollars or less, fifteen dollars; if the capital stock amounts to over twenty-five thousand dollars, and not over seventy-five thousand dollars, twenty-five dollars; if the capital stock amounts to over seventy-five thousand dollars and not over two hundred thousand dollars, fifty dollars; if the capital stock amounts to over two hundred thousand dollars and not over five hundred thousand dollars, seventy-five dollars; if the capital stock is over five hundred thousand dollars and not over one million dollars, one hundred dollars; if the capital stock is over one million dollars, fifty dollars additional for every five hundred thousand dollars or fraction thereof of capital stock over and above one million dollars; for filing articles of incorporation not providing for a capital stock, unless otherwise provided for, five dollars; for filing articles of incorporation provided for in sections 653*d*, 653*v*, 653*h* of the Civil Code, fifteen dollars.

Fees to be collected by secretary of state (cont'd)

5. For recording articles of incorporation, twenty cents per folio.

6. For issuing certificate of incorporation, three dollars.

7. For filing certificate of increase of capital stock, five dollars for every fifty thousand dollars or fraction thereof such increase.

8. For filing certificate of decrease of capital stock, five dollars.

9. For filing notice of removal of principal place of business, five dollars.

10. For filing amended articles of incorporation, except as otherwise provided for, five dollars; for filing amended articles of incorporation which provide for additional shares having no nominal or par value, five dollars for each five thousand additional shares, or fraction thereof, but in no case less than fifteen dollars; for filing amended articles of incorporation changing the stock of a corporation from shares having a par value to shares having no nominal or par value, five dollars for each five thousand shares, or fraction thereof, therein provided for, but in no case less than fifteen dollars; for filing amended articles of incorporation changing the stock of a corporation from shares having no nominal or par value to shares having a par value, or amended articles of incorporation authorizing a corporation which has no capital stock to issue shares of capital stock having a par value, five dollars for each fifty thousand dollars of capital stock so authorized, or fraction thereof, but in no case less than fifteen dollars.

11. For filing certificate of creation of bonded indebtedness, or increase or decrease thereof, five dollars.

12. For issuing certificate of increase or decrease of capital stock, three dollars.

13. For filing certificate of continuance of existence, five dollars.

Fees to be
collected by
secretary of
state
(cont'd).

14. For issuing certificate of continuance of existence, three dollars.
15. For filing claim to trademark, and issuing certificate of filing, five dollars.
16. For issuing certificate of filing of any document, not otherwise provided for, three dollars.
17. For filing certificate of increase or decrease of number of directors, five dollars.
18. For issuing certificate of increase or decrease of number of directors, three dollars.
19. For receiving and recording each official bond, five dollars.
20. For filing notice of appointment of agent, five dollars.
21. For each commission, passport, or other document signed by the governor and attested by the secretary of state (pardons, military commissions, commissions issued to nonsalaried state officers, and extradition papers excepted), five dollars.
22. For each patent for land issued by the governor, if for one hundred and sixty acres, or less, one dollar; and for each additional one hundred and sixty acres, or fraction thereof, one dollar.
23. For issuing certificate of official character, two dollars.
24. For recording miscellaneous documents or papers, twenty cents per folio.
25. For filing certified copy of order and decree of court, changing name, or certified copy of order and decree of court, dissolving a corporation, five dollars.
26. For filing and indexing certificate of mortgage or assignment or discharge of mortgage of live stock, vehicles (other than motor vehicles) and other migratory property, fifty cents.
27. For each notary public commission signed by the governor and attested by the secretary of state, five dollars.
28. For filing a certified copy of a permit issued by the commissioner of corporations pursuant to section 309½, Civil Code, five dollars.

No member of the Legislature or state officer shall be charged for any search relative to matters appertaining to the duties of his office, nor shall he be charged any fee for a certified copy of any law or resolution passed by the Legislature relative to his official duties.

All fees collected by the secretary of state must, at least once each week, be paid into the state treasury.

CHAPTER 667.

An act to amend sections two a, seven, eleven, fourteen, fourteen a, fourteen d, fifteen and one-half, thirty-six, thirty-seven and thirty-nine of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts' and to repeal an

act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 28, 1917, as amended.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 2a of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts,' and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith," approved May 28, 1917, as amended, is hereby amended to read as follows:

Stats 1925,
p. 795,
amended.

Sec. 2a. Fish and game district 1½ shall consist of and include those portions of Modoc county not included in fish and game districts one "B", one "N" and one "C" and those portions of Lassen county not included in fish and game districts one "F", one "Q" and 25.

District one
and
three-
fourths

Sec. 2. Section 7 of said act is hereby amended to read as follows:

Stats 1925,
p. 796,
amended.

Sec. 7. Fish and game district one "E" shall consist of and include all lands lying within the county of Shasta within the following boundaries: Beginning at the point of intersection of the east bank of the McCloud river with the south bank of the more southerly and smaller of the two creeks, each of which is known as Bollibokka creek, said point of intersection being at approximately the center of the northeast quarter of the northwest quarter of section twenty-eight in township thirty-six north, range three west, Mount Diablo base and meridian, and running thence in a general southerly direction along the summit of the ridge dividing the watershed of said creek from the watershed of the McCloud river to the summit of Bollibokka mountain and likewise of the ridge dividing the watershed of said creek from the watershed of Nasoni creek, thence in a general northeasterly direction along the summit of the ridge dividing the watershed of said Nasoni creek from the watershed of the said two Bollibokka creeks to its intersection with the summit of the ridge dividing the watershed of Chatterdown creek from the watershed of said Nasoni creek, thence in a general easterly direction along the summit of said last mentioned ridge to the summit of the main ridge dividing the drainage of the McCloud river from that of Squaw creek, thence in a general northerly direction along the summit of said last mentioned ridge to its intersection with the Camp Welcome trail, thence in a general easterly direction along said trail to its intersection with the west bank of Squaw creek at Fish camp, thence in a general southerly direction downstream along the west bank of said last named creek to its

District
one "E"

intersection with Salt creek, thence in a general southwesterly direction along the summit of the ridge dividing the watershed of Salt creek from that of Squaw creek below the mouth of Salt creek to the summit of Winnibull mountain, thence in a general westerly direction along the summit of the ridge dividing the watershed of Salt creek from that of Didalla's creek to the summit of the main ridge dividing the drainage of McCloud river from that of Squaw creek, thence in a general northerly direction along the summit of said last mentioned ridge to its intersection with the summit of the ridge forming the northerly boundary of the watershed of Mathles creek, thence in a general westerly direction along the summit of said last mentioned ridge to the intersection of the north bank of said creek with the east bank of said river, thence northerly along the east bank of said river to the point of beginning.

SEC. 3. Section 11 of said act is hereby amended to read as follows:

Stats 1919,
p 430,
amended.
District
one "I."

Sec. 11. Fish and game district one "I" shall consist of and include all lands within the county of Placer within the following boundaries: Commencing at the junction of the north fork of the middle fork of the American river and the middle fork of the American river; thence northeasterly up the north fork of the middle fork to Grouse creek; thence northeasterly up main Grouse creek to its intersection with Red Star ridge, this being the divide between Duncan's creek and the middle fork of the American river. Thence northeasterly following the summit of Red Star ridge to the new Westville French Meadows highway, thence northeasterly along said highway to a point in section four, township fifteen north, range fourteen east, Mount Diablo base meridian, where the said highway leaves the main divide between the north fork of the American river and the middle fork of the American river, thence easterly along the summit of the divide between the north fork of the American river and the middle fork of the American river to Needle Peak, thence southerly following the summit of the divide between Pickayune and Gray Horse creeks on the west and Five Lakes creek on the east, to the range line between townships fourteen and fifteen north, Mount Diablo base meridian, thence west along said township line to the south fork of Long canyon, thence westerly down Long canyon and Rubicon river and the middle fork of the American river to the point of beginning at the mouth of the north fork of the middle fork of the American river.

SEC. 4. Section 14 of said act is hereby amended to read as follows:

Stats 1917,
p 1052,
amended
District
one "L."

Sec. 14. Fish and game district one "L" shall consist of and include the area composing the watershed of Chimney creek north of the section line between sections eight and seventeen, township twenty-five south, range thirty-six east, Mount Diablo base and meridian, and all of the watershed of Long Valley, all lying within the counties of Tulare and Kern.

SEC. 5. Section 14a of said act is hereby amended to read as follows: Stats. 1925,
p. 797,
amended.

Sec. 14a. Fish and game district one "N" shall consist of and include all lands lying within the counties of Siskiyou and Modoc within the following boundaries: Commencing at the junction of the Lava Ranger Station road and the Medicine Lake Quaking Asp road, thence following westerly and northerly the northerly and easterly side of said Lava Ranger Station road to its junction with the Medicine Lake Quaking Asp road near the corner of section eighteen, township forty-two north, range five east, Mount Diablo base and meridian, thence following the southerly and westerly side of the Medicine Lake Quaking Asp road to the point of beginning. District,
one "N."

SEC. 6. Section 14d of said act is hereby amended to read as follows: Stats 1925,
p 798,
amended.

Sec. 14d. Fish and game district one "Q" shall consist of and include all lands within the county of Lassen lying within the following boundaries: Beginning at the southeast corner of section twelve, township thirty-four north, range seventeen east, thence following Painter creek to the northwest corner of section eleven, township thirty-four north, range sixteen east, thence west along the left side of the Spanish Springs road to Spanish Springs; thence south following the easterly side of the county road through Secret Valley and the eastern side of the Wendall Alturas road to the summit of the Hot Springs mountain divide between sections twenty-seven and thirty-four, township north, range fifteen east, Mount Diablo base and meridian; thence following easterly the summit of the said divide to the northwest corner of section thirteen, township twenty-eight north, range seventeen east, Mount Diablo base and meridian; thence along the section line between sections twelve and thirteen, township twenty-eight north, range seventeen east; thence easterly along the section line between sections twelve and thirteen, range seventeen east, Mount Diablo base and meridian to the California-Nevada state line; thence northerly along the Nevada-California state line to the southeast corner of section twelve, township thirty-four north, range seventeen east. Mount Diablo base and meridian, the point of beginning. District,
one "Q"

SEC. 7. Section 15 $\frac{1}{2}$ of said act is hereby amended to read as follows: Stats. 1923,
p. 37,
amended

Sec. 15 $\frac{1}{2}$. Fish and game district two and one-half shall consist of and include that portion of townships twenty-four north, range nineteen west; twenty-four north, range eighteen west; twenty-three north, range eighteen west; twenty-three north, range seventeen west; twenty-two north, range eighteen west; twenty-two north, range seventeen west; twenty-one north, range seventeen west, west of the summit of the divide between the Pacific ocean and the south fork of the Eel river. District two
and one-half.

All of the townships twenty north, range seventeen west; nineteen north, range seventeen west; eighteen north, range seventeen west; eighteen north, range sixteen west; seventeen

north, range seventeen west; seventeen north, range sixteen west; sixteen north, range seventeen west; sixteen north, range sixteen west; fifteen north, range seventeen west; fifteen north, range sixteen west; fourteen north, range seventeen west; fourteen north, range sixteen west; thirteen north, range seventeen west; thirteen north, range sixteen west; twelve north, range seventeen west; twelve north, range sixteen west.

All being townships located in western Mendocino county.

Stats 1917,
p. 1058,
amended
District
eleven.

SEC. 8. Section 36 of said act is hereby amended to read as follows:

SEC. 36. Fish and game district eleven shall consist of and include the waters and tidelands of San Francisco and Richardson bays to high water mark bounded as follows: Beginning at the extreme westerly point of Point Bonita, thence in a direct line to the extreme westerly point of Point Lobos, thence around the shore line of San Francisco bay to the foot of Powell street; thence in a direct line to the extreme westerly point of Alcatraz island, thence in a direct line to Lime point in Marin county, thence westerly around the shore of San Francisco bay to the point of beginning.

Stats. 1917,
p 1059,
amended
District
twelve.

SEC. 9. Section 37 of said act is hereby amended to read as follows:

SEC. 37. Fish and game district twelve shall consist of and include all waters and tidelands of San Francisco bay to high water mark not included in fish and game districts eleven and thirteen, the waters and tidelands to high water mark of San Leandro bay, Oakland creek or estuary, San Antonio creek in Alameda county, Raccoon straits and San Pablo bay to a line drawn due south from the lighthouse station at the end of the jetty to the south entrance of Mare Island straits and all lands and waters included within the exterior boundaries of said fish and game district and excluding all tributary sloughs, creeks, bays, rivers and overflowed areas not specifically described herein. For the purpose of this act that portion of San Francisco bay lying westerly of a line drawn from California point to San Quentin point, and that portion of San Francisco bay lying westerly of a line drawn from San Quentin point to San Pedro point, in Marin county, and that portion of San Pablo bay lying westerly of a line drawn from San Pedro point to the south side of the mouth of Novato creek, and that portion of San Pablo bay lying northerly of a line drawn due east from the south side of the mouth of Novato creek to the westerly shore of Mare Island shall be included in fish and game district number two.

CHAPTER 668.

An act to provide for the assessment, levy and collection of taxes for the support of the state government for the seventy-ninth and eightieth fiscal years.

[Approved by the Governor May 20, 1927. In effect immediately.]

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

SECTION 1. The state board of equalization shall, between the first Monday in March and the first Monday in July in the year 1927, for the support of the state government assess and levy taxes upon the property in the manner and upon the rates of taxation as provided for in the subdivisions (a), (b), (c), and (d), of section 14 of article XIII of the constitution of the State of California, or if any rate of taxation shall have been changed by the Legislature pursuant to the subdivision (f) of said section and article, then upon such rate of taxation as so changed and fixed, for the purpose of raising the sum of forty-four million two hundred twenty-five thousand dollars for annual expenditure for the support of the state government for the seventy-ninth fiscal year, and in the event that the taxes so assessed and levied, together with all available revenues other than those revenues required by law to be used for special uses, shall not raise said sum of forty-four million two hundred twenty-five thousand dollars, then said above named revenues shall be deemed insufficient to meet the annual expenditures of the state for the seventy-ninth fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation hereinbefore specified, together with all other state revenues, other than those revenues required by law to be used for special uses, and said sum of forty-four million two hundred twenty-five thousand dollars, then said state board of equalization, in accordance with the provisions of subdivision (e) of said section 14 of article XIII of the constitution of the State of California, at the time provided in section 3696 of the Political Code, shall fix such an ad valorem rate of taxation for the said seventy-ninth fiscal year upon each one hundred dollars in value of taxable property, upon all the property in the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year 1910, as, after allowing five per cent for delinquencies, will raise for said seventy-ninth fiscal year the amount of said deficiency.

SEC. 2. The state board of equalization shall, between the first Monday in March and the first Monday in July in the year 1928, for the support of the state government, assess and levy taxes upon the property in the manner and upon the rates of taxation as provided for in subdivisions (a), (b), (c),

Assessment
and levy of
state taxes.

Sum to be
raised for
79th fiscal
year.

Ad valorem
tax rate

Sum to be raised for 30th fiscal year.

and (d) of sect on 14 of article XIII of the constitution of the State of California, or if any rate of taxation shall have been changed by the Legislature pursuant to subdivision (f) of said section and article, then upon such rate of taxation as so changed and fixed by the laws now in force, for the purpose of raising the sum of forty-five million seven hundred fifty-five thousand dollars for annual expenditure for the support of the state government for the eightieth fiscal year; and in the event that the taxes so assessed and levied, together with all available revenues other than those revenues required by law to be used for special uses, shall not raise the said sum of forty-five million seven hundred fifty-five thousand dollars, then said above named revenues shall be deemed insufficient to meet the annual expenditures of the state for the eightieth fiscal year which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation as hereinbefore specified, together with all other state revenues, other than those revenues required by law to be used for special uses, and said sum of forty-five million seven hundred fifty-five thousand dollars, then said state board of equalization, in accordance with the provisions of subdivision (e) of said section 14 of article XIII of the constitution of the State of California, at the time provided in section 3696 of the Political Code, shall fix such an ad valorem rate of taxation for said eightieth fiscal year upon each one hundred dollars in value of taxable property, upon all the property of the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year 1910, as, after allowing five per cent for delinquencies, will raise for said eightieth fiscal year the amount of said deficiency.

Ad valorem tax rate.

Deficiency tax to be levied on all property.

SEC. 3. Any tax so levied and collected to meet a deficiency in state revenues for either of said fiscal years shall be assessed, levied and collected on all property in the state, not exempt from taxation, including the classes of property enumerated in section 14 of article XIII of the constitution of this state, under the provisions of the Political Code relating to the assessment, levy and collection of state and county taxes as said provisions were in force on the seventh day of November in the year 1910.

In effect immediately

SEC. 4. This act, inasmuch as it provides for a tax levy for the usual current expenses of the state, shall, under the provisions of section 1 of article IV of the constitution of the State of California, take effect immediately.

CHAPTER 669.

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

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 626f of the Penal Code is hereby amended to read as follows:

626f. Every person who, between the sixteenth day of October and the thirty-first day of August, both dates inclusive, of the following year, hunts, pursues, takes, kills or destroys or has in possession, whether taken or killed in the State of California, or shipped into the state from any other state or territory or foreign country, any male deer or any deer meat, is guilty of a misdemeanor except as hereinafter provided; *provided*, that every person in game districts two and two and one-half and three of the State of California, who, between the fifteenth day of September and the thirty-first day of July, inclusive, of the following year, hunts, pursues, takes, kills or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state, territory or foreign country, any male deer, or deer meat, is guilty of a misdemeanor; *provided, further*, that every person in game district one, one and three-quarters, four and one-half, twenty-three, twenty-four, twenty-five, twenty-six, four and four and three-quarters, of the State of California, who between the sixteenth day of October and the fifteenth day of September, both dates inclusive, of the following year, hunts, pursues, takes, kills, or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the state from any other state or territory or foreign country, any male deer, or any deer meat is guilty of a misdemeanor; *provided, further*, that domesticated reindeer may be imported and sold, subject to such regulations as may be required by the fish and game commission; *provided, further*, that any resident of this state lawfully killing a deer in any other state, may ship or transport into this state such deer, if the same is legal in this state; *provided*, that permission has been secured from the proper authorities of the state in which the deer was killed; *and provided, further*, that such person has complied with the rules and regulations that may be hereafter prescribed by the fish and game commission.

Stats 1925,
p 636,
amended.
Protection
of deer.

Reindeer.

CHAPTER 670.

An act to amend section six hundred and thirty-five of the Penal Code, relating to the protection of fish.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

Stats 1921,
p 157,
amended.

Fishing with
explosives,
and polluting
streams.

SECTION 1. Section 635 of the Penal Code is hereby amended to read as follows:

635. Every person, firm, association, or corporation who places, or causes to be placed, in any of the waters of this state, dynamite, gunpowder, or other explosive compound for the purpose of killing or taking fish, or who takes, procures, kills or destroys any fish of any kind by means of explosives, or who has in his possession any fish that have been taken by means of explosives or who places, or causes to be placed, or who discharges or deposits, or who causes to be discharged or deposited, or suffers or permits to be discharged or deposited, or to pass, or who places where it can pass, in or into any of the waters of the state any petroleum, acid, coal or oil tar, lamp black, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material, or substance, or any refuse, liquid or solid from any refinery, gas house, tannery, distillery, chemical works, mill or factory of any kind, or any sawdust, shavings, slabs, edgings, or any factory refuse, or any lime, any cocculus indicus, or any slag or any substance or material deleterious to fish, plant life or bird life, is guilty of a misdemeanor, and is punishable by a fine of not less than two hundred dollars, or by imprisonment in the county jail of the county in which said conviction shall be had, not less than one hundred days, or by both such fine and imprisonment; and all fines and forfeitures imposed or collected for any violation of the provisions of this section shall be paid into the state treasury, to the credit of the fish and game preservation fund.

CHAPTER 671.

An act to amend section one thousand six hundred ten of the Political Code, relating to schools.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

Stats. 1921,
p 942,
amended

Powers of
trustees.

Suspension
of pupils.

SECTION 1. Section 1610 of the Political Code is hereby amended to read as follows:

1610. Boards of school trustees and city boards of education shall have power, and it shall be their duty:

First—To suspend or expel pupils for misconduct, when other means of correction have failed to bring proper conduct.

Second—To exclude from the schools children under six years of age, except as hereinafter provided; *provided*, that where the kindergarten is a part of the day elementary schools, children may be admitted to the kindergarten classes at four and one-half years of age; *and provided, further*, that where any district has established a school for the instruction of the deaf, such children may be admitted to the deaf school at three years of age. In the enforcement of the provisions of this section children shall be admitted to the beginning classes of any school, maintaining but one term in the school year, during the first month that school is open if such children will be six years of age within six calendar months from the date that school is opened, or when the school year is divided into school terms, during the first month of each term if such children will be six years of age before the end of the third calendar month of such school term. Beginners shall in like manner be admitted to the beginning classes of the kindergarten during the first month that school is open, or of the school term if the school year be divided into terms, if such children will be four and one-half years of age before the end of the sixth calendar month from the date that school is opened, and before the end of the third month of the school term, and children who will not be four and one-half years of age within the period specified shall not be admitted to the kindergarten classes until the succeeding school year or school term.

Exclusion of children.

Third—To cause the principal to keep a register, open to the inspection of the public, of all children applying for admission and entitled to be admitted into the public schools, and to notify the parents or guardians of such children when vacancies occur, and receive such children into the schools in the order in which they are registered.

Registration of applicants

Fourth—To permit children from other districts to attend the schools of their district; *provided*, that should they refuse to grant such permission, the parents or guardians of such children may appeal to the county superintendent of schools and his decision shall be final and binding on both boards of trustees.

Attendance of outsiders

Fifth—To give diligent care to the health and physical development of pupils, and where sufficient funds are provided by district taxation, to employ properly certified persons for such work.

Care of health

Sixth—To provide, with the written approval of the superintendent of schools, for the transportation of pupils to and from school whenever in their judgment such transportation is advisable, and good reasons exist therefor, to purchase or rent and provide for the upkeep, care, and operation of vehicles, or to contract and pay for the transportation of pupils to and from school by common carrier, or to contract with and pay responsible private parties for such transportation; *provided*, that in order to secure such service at the lowest

Provision of transportation

possible figure consistent with proper and satisfactory service, boards of education and boards of school trustees shall secure bids for the items of service contemplated in this subdivision; and provided, further, that no board shall make any purchase or enter into any contract for such service without securing the written approval of the county superintendent of schools.

CHAPTER 672.

An act providing for the propounding and prosecution of a claim by and in the name of the State of California against the government of the United States of America for the recovery, under the present laws of the United States or such as may be hereafter enacted, from said government of all moneys heretofore paid illegally into the federal treasury as a direct tax upon property situated in the State of California, providing for the recovery of same, authorizing the governor of the state to employ counsel and enter into the necessary contracts and agreements for the carrying out of the object of this act, providing for notice to and procedure by claimants of such moneys and fixing a prescription period after which such moneys shall escheat to and become the absolute property of the State of California.

[Approved by the Governor May 20, 1927 In effect July 29, 1927.]

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

Claim
against
U. S.

SECTION 1. The governor of the state is hereby directed to propound to and against the government of the United States of America and to prosecute to collection a claim by and in the name of the State of California for all moneys heretofore paid illegally into the federal treasury as a direct tax upon property situated in the State of California.

Governor
to seek
federal
legislation

SEC. 2. If the governor of the state finds that there is no federal statute or law now existing providing for the payment of such funds into the treasury of the State of California, he is hereby directed to seek, in such manner as to him shall appear necessary and proper, legislation at the hands of the congress of the United States, providing for the payment of such moneys into the treasury of the State of California.

Disposition
of moneys
collected

SEC. 3. All such moneys, so collected and paid by the government of the United States, shall be paid into the treasury of the State of California, less the commission for the collection thereof, and shall be held by the State of California for a period of five years in trust for the claimants of such funds.

Employment
of counsel.

SEC. 4. The governor is hereby authorized to employ counsel and to enter into the necessary contracts and agreements with such counsel for the propounding and prosecution of such claim against the government of the United States of America, and fixing the commission to be allowed said counsel for such

work, such commission to be contingent upon the collection of such moneys from the United States and to be payable out of same, and to be ten per centum thereof; *provided*, that the state shall incur no cost or expense in the propounding or prosecution of such claim other than such commission.

SEC. 5. Upon receipt of such funds from the United States by the treasurer of the State of California, it shall be his duty to give notice to all claimants thereof by publication once each week for a period of eight successive weeks in a newspaper published in each of the counties or cities and counties of the State of California, and, if there be no newspaper in any county, or city and county, by posting in the courthouses of such counties and cities and counties for such period of time, which notices shall set forth that such moneys have been collected and shall notify all claimants of same to propound their claims in writing by filing same with the treasurer of the State of California, and shall warn all claimants and persons interested therein that a failure so to file their claims within a period of two years from the date on which such moneys were paid into the treasury of the State of California, shall forever bar their right to such funds or any part thereof, and that in default of the filing of such claims such funds shall escheat to and become the absolute property of the State of California.

Notice to
claimants

SEC. 6. All such claimants of such moneys shall file their claims in writing with the state treasurer of California on such forms as shall be provided and shall submit their proofs and evidence to a commission to be known as the direct tax commission, which is hereby created, and shall be composed of the governor, the treasurer and the controller of the State of California. If such claims are approved by said commission, the controller of the State of California shall draw a warrant on the treasurer of the State of California, payable to the order of such claimant and the treasurer shall pay such warrants out of the funds so collected from the government of the United States and held in trust for such purpose. Either such claimants or the State of California through its attorney general may appeal from the decisions of the direct tax commission to any court of competent jurisdiction.

Presentation
and payment
of claims.

SEC. 7. At the end of a period of five years from the date on which said moneys so collected from the United States shall be paid into the treasury of the State of California, said funds, to the extent to which no claims have been filed against same, shall escheat to and become the absolute property of the State of California. Said funds, to the extent that any claims have been filed against same, shall remain in the state treasury subject to the final determination of such claims and all such funds not finally determined to belong to the claimants thereof shall at that time escheat to and become the absolute property of the State of California.

Escheat of
unclaimed
funds.

CHAPTER 673.

An act to amend section sixteen of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 20, 1905, as amended.

[Approved by the Governor May 20, 1927 In effect July 29, 1927]

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

Stats 1915,
p 865,
amended.

SECTION 1. Section 16 of an act entitled "An act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California state board of pharmacy," approved March 20, 1905, as amended, is hereby amended to read as follows:

Permits to
rural stores

Sec. 16. The board of pharmacy shall issue a permit to general dealers in rural districts in which the conditions, in their judgment, do not justify the employment of a registered pharmacist, and where the store of such general dealer is not less than three miles distant from the store of a registered pharmacist; which said permit shall authorize the persons or firm named therein to sell in such locality, but not elsewhere, and under such restrictions and regulations as said board may from time to time adopt, the following simple household remedies and drugs, in such manner and form as may be hereafter authorized by said board, as follows, to wit:

Drugs, etc
permissible

Tincture of arnica, spirits of camphor, almond oil, distilled extract witch-hazel, syrup of ipecac, syrup of rhubarb, hive syrup, sweet spirits of nitre, tincture of iron, Epsom salts, Rochelle salts, senna leaves, carbonate of magnesia, seidlitz powders, quinine, cathartic pills, camomile flowers, caraway seed, chlorate of potash, moth balls, plasters, salves, ointments, peroxide of hydrogen, gum camphor, blue ointment, asafœtida, saffron, anise seed and saltpeter, and such other remedies or drugs as the board may from time to time designate.

Fee.

The board shall charge an annual fee of five dollars in advance for such permit, and it shall be unlawful for any dealer to sell any drugs or ordinary household remedies without complying with the requirements of this section. Whenever a registered pharmacist shall establish a pharmacy within three miles by the shortest road from the place of business of such dealer, no further license shall be granted, and the license already issued shall be void; *provided*, that the following drugs, medicines and chemicals may be sold by grocers and dealers generally without restriction, viz.

Sale
without
restriction

Glauber salts, vaseline, turpentine, condition powders, cream of tartar, carbonate of soda, bay rum, essence of Jamaica ginger, essence of peppermint, ammonia, alum, castor oil,

bicarbonate of soda, chloride of lime, glycerine, witch-hazel, sheep dip, borax, sulphur, bluestone, copperas, flax-seed, insect powder, fly paper, ant poison, squirrel poison, gopher poison, and poultry vermifuge; and arsenical poisons used for orchard spraying, when prepared and sold only in original and unbroken packages and labeled with the official poison labels; *provided*, that this act shall not prevent the sale of Epsom salts in original packages of not less than ten pounds when plainly and properly labeled "For live stock only and not for medicinal purposes" in letters not less than one-half inch in height.

CHAPTER 674.

An act to amend the title and sections one, two, three, four, eight, nine, ten and thirty of an act entitled "An act to provide for the laying out, opening, extending, widening or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903, as amended, relating to street improvements, and to provide for the continuance of proceedings and actions for improvements under said act commenced prior to and pending at the time of the taking effect of this act and for the validation of such proceedings.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

SECTION 1. The title of an act entitled "An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903, as amended, is hereby amended to read as follows:

Stats 1903,
p. 376,
amended

An act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, or of any interest therein, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement, and authorizing the payment by any municipality of the whole, or any percentage of, or any sum toward the expense of such improvement. Title.

Stats 1921,
p. 565,
amended

Power to
open streets,
etc

SEC. 2. Section 1 of said act approved March 24, 1903, as amended, is hereby amended to read as follows:

SECTION 1. Whenever the public interest or convenience may require, the city council of any municipality shall have full power and authority to order the laying out, opening, extending, widening, or straightening, in whole or in part, of any one or more of any public streets, squares, lanes, alleys, courts or places, within such municipality, and to acquire, by condemnation, any and all property necessary or convenient for that purpose or any interest therein including an easement or easements for the construction and maintenance of a walk or walks upon the surface of the earth or at any designated level or levels or slope or slopes together with a sufficient clearance height thereabove which height shall be conclusively determined and designated by the city council of such municipality and the leaving to the owner or owners of the right to maintain or construct and maintain any building or buildings or other structure or structures above or below, or above and below, such walk or walks and the clearance height thereabove so acquired by such municipality.

Stats 1925,
p. 239,
amended
Declaration
of intention

SEC. 3. Section 2 of said act approved March 24, 1903, as amended, is hereby amended to read as follows:

Sec. 2. Before ordering any improvement to be made which is authorized by section 1 of this act, the city council shall pass an ordinance declaring its intention so to do. Said ordinance shall be sufficient if it describes the land necessary or convenient to be taken for the proposed improvement, and describes briefly and in general terms the proposed improvement and the district to be benefited by said improvement and to be assessed to pay the expense thereof, to be known as the assessment district, and refers to a map or plat, approved by the city council, which shall be on file in the office of the city clerk or city engineer at the time of passing the said ordinance which said map shall indicate the land necessary or convenient to be taken for the proposed improvement and shall indicate by a boundary line the extent of the territory to be included in the assessment district. Said map shall govern for all details as to the extent and description of the land to be taken for the proposed improvement and as to the extent of said assessment district. The city council may in its discretion include in one proceeding under one ordinance of intention all or any of the improvements mentioned in section 1 of this act, on any number of any public streets, squares, lanes, alleys, courts or places within such municipality, or any portion or portions thereof whether contiguous or otherwise. Said city council may in its discretion declare that the whole or any percentage of, or any sum toward the expense of said improvement will be paid by said municipality, in which case the sum or percentage to be so paid shall be stated in said ordinance of intention.

SEC. 4. Section 3 of said act, approved March 24, 1903, as amended, is hereby amended to read as follows:

Stats 1921,
p 566,
amended.
Notice of
public
work.

Sec. 3. The street superintendent shall thereupon cause to be conspicuously posted along all streets and parts of streets or other public places or rights of way where any property is to be taken for the widening or straightening thereof, and along or upon any private unimproved property which is to be taken for the opening or extending of any street or other public place, at not more than three hundred feet apart, notices (not less than three in all) of the passage of said ordinance. Said notices shall be headed, "Notice of Public Improvement Under Street Opening Act of 1903," in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said ordinance, describe briefly and in general terms the proposed improvement, and refer to said ordinance of intention and to the map on file in the office of the city clerk or city engineer for all details. He shall also cause a notice similar in substance to be published by two insertions in a daily, weekly or semiweekly newspaper published and circulated in said city and designated by the city council for that purpose. The city clerk shall, immediately upon the publication of the notice required by this section, mail, postage prepaid, to each property owner in the assessment district, at his last known address as the same appears on the tax rolls of said city or on file in the office of the city clerk, or when no address so appears, to the general delivery, a postal card containing a notice which shall be in the following or substantially the following form (filling blanks), to wit:

"You are hereby notified that on the _____ day of _____, 19____, the legislative body of the city of _____, California, by virtue of the street opening act of 1903, passed an ordinance of intention numbered _____, for the _____ street between _____ street and _____ street. Written protests may be filed with the city clerk within _____ days after the _____ day of _____, 19____. Your property is in the district to be assessed for this improvement.

City Clerk."

If any lots or parcels of land in the assessment district be assessed to "unknown owners" on the tax rolls of said city, or if the address of any property owner is not on file in the office of the city clerk, no postal cards shall be mailed to the owners thereof, but the notice of public work by the publication as herein provided shall be deemed legal notice to such owners of such contemplated improvement.

The failure of the city clerk to mail said postal cards, or any thereof, or the failure of the property owners to receive the same, or the failure of the superintendent of streets to post the notices of street work shall in no wise affect the

validity of the proceedings or prevent the city council from acquiring jurisdiction to order the work; *provided, however*, that the city council may require affidavits to be filed showing the posting of notices and the mailing of postal cards before it adopts the resolution ordering the improvement.

Stats 1925,
p 239,
amended
Written
protests

SEC. 5. Section 4 of said act approved March 24, 1903, as amended, is hereby amended to read as follows:

Sec. 4. Any persons interested, objecting to said improvement or to the extent of the assessment district, may file a written protest with the clerk of the city council, within thirty days after the first publication of the notice required by section 3 of this act. Every such protest must contain a description of the property in which each signer thereof is interested, sufficient to identify the same, and must set forth the nature of his interest therein, and must be accompanied by the affidavit of one of the signers thereof that each signature thereof is the genuine signature of the person whose name is thereto subscribed; and in case any signature is made by an agent, there must be attached to the protest the affidavit of the agent that he is duly authorized to sign such protest. Any protest not complying with the foregoing requirements, shall not be considered by the city council. In the case of property held by tenancy in common, if any cotenant sign such protest, only the proportionate share of the frontage thereof represented by his interest therein, shall be counted in determining the amount of frontage represented by such protest. The clerk shall indorse on every such protest the date of its reception by him, and, at the next regular meeting of the city council, after the expiration of the time for filing protests, he shall present to said city council all protests so filed with him. The city council shall thereupon fix a time for hearing said protests not less than ten days after the meeting of the council at which such time is so fixed, and shall cause notice of the time of such hearing to be published at least five (5) days in a daily newspaper published and circulated in said city or if there be no such daily newspaper, by at least two insertions in a weekly newspaper so published and circulated. At the time set for hearing said protests, the city council shall proceed to hear and pass upon all protests so made and its decision shall be final and conclusive; *provided, however*, that when the protest is against the proposed improvement and the city council finds that such protest is made by the owners of more than one-half of the area of the property within the assessment district, no further proceedings shall be taken for a period of six months from the date of the decision of the city council on said hearing, unless the said protest be overruled by an affirmative vote of four-fifths of the members of the city council. If no protests in writing have been filed within the time hereinbefore provided for filing the same, or if any protest shall be found by the city council to be insufficient, or shall be overruled, or if a protest against the

Notice of
hearing

Hearing.

Jurisdiction
acquired

proposed assessment district shall be heard and denied, immediately thereupon the city council shall be deemed to acquire jurisdiction to order the proposed improvement. The city council may adjourn said hearings from time to time.

SEC. 6. Section 8 of said act approved March 24, 1903, as amended is hereby amended to read as follows:

Stats 1909,
p. 1037,
amended.
Setting case
for trial.

Sec. 8. When all parties defendant to the action have answered, or have been served with summons and their default entered, the plaintiff or any party defendant whose default has not been so entered, may, upon five days notice to the parties, except to the defendants in default, move the court to set the action for trial. Upon the hearing of such motion, the court shall order a trial of the action by a jury or by the court without a jury as the case may be, as to any defendants who shall demand such trial, and shall fix a time for the trial thereof; and as to all other defendants, including defendants in default, a jury trial or a trial by the court shall be deemed to be waived, and the court shall make an order appointing three disinterested persons referees, to ascertain the compensation to be paid to such defendants so waiving a trial by a jury or by the court without a jury. Such referees must be residents of the municipality where such improvement is to be made, and over the age of twenty-one years, and must take and file with the court an oath to discharge their duties faithfully and impartially. If any of such referees fails to qualify, or resigns, or is removed by order of court, or is or becomes unable to act, the vacancy so created shall be filled by the court.

Appointment
of referees.

SEC. 7. Section 9 of said act approved March 24, 1903, as amended, is hereby amended to read as follows:

Stats 1909,
p. 1038,
amended.

Sec. 9. The referees shall at once proceed to view the lands sought to be condemned, and ascertain the compensation proper to be paid to such of the parties interested in each parcel thereof as have waived a trial by jury, or by the court. They shall have power to examine witnesses under oath, to be administered by any of them, and may have subpoenas issued by the clerk of the court, requiring the attendance of witnesses, or the production of evidence before them. They shall make and file with the court a written report of their findings, and of their necessary expenses, within ninety days after the date of their appointment; *provided, however*, that the time so allowed may be extended, upon good cause shown, by the court or judge thereof, *and provided, further*, that if any vacancy in the referees is created and filled as provided in section 8 of this act, or if new referees are appointed, or if a new report from the same referees is ordered, as provided in section 11 of this act the time herein specified for the filing of such report shall be deemed to be ninety days from the date of the order filling such vacancy, or appointing new referees, or ordering a new report from the same referees, and the same may be extended accordingly, as above provided. Any two of such referees who agree thereto, may make such report.

Hearing and
report of
referees.

Stats 1925,
p 242,
amended
Compensa-
tion and
damages.

SEC. 8. Section 10 of said act approved March 24, 1903, as amended, is hereby amended to read as follows:

Sec. 10. For the purpose of assessing the compensation and damages, the right thereto shall be deemed to have accrued at the date of the issuance of summons, and its actual value at that date shall be the measure of compensation for all property to be actually taken, and the basis of damages to property not actually taken, but injuriously affected, in all cases where such damages are allowed by the provisions of this act; *provided*, that in any case where a motion to set the action for trial, as provided in section 8 of this act, is not made within one year after the date of the issuance of the summons therein, the right to compensation and damages shall be deemed to have accrued at the date of the hearing of the motion to set the action for trial.

Immediate
possession.

If an order be made letting the plaintiff into immediate possession and the plaintiff shall take immediate possession upon commencing eminent domain proceedings and thereupon giving such security in the way of money deposits as the court may determine to be reasonably adequate to secure compensation to the owner, as provided in section 14 of article I of the constitution, then the compensation and damages awarded shall draw interest at the rate of seven per cent per annum from the date of such order.

Subsequent
improve-
ments.

No improvements placed upon the property proposed to be taken, subsequent to the date at which the right to compensation and damages shall have accrued as hereinbefore provided, shall be included in the assessment of compensation or damages.

Findings

The referees, or court, or jury, as the case may be, shall find separately:

First—The value of each parcel of property sought to be condemned, and all improvements thereon pertaining to the realty, and of each separate estate or interest therein;

Second—If any parcel of property sought to be condemned is only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, and to each separate estate or interest therein, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff. Such damages must be fixed irrespective of any benefit from such improvement.

Stats 1925,
p 244,
amended
Receipts
paid into
special
fund.

SEC. 9. Section 30 of said act approved March 24, 1903, as amended, is hereby amended to read as follows:

Sec. 30. The street superintendent shall, from time to time, pay over to the city treasurer all moneys collected by him on account of any assessment made under the provisions of this act; the city treasurer shall, on receipt thereof, place the same in a special fund, designating such fund by the name of the improvement for which the assessment was made; the city council shall, on or before the time when said assessments become delinquent, cause to be placed in said special fund the

percentage of, or the sum toward, the total expense of such improvement to be paid by such municipality as declared in the ordinance of intention.

SEC. 10. Any proceeding or action for any improvement, such as is provided for in this act, or in said act to which this act is amendatory, already commenced and pending at the time this act takes effect, under or by virtue of any ordinance of intention theretofore passed, shall, from the stage of any such proceeding or action already commenced and in progress at the time this act takes effect, be continued under the provisions of this act and it shall not be necessary to renew or conduct over again any such proceedings or actions, commenced prior to the taking effect of this act and all steps taken by the legislative body of any city in any such proceedings and any and all acts done and performed therein by any officer or officers of any city, or any and all acts done or steps taken by any other officer or officers in connection therewith, and such proceedings, are hereby validated, ratified, legalized and confirmed.

Effect
of act.

CHAPTER 675.

An act to amend section one thousand one hundred fifty-one of the Penal Code, relating to general verdicts in criminal cases.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 1151 of the Penal Code is hereby amended to read as follows:

Code amds.
1873-74,
p 446,
amended.
General
verdict.

1151. A general verdict upon a plea of not guilty is either "guilty" or "not guilty," which imports a conviction or acquittal of the offense charged in the indictment. Upon a plea of a former conviction or acquittal of the same offense, it is either "for the people" or "for the defendant." When the defendant is acquitted on the ground of variance between the indictment and the proof, the verdict must be "not guilty by reason of variance between indictment and proof."

CHAPTER 676.

An act to add a new section to the Penal Code, to be numbered one thousand twenty-six a, relating to release of defendant committed to state institution for insane, in criminal case.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

New section.

SECTION 1. A new section is hereby added to the Penal Code, to be numbered 1026a, to read as follows:

Restoration of sanity.

1026a. A person who has been committed to a state hospital, as provided in section 1026, may apply to the superior court of the county in which he is confined or of the county from which he was sentenced, to be released on the ground that his sanity has been restored. No hearing upon such application shall be allowed a person until he shall have been confined for a period of not less than one year from the date of the order of commitment, and if the finding of the court be adverse to him upon such, or any subsequent, application for release, on the ground that his sanity has not been restored, he shall not be permitted to file a further application until one year has elapsed from the date of hearing upon his last preceding application. In any hearing authorized by this section the burden of proving that his sanity has been restored shall be upon the person applying for such hearing.

CHAPTER 677.

An act to amend sections one thousand sixteen, one thousand seventeen, and one thousand twenty of the Penal Code, to add a new section to the Penal Code, to be numbered one thousand twenty-six, and to repeal section one thousand one hundred sixty-seven of the Penal Code, relating to procedure when defendant in a criminal case claims insanity as a defense.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

Code amds.
1880, p. 44,
amended
Pleas to
indictments
and infor-
mations

SECTION 1. Section 1016 of the Penal Code is hereby amended to read as follows:

1016. There are five kinds of pleas to an indictment or information:

1. Guilty.

2 Not guilty.

3. A former judgment of conviction or acquittal of the offense charged.

- 4. Once in jeopardy.
- 5. Not guilty by reason of insanity.

A defendant who does not plead guilty may enter one or more of the other pleas. A defendant who does not plead not guilty by reason of insanity shall be conclusively presumed to have been sane at the time of the commission of the offense charged, provided that the court may for good cause shown allow a change of plea at any time before the commencement of the trial. A defendant who pleads not guilty by reason of insanity, without also pleading not guilty, thereby admits the commission of the offense charged.

SEC. 2. Section 1017 of the Penal Code is hereby amended to read as follows: Code amdts. 1880, p. 44, amended

1017. Every plea must be oral, and entered upon the minutes of the court in substantially the following form: Form and manner of pleading

1. If the defendant plead guilty: "The defendant pleads that he is guilty of the offense charged."

2. If he plead not guilty: "The defendant pleads that he is not guilty of the offense charged."

3. If he plead a former conviction or acquittal: "The defendant pleads that he has already been convicted (or acquitted) of the offense charged, by the judgment of the court of ----- (naming it), rendered at ----- (naming the place), on the -----day of -----."

4. If he plead once in jeopardy: "The defendant pleads that he has been once in jeopardy for the offense charged (specifying the time, place, and court)."

5. If he plead not guilty by reason of insanity: "The defendant pleads that he is not guilty of the offense charged because he was insane at the time that he is alleged to have committed the unlawful act."

SEC. 3. Section 1020 of the Penal Code is hereby amended to read as follows: Stats 1905, p 773, amended

1020. All matters of fact tending to establish a defense other than one specified in the third, fourth, and fifth subdivisions of section 1016, may be given in evidence under the plea of not guilty. Evidence under plea of not guilty.

SEC. 4. A new section is hereby added to the Penal Code, to be numbered 1026, to read as follows: New section

1026. When a defendant pleads not guilty by reason of insanity, and also joins with it another plea or pleas, he shall first be tried as if he had entered such other plea or pleas only, and in such trial he shall be conclusively presumed to have been sane at the time the offense is alleged to have been committed. If the jury shall find the defendant guilty, or if the defendant pleads only not guilty by reason of insanity, then the question whether the defendant was sane or insane at the time the offense was committed shall be promptly tried, either before the same jury or before a new jury, in the discretion of the court. In such trial the jury shall return a verdict either that the defendant was sane at the time the Plea of insanity joined with other pleas.

offense was committed or that he was insane at the time the offense was committed. If the verdict or finding be that the defendant was sane at the time the offense was committed, the court shall sentence the defendant as provided by law. If the verdict or finding be that the defendant was insane at the time the offense was committed, the court unless it shall appear to the court that the defendant has fully recovered his sanity shall direct that the defendant be confined in the state hospital for the criminal insane, or if there be no such state hospital, then that he be confined in some other state hospital for the insane; if, however, it shall appear to the court that the defendant has fully recovered his sanity such defendant shall be remanded to the custody of the sheriff until his sanity shall have been finally determined in the manner prescribed by law. A defendant committed to a state hospital shall not be released from confinement unless and until the court which committed him, or the superior court of the county in which he is confined, shall, after notice and hearing, find and determine that his sanity has been restored. In the event such hearing is held in the county from which the defendant was committed, notice as ordered by the court shall be given to the district attorney of said county. In the event such hearing is held in the county where the defendant is confined, notice as ordered by the court shall be given to the district attorney of said county and also to the district attorney of the county from which said defendant was committed. Nothing in this section contained shall prevent the transfer of such person from one state hospital to any other state hospital by proper authority.

SEC. 5. Section 1167 of the Penal Code is hereby repealed.

Code amds.
1873-74,
p 447,
repealed

CHAPTER 678.

An act to amend section eight hundred sixty-nine of the Penal Code, relating to the time of filing of transcripts of testimony and delivery of copy thereof to defendant.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 869 of the Penal Code is hereby amended to read as follows:

869. The testimony of each witness in cases of homicide must be reduced to writing, as a deposition, by the magistrate, or under his direction, and in other cases upon the demand of the prosecuting attorney, or the defendant, or his counsel. The magistrate before whom the examination is had may, in his discretion, order the testimony and proceedings to be taken down in shorthand in all examinations herein mentioned, and for that purpose he may appoint a shorthand

Stats 1919,
p 465,
amended.
Testimony at
preliminary
examination
in homicide
cases.

reporter. The deposition or testimony of the witness must be authenticated in the following form:

First—It must state the name of the witness, his place of residence, and his business or profession.

Second—It must contain the questions put to the witness and his answers thereto, each answer being distinctly read to him as it is taken down, and being corrected or added to until it conforms to what he declares is the truth, except in cases where the testimony is taken down in shorthand, the answer or answers of the witness need not be read to him.

Third—If a question put be objected to on either side and overruled, or the witness declines answering it, that fact, with the ground on which the question was overruled or the answer declined, must be stated.

Fourth—The deposition must be signed by the witness, or if he refuses to sign it, his reason for refusing must be stated in writing, as he gives it, except in cases where the deposition is taken down in shorthand, it need not be signed by the witness.

Fifth—The reporter shall, within ten days after the close of such examination, if the defendant be held to answer the charge, transcribe into longhand writing, his said shorthand notes, making an original and a copy thereof, and certify and file both said original and copy with the county clerk of the county, or city and county, in which the defendant was examined. The reporter shall, before receiving any compensation as such reporter, file with the auditor of the county his affidavit setting forth that said transcriptions have been filed with said county clerk within the time herein provided for. The compensation of the reporter for any services rendered by him as such reporter in any court of this state shall be reduced one-half if the provisions of this section as to the time of filing said transcript have not been complied with by him.

Sixth—The defendant, at least five days before trial, shall be furnished, without cost to him, a copy of said transcription of the testimony and proceedings before the magistrate, if shorthand notes thereof were taken by a reporter as provided in this section.

Seventh—If said transcript is filed within the time hereinbefore provided for, the reporter shall be entitled to receive the compensation fixed and allowed by law to reporters in the superior courts of this state.

Testimony at preliminary examination in homicide cases (cont'd)

CHAPTER 679.

An act to amend section nine hundred sixty-nine of the Penal Code, relating to pleading of prior convictions in indictments or informations.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

Stats. 1905,
p. 772,
amended
Pleading
prior
convictions.

SECTION 1. Section 969 of the Penal Code is hereby amended to read as follows:

969. In charging in an indictment or information the fact of a previous conviction of felony, or of an attempt to commit an offense which, if perpetrated, would have been a felony, or of theft, it is sufficient to state, "That the defendant, before the commission of the offense charged in this indictment or information, was in (giving the title of the court in which the conviction was had) convicted of a felony (or attempt, etc., or of theft)." If more than one previous conviction is charged, the date of the judgment upon each conviction may be stated, and all known previous convictions, whether in this state or elsewhere, must be charged.

CHAPTER 680.

An act to amend section one hundred sixty-five of the Penal Code, relating to bribery of public officials.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

Stats. 1905,
p. 650,
amended
Bribing
councilmen,
supervisors,
etc.

SECTION 1. Section 165 of the Penal Code is hereby amended to read as follows:

165. Every person who gives or offers a bribe to any member of any common council, board of supervisors, or board of trustees of any county, city and county, city, or public corporation, with intent to corruptly influence such member in his action on any matter or subject pending before, or which is afterward to be considered by, the body of which he is a member, and every member of any of the bodies mentioned in this section who receives, or offers or agrees to receive any bribe upon any understanding that his official vote, opinion, judgment, or action shall be influenced thereby, or shall be given in any particular manner or upon any particular side of any question or matter, upon which he may be required to act in his official capacity, is punishable by imprisonment in the state prison not less than one nor more than fourteen years, and upon conviction thereof shall, in addition to said punishment, forfeit his office, and forever be disfranchised and disqualified from holding any public office or trust.

CHAPTER 681.

An act creating in the division of libraries a commission on California representation at the national statuary hall at Washington, District of Columbia, and defining the powers and duties thereof.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

SECTION 1. A commission on California representation at the statuary hall at Washington, District of Columbia, is hereby created in the division of libraries to make suitable arrangements for the erecting of statues of Junipero Serra and Thomas Starr King in the statuary hall in the capitol building at the city of Washington, District of Columbia. The commission shall consist of the state librarian and four members appointed by the governor.

Statuary
hall repre-
sentation
commission

SEC. 2. The commission shall cause models of said statues to be prepared and shall have full power and authority to pass upon and determine the models to be used and to select and appoint the sculptor or sculptors who shall make said statues, and to do any and all things necessary or incidental to provide for the erecting of said statues and each thereof in the national statuary hall.

Providing
for statues.

SEC. 3. The commission shall have power to organize its work and shall meet at such times and places as may be designated and determined by the commission for the proper performance of its duties. The members of the commission shall serve as such without compensation except that they shall be entitled to receive the actual necessary expenses incurred by them in the performance of their duties under the provisions of this act. All expenditures by the commission shall be paid out of the appropriations or funds available for the support of the state library, upon claims presented and signed by the state librarian in accordance with law.

Organization,
meetings and
expenditures.

CHAPTER 682.

An act to amend section two hundred four e of the Code of Civil Procedure, relating to jury commissioners in counties or cities and counties where there is a secretary of the judges of the superior court.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

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

SECTION 1. Section 204e of the Code of Civil Procedure is hereby amended to read as follows:

Stats. 1921,
p. 1494,
amended.

204e. In any county or city and county where there is a secretary of the judges of the superior court in said county or city and county, a majority of the said judges may in their

Secretary of
judges as
commis-
sioner.

discretion require such secretary to perform the duties of jury commissioner in addition to his regular duties as secretary. In such case the salary of the secretary of the said judges shall be five hundred dollars a month.

On the authorization of the judges in such a case the secretary shall have an assistant secretary, who shall assist also in the performance of the duties of jury commissioner, and whose salary shall be two hundred fifty dollars per month. The salaries herein authorized shall be paid out of the same fund that salaries of county officers are paid.

CHAPTER 683.

An act to amend section one thousand eight hundred eighty-one of the Code of Civil Procedure, relating to confidential communications.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats 1917,
p 954,
amended
Confidential
communi-
cations.

SECTION 1 Section 1881 of the Code of Civil Procedure is hereby amended to read as follows:

1881. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person can not be examined as a witness in the following cases:

Husband and
wife.

1. A husband can not be examined for or against his wife without her consent; nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterward, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other; or in an action brought by husband or wife against another person for the alienation of the affections of either husband or wife or in an action for damages against another person for adultery committed by either husband or wife.

Attorney and
client.

2. An attorney can not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment; nor can an attorney's secretary, stenographer, or clerk be examined, without the consent of his employer, concerning any fact the knowledge of which has been acquired in such capacity.

Confessor
and
confessant.

3. A clergyman or priest can not, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

Physician
and
patient.

4. A licensed physician or surgeon can not, without the consent of his patient, be examined in a civil action as to any

information acquired in attending the patient, which was necessary to enable him to prescribe or act for the patient; *provided, however*, that either before or after probate, upon the contest of any will executed, or claimed to have been executed, by such patient, or after the death of such patient, in any action involving the validity of any instrument executed, or claimed to have been executed, by him, conveying or transferring any real or personal property, such physician or surgeon may testify to the mental condition of said patient and in so testifying may disclose information acquired by him concerning said deceased which was necessary to enable him to prescribe or act for such deceased; *provided, further*, that after the death of the patient, the executor of his will, or the administrator of his estate, or the surviving spouse of the deceased, or, if there be no surviving spouse, the children of the deceased personally, or, if minors, by their guardian, may give such consent, in any action or proceeding brought to recover damages on account of the death of the patient; *provided, further*, that where any person brings an action to recover damages for personal injuries, such action shall be deemed to constitute a consent by the person bringing such action that any physician who has prescribed for or treated said person and whose testimony is material in said action shall testify; *and provided, further*, that the bringing of an action, to recover for the death of a patient, by the executor of his will, or by the administrator of his estate, or by the surviving spouse of the deceased, or if there be no surviving spouse, by the children personally, or, if minors, by their guardian, shall constitute a consent by such executor, administrator, surviving spouse, or children or guardian, to the testimony of any physician who attended said deceased.

5. A public officer can not be examined as to communications made to him in official confidence, when the public interest would suffer by the disclosure. Public officer.

CHAPTER 684.

An act to amend sections nine hundred fifteen and nine hundred twenty-five of the Penal Code, relating to the powers and duties of grand juries and requiring transcript of testimony before same to be made and copy thereof to be delivered to an indicted defendant.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 915 of the Penal Code is hereby amended to read as follows:

915. The grand jury may inquire into all public offenses committed or triable within the county, and present them to the court by indictment.

Stats 1905,
p 694,
amended
Powers of
grand juries.

Stats. 1911,
p 434,
amended
Advice,
requested
and
otherwise

SEC. 2. Section 925 of the Penal Code is hereby amended to read as follows:

Charge
involving
district
attorney.

925. The grand jury may, at all times, ask the advice of the court, or the judge thereof, or of the district attorney; but unless such advice is asked, the judge of the court must not be present during the sessions of the grand jury. The district attorney of the county may at all times appear before the grand jury for the purpose of giving information or advice relative to any matter cognizable by them, and may interrogate witnesses before them whenever he thinks it necessary; except that when a charge against or involving the district attorney, or assistant district attorney, or deputy district attorney, or any one employed by or connected with the office of the district attorney, is being investigated by the grand jury, such district attorney, or assistant district attorney, or deputy district attorney, or either or any of them, shall not be allowed to be present before such grand jury when such charge is being investigated, in an official capacity but only as a witness, and he shall only be present while a witness and after his appearance as such witness must leave the place where the said grand jury is holding its session. The attorney general is empowered, when requested so to do by the grand jury of any county or city and county, to employ special counsel and special investigators, whose duty it shall be to investigate and present the evidence in such investigation to the said grand jury of such county or city and county.

Report of
testimony.

The services of such special counsel and special investigators shall be a county charge of such county or city and county.

Who may be
present.

The grand jury, whenever criminal causes are being investigated before them, must appoint a competent stenographic reporter to be sworn and to report the testimony that may be given in such causes in shorthand, and to transcribe the same in all cases where an indictment is returned. If an indictment has been found against a defendant, a copy of the testimony given in his case before the grand jury, shall be served upon him within five days after the discharge of the grand jury, or if the grand jury has not been discharged, at least ten days before the date first set for trial; *provided*, that if the copy of the testimony shall not be served as herein provided the court shall on motion of the defendant continue the trial to such time as may be necessary to secure to the defendant receipt of a copy of such testimony ten days before such trial. The services of such stenographic reporter constitute a charge against the county. No person other than those specified in this and the succeeding section is permitted to be present during the session of the grand jury, except the members and witnesses actually under examination, and no person must be permitted to be present during the expression of their opinion, or giving their votes upon any matter before them. The grand jury or district

Interpreters.

attorney may require by subpoena the attendance of any person before the grand jury as interpreter, and such interpreter may, while his services are necessary, be present at the examination of witnesses before the grand jury. The services of such interpreter constitute a charge against the county.

CHAPTER 685.

An act to amend section four thousand two hundred fifty-four of the Political Code, relating to the salaries, fees and expenses of officers of counties of the twenty-fifth class.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 4254 of the Political Code is hereby amended to read as follows: Stats 1925, p. 693, amended

4254. In counties of the twenty-fifth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit: Counties of 25th class officers and employees

1. The county clerk, three thousand five hundred dollars per annum, and when a new register of voters is required by law to be made, he shall receive in addition, fifteen cents per name for each voter registered, which shall be in full for all services required in registering voters and making the great register; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk, one deputy, who shall be appointed by said county clerk, who shall be paid a salary of two hundred dollars per month, and one deputy who shall be appointed by said county clerk, who shall be paid a salary of one hundred seventy-five dollars per month, and one additional deputy, which office is hereby created, who shall be appointed by said county clerk, who shall be paid a salary of one hundred fifty dollars per month, said salaries of said deputies to be paid by said county monthly and at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *provided, further*, that there is hereby allowed to the county clerk such additional deputies to be appointed by said county clerk, as may be necessary to carry on the work of his office for a length of time not to exceed four months in each year for each deputy, and the aggregate compensation to be paid all of said deputies shall not exceed six hundred dollars in any one year; said deputies to be paid at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid. Clerk

2. The sheriff, four thousand five hundred dollars per annum, and also all fees for service in actions arising out of his county; *provided*, that in counties of this class there shall be and is hereby allowed to the sheriff one undersheriff, who shall Sheriff.

be appointed by said sheriff, who shall be paid a salary of two hundred twenty-five dollars per month, and one deputy who shall be appointed by said sheriff, who shall be paid a salary of two hundred dollars per month, said salaries to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

Recorder

3. The recorder, three thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder, one deputy, who shall be appointed by said recorder, who shall be paid a salary of two hundred dollars per month, and one deputy, who shall be appointed by the recorder, who shall be paid a salary of one hundred fifty dollars per month, and two copyists who shall be appointed by said recorder, who shall be paid a salary of one hundred thirty-five dollars per month, each, said salaries of said deputies and of said copyists to be paid by said county, monthly, at the same time and in the same manner and out of the same fund, as the salary of the recorder is paid. He may also appoint such additional copyists as may be required for the recording of all papers, notices, or documents, in his office, who shall receive for their services the sum not to exceed seven cents per folio for typewritten recording of each paper or document so recorded paid out of the fees collected by him; *further* that said recorder shall file monthly with the county auditor a sworn statement showing in detail the persons and the amounts paid to each for such recording.

Auditor.

4. The auditor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the auditor, clerks and employees, who shall be appointed by said auditor, who shall be paid salaries as follows: Two deputy auditors at a salary of two hundred dollars per month, each, and a sum not to exceed six hundred dollars in any one year for such additional clerk hire as may be necessary, and one additional deputy which office is hereby created, at a salary of one hundred fifty dollars per month; *provided, however*, that the provision for such additional deputy auditor shall become effective only upon the enactment of that certain act known as "An act to amend section 3714 of the Political Code of the State of California, relating to the levy of taxes," introduced at the forty-seventh session of the Legislature and known as Senate Bill No. 298; *provided, further*, that the said salaries of the clerks and employees herein provided for shall be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the county auditor is paid.

Treasurer.

5. The treasurer, three thousand five hundred dollars per annum; and such fees as are now or may hereafter be allowed by law; *provided*, that in counties of this class there shall be and is hereby allowed to the treasurer, one deputy, who shall be appointed by said treasurer and who shall be paid a salary of two hundred dollars per month, said salary of said

deputy to be paid by said county, monthly, at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid.

6. The tax collector, three thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the tax collector, a deputy, who shall be appointed by said tax collector, who shall be paid a salary of two hundred dollars per month, and one deputy who shall be appointed by said tax collector, who shall be paid a salary of one hundred fifty dollars per month, said salaries to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the tax collector a copyist for the period of time embraced between the first day of August and the thirty-first day of December, both dates inclusive, in each year. Said copyist shall be appointed by said tax collector, and shall be paid a salary of one hundred thirty-five dollars per month during the period of time said copyist shall be employed, to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, further*, that in counties of this class, the said tax collector be allowed a sum not to exceed one thousand dollars per annum for such additional clerk hire as may be necessary, the same to be paid in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, further*, that said tax collector shall be entitled to receive and retain for his own use ten per centum only of all licenses collected by him.

7. The assessor, four thousand five hundred dollars per annum, and also such fees and commissions as are allowed by law; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor, a deputy, who shall be appointed by said assessor who shall be paid a salary of two hundred dollars per month, to be paid by said county monthly at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *and provided, further*, that in counties of this class there shall be and is hereby allowed to the assessor, a deputy who shall be appointed by said assessor, who shall be paid a salary of one hundred fifty dollars per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same fund as the salary of the assessor is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the assessor, a copyist, who shall be appointed by said assessor from the first day of January to the thirty-first day of July, inclusive, during each year. Said copyist shall be paid a salary of one hundred thirty-five dollars per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same fund as the

salary of said assessor is paid; *provided, further*, that in counties of this class there shall be and is hereby allowed to the assessor a copyist, who shall be appointed by said assessor from the first day of February to the thirty-first day of August, inclusive, during each year. Said copyist shall be paid a salary of one hundred thirty-five dollars per month, to be paid by said county monthly, at the same time, and in the same manner and out of the same fund as the salary of said assessor is paid; *provided, further*, that said assessor shall be entitled to receive and retain for his own use three per centum only in personal property tax collected by him as authorized by section 3820 of the Political Code of the State of California; *provided, further*, that there is hereby allowed to the assessor such additional deputies, to be appointed by said assessor, as may be necessary to carry on the work of his office for a length of time not to exceed four months in each year for each deputy, and the aggregate compensation to be paid all of such deputies shall not exceed four thousand five hundred dollars in any one year; said deputies to be paid monthly at the same time out of the same fund and in the same manner as the salary of said assessor is paid.

Attorney.

8. The district attorney, three thousand six hundred dollars per annum; *provided*, that in counties of this class, the district attorney may appoint a deputy, which office of deputy district attorney is hereby created; said deputy to receive a salary of one thousand five hundred dollars for the period beginning with the date upon which this act becomes effective and ending December 31, 1927, and thereafter a salary of one thousand five hundred dollars per annum; *provided, further*, that said district attorney may appoint a stenographer at a salary of one hundred fifty dollars per month. Said deputy and said stenographer shall be paid at the same time and out of the same fund as other county officers are paid.

Supt. of schools.

9. The superintendent of schools, three thousand six hundred dollars per annum and actual traveling expenses, while attending to his duties as such superintendent of schools; *provided*, that such traveling expenses shall not in any one year exceed the sum of seven hundred fifty dollars; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools, a deputy, who shall be appointed by said superintendent of schools and who shall be paid a salary of two hundred dollars per month at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid; and an assistant supervisor of schools, which office is hereby created, and who shall serve as such during the months of February, March, April, May, and June of each year, and who shall be appointed by the superintendent of schools and shall receive a salary of two hundred dollars per month, payable in the same manner and at the same time and out of the same fund as the salary of the said county superintendent of schools is paid.

10. The coroner, such fees as are now or may be hereafter Coroner.
allowed by law.

11. The public administrator, such fees as are now or may Admin-
istrator.
be hereafter allowed by law.

12. The surveyor shall receive the sum of four thousand Surveyor.
dollars (\$4,000) for the period beginning with the date upon
which this act becomes effective and ending December 31,
1927, and thereafter a salary of four thousand dollars
(\$4,000) per annum, for all work performed for the county,
and in addition thereto he shall receive his actual traveling
and other necessary expenses incurred by him while engaged in
work for the county; said salary shall be paid in the manner
and out of the same fund as the salaries of county officers are
paid.

13. For the purpose of fixing the compensation of justices Classification
of townships.
of the peace and constables according to their duties, town-
ships in counties of this class are hereby classified according
to their population as follows: Townships having a popula-
tion of ten thousand or more shall belong to and be known as
townships of the first class; townships having a population
of less than ten thousand and more than five thousand shall
belong to and be known as townships of the second class;
townships having a population of less than five thousand and
more than one thousand shall belong to and be known as town-
ships of the third class; townships having a population of less
than one thousand and more than nine hundred shall belong
to and be known as townships of the fourth class; townships
having a population of less than nine hundred shall belong to
and be known as townships of the fifth class. Justices of the Justices.
peace shall receive the following salaries:

In townships of the first class the sum of one hundred fifty
dollars per month; *provided*, that each justice of the peace
in townships of this class shall be an attorney at law admitted
to practice before the supreme court of this state;

In townships of the second class the sum of one hundred
twenty-five dollars per month;

In townships of the third class, the sum of one hundred
dollars per month; *provided*, that in townships of this class
the justice of the peace is hereby allowed a clerk, who shall
be appointed by said justice of the peace and who shall be
paid a salary of fifty dollars per month, the compensation of
said clerk to be paid in the same manner, at the same time, and
out of the same fund, as the salary of the justice of the peace
is paid;

In townships of the fourth class the sum of ten dollars per
month;

In townships of the fifth class the sum of five dollars per
month;

Said salaries shall be paid in the same manner, and out of
the same fund as the salaries of county officers are paid, and
shall be compensation in full for all services rendered. All
fees received by justices of the peace shall be paid into the

county treasury every month. Justices of the peace of the first and second classes shall be allowed their necessary office expenses not to exceed the sum of fifteen dollars per month; *provided, further*, that all justices of the peace shall be allowed their civil and criminal dockets and legal blanks at the expense of the county; *provided, further*, that the justices of the peace of the townships of the third class when in the trial of criminal cases it becomes necessary to rent a hall to conduct said trial, the said justices of the peace of said townships of the third class shall be allowed the rental paid therefor, but not to exceed the sum of three dollars for any one day; *and provided, further*, that said rental shall not exceed in any one month the sum of fifteen dollars.

Constables.

14. Constables shall receive the following salaries:

In townships of the first class the sum of one hundred dollars per month. Said constables shall be entitled to receive and retain for their own use and benefit all fees collected for the service of civil processes.

In townships of the second class the sum of eighty dollars per month. Said constables shall be entitled to receive and retain for their own use and benefit all fees collected for the service of civil processes.

In townships of the third, fourth and fifth classes such fees as are now or may be hereafter allowed by law and in addition thereto three dollars per day for each day's actual attendance in court during a jury trial therein or preliminary examination for felony; *provided*, that no constable shall receive more than three dollars for any one day's attendance on any court. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation and the same shall apply immediately to incumbents.

Population of townships.

15. For the purposes of subdivisions 13 and 14 of this section, the population of the several judicial townships shall be ascertained by the board of supervisors of said county at their regular meeting in the month of December following the election of justices of the peace and constables in said county, by multiplying by three the number of registered voters in said township as shown by the register prepared by the county clerk of said county for the general election next preceding the date of such election. It is hereby found as a fact, that the salaries provided for in subdivisions 13 and 14 do not work an increase in the compensation and the same shall apply immediately to incumbents.

Supervisors

16. Each member of the board of supervisors one hundred dollars per month, and ten cents per mile while traveling from his residence to the county seat, and also mileage for his services as road commissioner at the rate of twenty cents per mile one way, for the distance actually traveled in the discharge of his duties as road commissioner; *provided*, that such mileage as road commissioner shall not in any one year exceed the sum of three hundred dollars.

17. Each member of the board of education including the secretary, five dollars per day when the board is in session and ten cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided by law. Board of education

18. In counties of this class, the official phonographic reporter of the superior court shall receive the sum of one hundred fifty dollars per month as compensation for the reporting of criminal cases both in the superior court and justice's court in the county, and for the transcription of the shorthand notes of such cases, he shall receive fifteen cents per folio of one hundred words for the original and seven and one-half cents per folio for each copy thereof as compensation for reporting and for the transcription of his shorthand notes. In civil cases he shall receive the fees now or hereafter authorized by law; *provided*, that he shall receive from the county no fees for the county's share of the cost of reporting in any civil cases in which the county is a party. The salary of the reporter shall be paid out of the county treasury in the same manner as other county officers are paid. Reporter

19. In counties of this class the sealer of weights and measures shall receive as compensation the sum of two hundred dollars per month, together with his actual and necessary traveling expenses incurred in the discharge of his duties as such sealer of weights and measures. Sealer.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes. Effect of act.

CHAPTER 686.

An act to amend section six hundred twenty-eight f of the Penal Code, relating to the protection of fish and game.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 628f of the Penal Code is hereby amended to read as follows: Stats. 1925,
p. 830,
amended

628f. Every person who between the fifteenth day of January and the fifteenth day of March of the same year, both dates inclusive, takes, catches, kills or has in his possession any pink abalone (*Haliotis corrugata*), or any red abalone (*Haliotis rufescens*), or any black abalone (*Haliotis crackerodie*), or any green abalone (*Haliotis fulgens*) is guilty of a misdemeanor. Every person who at any time, takes, catches, kills or has in his possession any red abalone (*Haliotis rufescens*), the shell of Abalone
and clams.

which is less than seven inches in greatest diameter, or any green abalone (*Haliotis fulgens*), the shell of which is less than six and one-half inches in greatest diameter, or any pink abalone (*Haliotis corrugata*), the shell of which is less than six inches in greatest diameter, or any black abalone (*Haliotis crackerodie*), the shell of which is less than five inches in greatest diameter, or who by any means whatsoever, takes or catches any abalone (*Haliotis*) and does not bring the same naturally attached to the shell and alive, to the shore above high water mark, or who takes, catches or kills any abalone (*Haliotis*) for other than food purposes, or who, at any time, dries any abalones (*Haliotis*), or who offers for shipment, or ships, or receives for shipment or transportation from the State of California to any place in any other state, territory or foreign country any abalone meat or abalone shells, excepting articles manufactured from abalone shells; or who takes, catches, kills or has in his possession any abalone (*Haliotis*) taken, caught or killed with a spear shall be guilty of a misdemeanor; *provided, further*, that nothing in this section shall prohibit any person from holding in his possession during the closed season, sliced abalone legally caught in the open season when the holder of such abalone shall comply with the regulations to be prescribed by the fish and game commission. Every person who, in the fish and game districts fifteen, sixteen, seventeen, nineteen, twenty and twenty "A" of this state, uses or assists in using any diving apparatus of any character for the taking or catching of any abalone (*Haliotis*), or who, in fish and game districts fifteen, sixteen, seventeen, nineteen, twenty and twenty "A," takes, catches, or kills or has in possession during any one calendar day more than ten abalone (*Haliotis*), or who takes, catches or kills more than twenty abalones in any calendar week, shall be guilty of a misdemeanor; *provided*, that the daily or weekly limits herein provided for fish and game districts fifteen, sixteen and seventeen shall not apply to abalones brought in by boats when not caught or taken in fish and game districts fifteen, sixteen or seventeen. Every person who in fish and game districts ten and eighteen in the waters lying between high water mark and a line twenty feet beyond extreme low tide line, takes more than ten abalones in any one calendar day or who sells or offers for sale any of said abalones is guilty of a misdemeanor.

Districts 15,
16, 17, 19,
20 and
20 "A"

Every person who in fish and game districts ten or eighteen takes or has in possession for commercial purposes any red abalones whose shells measure less than eight inches in greatest diameter is guilty of a misdemeanor.

Districts
10 and 18.

None of the provisions of this act shall apply to abalone or clams caught or taken without the waters of this state and bearing after inspection such evidence of having been so caught or taken as may be prescribed by the fish and game commission; *provided, however*, that such clams and abalones must conform to the size limits as provided in the laws of this state, and must not be brought into this state or held in possession

Caught
outside of
state.

during the closed season for clams or abalones as provided in the laws of this state; *and provided, further*, that the expense of such inspection shall be determined by the fish and game commission and must be paid by the importer of such clams and abalones; *provided, further*, that no abalone may be taken for commercial purposes from the area lying between a line extending due west from Point Buchon and a line extending due west from the mouth of Pico creek, both in San Luis Obispo county.

Every person who gathers or takes in any manner or destroys Pismo clam or has in his possession any clam known as the Pismo clam (*Tivela stultorum*) whose shell shall measure less than five inches in greatest diameter or who during any one calendar day, takes, gathers in any manner or has in his possession more than fifteen of said clams or who, between the first day of May and the thirty-first day of August, both dates inclusive, of any year, takes, catches or gathers any clams in fish and game district seventeen is guilty of a misdemeanor.

Every person who ships, offers for shipment or receives for shipment any Pismo clams (*Tivela stultorum*) or, who has in possession any Pismo clams not in the shell except Pismo clams being prepared for immediate consumption, is guilty of a misdemeanor.

Every person who takes, gathers in any manner or has in his possession, or who ships, offers for shipment, or sells or offers for sale any cockles or little-neck clams Cockles or little-neck clams (*Tapes staminea*) whose shell measures less than one and one-half inch in greatest diameter is guilty of a misdemeanor. Every person who takes, catches or gathers in any way more than thirty razor clams (*Siliqua patula*) during any one calendar day is guilty of a misdemeanor.

Every person who during any one calendar day takes, gathers in any manner, or has in his possession, or who ships, offers for shipment, sells or offers for sale, more than ten clams of the species *Schizothærus nuttallii*, variously known as rubber-neck, big-neck or great Washington clam, Rubber neck, big-neck or great Washington clam is guilty of a misdemeanor. Every person who during any one calendar day takes, or gathers in any manner, more than ten black abalones in fishing district fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty "A" and twenty-one is guilty of a misdemeanor.

Every person who takes, catches or kills or has in possession any clam or clams taken from fish and game districts eight or nine, between the first day of May and the thirty-first day of August of any year, both dates inclusive; or who at any time ships or offers for shipment or receives for shipment or transportation, to any place outside the limits of fish and game district one and one-half, any clam or clams of any species taken in fish and game districts seven, eight or nine, is guilty of a misdemeanor. Districts 7, 8 and 9

Every person violating any of the provisions of this section Penalties. upon conviction thereof shall be punished by a fine of not less

than twenty-five nor more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had not less than ten days nor more than six months or by both such fine and imprisonment; and all fines and forfeitures imposed or collected for any violation of the provisions of this section must be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 687.

An act to amend section sixty-nine of the Civil Code, relating to issuance of licenses to marry.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1907,
p. 305,
amended.
License.

SECTION 1. Section 69 of the Civil Code is hereby amended to read as follows:

69. Marriage licenses. All persons about to be joined in marriage must first obtain a license therefor, from the county clerk of the county in which the marriage is to be celebrated, which license must show:

1. The identity of the parties.
2. Their real and full names, and places of residence.
3. Their ages; and
4. Whether white, Mongolian, negro or mulatto.

No license must be granted when either of the parties, applicants therefor, is an imbecile, or insane, or who at the time of making the application, or proofs herein required, for said license, is under the influence of any intoxicating liquor, or narcotic drug; no license must be issued authorizing the marriage of a white person with a negro, mulatto, or Mongolian. If the male is under the age of twenty-one years, or the female is under the age of eighteen years, and such person has not been previously married, no license must be issued by the county clerk unless the consent in writing of the parents of the person under age, or one of such parents, or of his or her guardian, is presented to him, duly verified by such parents, or parent, or guardian; and such consent must be filed by the clerk, and he must state such facts in the license. For the purpose of ascertaining all the facts mentioned or required in this section, the clerk, at the time the license is applied for may, if he deems it necessary in order to satisfy himself as to matters in this section enumerated, examine the applicants for a license on oath, which examination shall be reduced to writing by the clerk, and subscribed by them.

Application.

Application for a marriage license must be made by the parties to the marriage at least three days and not more than thirty days, before the license shall be issued. Immediately upon receipt of an application for a license the county clerk

shall have the parties record in a book kept for the purpose notice of intention to marry, and after the expiration of three days and not more than thirty days after application and signing of notice of intention to marry the clerk may issue such license to marry. Such notice of intention shall be substantially in the following form:

Form of notice.

NOTICE OF INTENTION TO MARRY.

Notice is hereby given that_____ a native of_____ of the age of_____ years, residing at (full address to be inserted), and_____ a native of_____ of the age of_____ years, residing at (full address to be inserted), intend within thirty days from date hereof, to apply to the county clerk of_____ county, State of California, for license to marry.

CHAPTER 688.

An act to amend an act entitled "An act to provide for the formation, management and dissolution of county waterworks districts; for supplying the inhabitants thereof with water; for levying and collecting taxes on property in such districts; and for the issuance of county waterworks district bonds and the payment thereof," approved June 13, 1913, as amended, by amending sections one, two and five thereof, and by adding four new sections thereto to be numbered eight and one-half, eight and three-quarters, thirteen and one-half, and fourteen and one-half, providing for testing the validity of bonds, the issuance of additional bonds, the adding new territory to waterworks districts and the ordering and contracting for work and acquiring property therefor.

[Approved by the Governor May 20, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of an act entitled "An act to provide for the formation, management and dissolution of county waterworks districts; for supplying the inhabitants thereof with water; for levying and collecting taxes on property in such districts; and for the issuance of county waterworks district bonds and the payment thereof," approved June 13, 1913, as amended, is hereby amended to read as follows:

Stats. 1915, p. 1188, amended.

Section 1. Any portion of a county, containing unincorporated territory, or containing the whole or any portion of one or more incorporated cities and contiguous unincorporated territory, and not included in a county irrigation district or county waterworks district, may be formed into a county

Formation of county waterworks districts.

waterworks district, and provision made for the purpose of supplying the inhabitants of such district with water for either irrigation, domestic and fire protection purposes or for any or all of said purposes, both in the manner and under the proceedings hereinafter described.

Stats. 1915,
p. 1189,
amended
Petition

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Sec. 2. A petition for the formation of such county waterworks district may be presented to the board of supervisors of the county in which the proposed district is located, which petition shall be signed by not less than twenty-five per cent of the freeholders, resident within the proposed district, and shall contain:

(1) The name and boundaries of the proposed county waterworks district to be benefited by the said improvement.

(2) A general description of the improvement desired for the purpose of supplying the inhabitants of such district with water, and which may embrace any or all of the following: The acquisition, construction, installation, completion, extension, repair or maintenance of waterworks, structures and appliances, and the acquisition, by purchase, condemnation, contract, lease, or otherwise, of lands, rights of way, water, water-rights and water service, necessary or convenient for such purpose.

(3) An estimate of the cost of the proposed improvement and of the incidental expenses in connection therewith.

(4) A request that an election be called in said district for the purpose of submitting to the qualified voters thereof the proposition of forming such district and incurring indebtedness by the issuance of bonds of such district to pay the cost and expenses of the proposed improvement or such part thereof as may be set forth in such request. Such petition must be accompanied by a map showing the exterior boundaries of the proposed district, with relation to the territory immediately contiguous thereto, and contain a general description of the proposed improvement. There shall also be filed with said petition a good and sufficient undertaking, to be approved by the board of supervisors, in double the amount of the probable cost of forming such district, conditioned that the sureties shall pay said cost, in case the formation of such district shall not be effected. The failure of said petition to contain any of said matters or things aforesaid shall not affect the legality of the organization of such district if the same shall thereafter be organized.

Stats. 1915,
p. 1190,
amended.
Call for
election.

SEC. 3. Section 5 of said act is hereby amended to read as follows:

Sec. 5. The board of supervisors shall, by ordinance or resolution adopted at a regular or special meeting thereof after having acquired jurisdiction to proceed, as provided above, provide for and order the holding of a special election in such proposed county waterworks district and the submission to the qualified voters thereof, of the proposition of forming such

district and incurring a debt by the issuance of bonds of such district for the purposes set forth in said petition if a bonded indebtedness is to be incurred therefor or for any part thereof. The ordinance or resolution calling such special election shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the estimated cost of the proposed improvement, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness, and shall fix the date on which said special election shall be held, the manner of holding the same, and the manner of voting for or against said proposition. The maximum rate of interest to be paid on such indebtedness shall be eight per centum per annum, payable semi-annually.

Rate of
interest

SEC. 4. Said act is hereby amended by adding a new section thereto, to be numbered 8½, and to read as follows:

Stats 1913,
p. 789,
amended
Validity
of bonds

Sec. 8½. As soon as the board of supervisors may authorize the issuance and sale of such bonds it, or any holder of title or evidence of title, may, in order to determine that said bonds are or will be when sold, a legal obligation of the district, institute a proceeding therefor in the superior court of the county in which the district was organized by filing with the clerk of said county a complaint setting forth that on a date therein named bonds of said district were by said board of supervisors authorized to be issued and sold, and with sufficient details to identify the same, and stating the amount of such bonds, and praying that such bonds be adjudged to be a valid legal obligation of such district. The summons in such proceeding shall be in such form as said court may direct and shall be served by publishing a copy thereof once a week for four weeks in some newspaper of general circulation published in each county in which any of the lands contained in said district are located. Within thirty days after the last publication thereof shall have been completed and proof thereof filed with the court, any person interested may appear and answer said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of said bonds. If no answer shall be filed within said time, the court must render judgment therein decreeing the validity of said district and of such bonds. If an answer be filed the court shall proceed as in other civil cases. Said proceeding is hereby declared to be a proceeding in rem and the judgment rendered therein shall be conclusive against all persons whomsoever and against the State of California.

SEC. 5. Said act is hereby amended by adding a new section thereto to be numbered 8¾ and to read as follows:

Stats 1913,
p. 789,
amended
Additional
bonded in-
debtedness.

Sec. 8¾. Whenever the board of supervisors deem it necessary for the district to incur a bonded indebtedness in addition to that incurred at the time of the formation of the district for any of the purposes of the district, said board shall, by resolution, so declare and state the proposition to be submitted to the electors, the purpose for which the proposed

debt is to be incurred, the amount of the debt to be incurred, the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed forty years, and the maximum rate of interest to be paid, which shall not exceed eight per centum per annum, payable semiannually. The board of supervisors shall then fix a date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred, and shall proceed with said election in accordance with section 6 of this act, and the provisions of said section shall govern as to the conduct of the election and all matters pertaining thereto. If at such election a majority of the votes cast are in favor of the incurring of such bonded indebtedness, then said board shall enter an order to that effect upon its minutes, and said board shall thereupon be authorized and empowered to issue the bonds of said district for the amount voted, payable out of the funds of the district to be provided, as in this section prescribed.

The provisions of this act contained in sections 7, 8, 8½ and 9, relating to the form of bonds, the issuance and sale of bonds, the validation thereof, and the levying of a tax for the principal and interest thereof, shall apply in like manner to bonds voted and issued as in this section provided.

Stats. 1913,
p. 791,
amended.
General
powers of
supervisors

SEC. 6. Said act is hereby amended by adding a new section thereto to be numbered 13½ and to read as follows:

Sec. 13½. The board of supervisors shall have power, except in incorporated cities or towns, to order and contract for any of the work and the acquisition of any of the property contemplated to be done or authorized to be acquired under this act, and to provide by such order that the cost thereof shall be borne by a district as ordered by four-fifths of the members of said board.

Stats 1913,
p 791,
amended.
Annexation
of territory.

SEC. 7. A new section is hereby added to said act to be numbered section 14½, and to read as follows:

Sec. 14½. Any portion or portions of a county containing unincorporated territory, or containing the whole or any portion of one or more incorporated cities and contiguous unincorporated territory, and not included in a county irrigation district or a county waterworks district, may be added to any county waterworks district organized under the provisions of this act, at any time, in the manner herein prescribed.

The holder or holders of title, or evidence of title, to one-half or more of the lands sought to be added may file with the board of supervisors a petition in writing praying that said lands be added to the district. The county assessment roll of the county in which the lands sought to be added are situated, which assessment roll has been last equalized at the time the petition is filed, shall be conclusive evidence as to the holders of title, or evidence of title, to said lands.

The petition, which may consist of any number of separate instruments, shall set forth and describe the boundaries of the proposed addition, or additions, and pray that the lands within

such boundaries be added to the district. A certificate of acknowledgment taken before a notary public or justice of the peace of any state, or an affidavit by any person in the presence of whom the petition was signed, shall be sufficient evidence of the genuineness of the signature, or signatures, and the fact of place of residence of each petitioner. Annexation
of territory
(cont'd).

Upon the filing of said petition, the board of supervisors shall set a time for the hearing thereof, which shall be not less than fifteen and not more than thirty days from the date the petition is filed. Notice of the filing of said petition shall be given by the clerk of said board by publishing at least once a week, for at least two weeks, in a newspaper printed, published and circulated in the county in which the district is situated, a notice that the petition has been filed, giving the time set for the hearing thereof, and that the petition, together with all written protests filed with said clerk prior to the time set for said hearing, will be heard and passed upon at that time, and that all persons interested therein may then appear and be heard. Said notice shall also contain the text of the petition, but not more than five of the names attached thereto need be published; *provided*, the number of the total of said names is stated.

At the time fixed for the hearing the board of supervisors shall hear the petition, together with such written protests as shall have been filed as herein provided, by or on behalf of the owners of taxable property situated within the district, or within the proposed addition thereto, and may adjourn such hearing from time to time, not exceeding four weeks in all.

No defect in the contents of the petition or in the notice, or publication of the notice, shall vitiate any proceedings thereon; *provided*, such petition, or petitions, have a sufficient number of qualified signatures attached thereto.

At said hearing said board may make such changes in the proposed boundaries of the territory sought to be added as may be deemed advisable, but said board shall not modify said boundaries so as to exclude any territory which in its opinion will be benefited by being added to the district. Upon such hearing of said petition, said board shall find as to the sufficiency of said petition, and its decision thereon shall be final and conclusive.

At the expiration of the time at which protests may be filed, if none be filed, or if protests be filed and after hearing be denied, then said board shall be deemed to have acquired jurisdiction to further proceed, and the board may grant the petition, in whole or in part, and shall fix the boundaries of the territory sought to be added, and shall, by resolution or ordinance, after having acquired jurisdiction to proceed, provide for and order the holding of a special election in said district and in said proposed addition, to determine whether or not the territory in said proposed addition shall be added to the district. At such election the proposition to be

Annexation
of territory
(cont'd).

submitted shall be: "Shall the territory described in the resolution of the board of supervisors, adopted on the _____ day of _____, 19____, be added to _____ county waterworks district No. _____?" For the purposes of said election, said board shall in said resolution or ordinance establish one or more precincts within the boundaries of said county waterworks district, and one or more precincts within the boundaries of the territory sought to be added thereto, designate a polling place, and appoint one inspector, one judge and one clerk for each such precinct. In all particulars not recited in such resolution or ordinance, such election shall be held as provided by law for holding general elections in such county. Such resolution or ordinance ordering the holding of said election shall, prior to the date set for said election, be published five times in a daily, or twice in a weekly or semi-weekly newspaper of general circulation, printed and published in such county and designated by said board for said purpose. No other notice of said election need be given. If at such election a majority of the votes cast in the district then existing and a majority of the votes cast in the territory sought to be added thereto are in favor of such addition, the board shall enter an order to that effect upon its minutes, declaring said territory added to the district, and from and after the date of such order, such territory shall be deemed added to and shall form a part of said district, subject to all the rights, privileges, powers and responsibilities set forth in this act and necessarily incident thereto.

If, in the judgment of the board of supervisors, it is deemed necessary, because of the lack of sufficient moneys in the funds of the district to provide adequate water, construct necessary plants and distributing systems, or properly serve the territory sought to be added, or for any other reason, to make the addition of the new territory conditional upon the voting and issuance of additional bonds, said board may, in its resolution or ordinance granting the petition, or a part thereof, and calling an election upon the proposition of adding new territory to the district, order that said election shall be upon the joint proposition of adding new territory and of incurring an indebtedness by the issuance of bonds of the district as the same will exist if the new territory sought to be added is added thereto. Said ordinance or resolution shall state the purpose for which the proposed debt is to be incurred, the amount of the debt to be incurred, the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed forty years and the maximum rate of interest to be paid, which shall not exceed eight per cent per annum, payable semiannually. The proposition to be voted upon in such event shall be: "Shall the territory described in the resolution of the board of supervisors adopted on the _____ day of _____, 19____, be added to _____ county waterworks district No. _____, and shall said district, as the same will exist after the addition of said territory, incur

a bonded indebtedness in the sum of ----- dollars (\$-----) for the purpose of (stating the purposes for which the amount so raised is to be used)?” Notice of said election and all matters in connection with said election shall be given and conducted in the manner hereinbefore provided, where the proposition is to be upon the sole question of the adding of new territory. If at such election a majority of the votes cast in the district then existing and a majority of the votes cast in the territory sought to be added thereto are in favor of said proposition of adding new territory and of incurring such bonded indebtedness, then the board of supervisors shall enter an order to that effect upon its minutes, declaring said new territory added to the district, and from and after the date of such order such territory shall be deemed added to and shall form a part of said district subject to all the rights, privileges, powers and responsibilities set forth in this act and necessarily incident thereto and said board shall thereupon be authorized and empowered to issue bonds of said district (as the same will exist after the addition of such new territory), for the amount voted upon at said election. The provisions elsewhere in this act made for the form of bonds, issuance and sale of bonds, the levying and collecting of taxes for the payment thereof and of other matters relating to bonds of the district shall govern in the case of such bonds.

CHAPTER 689.

An act to amend section seven hundred eighteen of the Civil Code, relating to the lease of tidelands, submerged lands and lands adjacent thereto.

[Approved by the Governor May 21, 1927 In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 718 of the Civil Code, is hereby amended to read as follows:

718. No lease or grant of any town or city lot for a longer period than ninety-nine years, in which shall be reserved any rent or service of any kind, shall be valid; *provided*, that the property of any municipality, or any minor or incompetent person, shall not be leased for a longer period than ten years, excepting that water and sewage discharged from the municipal sewer system, the property and equipment used in treating or disposing of such sewage and the sewer farm of a municipality and all waters and sewage used or discharged thereon may be leased for a period not exceeding twenty-five years; and excepting that the tidelands and submerged lands granted to any city by the state, may be leased for a period not exceeding fifty years if the grant from the State of California of the use of said tidelands and submerged lands does not provide specifically for a term of years for which said lands may

Stats 1917,
p 798,
amended
Lease of
city lots,
municipal
property,
etc.

be leased; and excepting that tidelands and submerged lands owned or controlled by any city, together with the wharves, docks, piers and other structures or improvements thereon, and so much of the uplands abutting thereon as may in the judgment of the city council, or other governing body, of the city be necessary for the proper development and use of its waterfront and harbor facilities, may be leased for a period not exceeding fifty years. Said tidelands, submerged lands and uplands may be leased only for industrial uses, the purpose of improvement and development of the harbor of said city, and the construction and maintenance of wharves, docks, piers or bulkhead piers or for other public uses and purposes consistent with the requirements of commerce or navigation at said harbor.

CHAPTER 690.

An act to provide for the apportionment and assessment upon the district or districts benefited of the cost or a portion of the cost of the separation of the crossing of a railroad or street railroad by a street, highway or public way and for the letting of contracts for the said work and for the enforcement and collection of such assessments, and providing for the issuance and effect of bonds therefor, whether said street or highway or the district to be benefited, lies entirely within the unincorporated territory of a county or entirely within a municipality, or within such unincorporated territory and one or more municipalities, or within two or more municipalities, or where such highway or street forms a portion of the boundary of a municipality; and providing for the payment of a portion of the expenses for such improvement by counties or municipalities at their election.

[Approved by the Governor May 21, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Streets and
highways
may be
improved

SECTION 1. All streets, highway or public ways, as the same are hereinafter defined, now open or dedicated, or which may hereafter be acquired, opened or dedicated, whether wholly within the unincorporated territory of a county or wholly within the limits of a municipality, or being partly within such unincorporated territory and partly within one or more municipalities, or forming a portion of the exterior boundary of any municipality, either where such portion of said boundary adjoins unincorporated territory or the boundary of one or more other municipalities, and whether the same be partly or wholly within or without such boundary shall be deemed and held to be open public streets, highways and public ways for the purposes of this act, and the several respective legislative bodies hereinafter enumerated are hereby

invested with the jurisdiction and power to do any or all of the work mentioned in this act under and pursuant to the proceedings hereinafter described and levy and collect assessments upon the district or districts of lands benefited thereby.

SEC. 2. Whenever the public interest and convenience may require the separation of grades at any crossing, of a street railroad, interurban railroad or railroad by a public street, highway or public way or vice versa, the legislative body of any city or of any county are hereby severally authorized and empowered to provide for such separation of grades and for the performance of the work necessary or suitable therefor and thereto and to make, apportion, distribute and assess upon the district or districts deemed to be benefited thereby, all or a portion of the cost of such separation of grades at any such crossing hereinabove described, all in the manner hereinafter specified in this act. The legislative body of a city shall have jurisdiction within said city and over streets, highways and public ways forming a portion of the exterior boundary of such city and likewise over assessment districts lying wholly within such city or partly within such city and partly within unincorporated territory or the territory of one or more adjoining cities. Likewise the legislative body of a county shall have jurisdiction within said county and over streets, highways and public ways forming a portion of the boundary between the county and one or more incorporated cities and likewise over assessment districts lying wholly within the unincorporated area of the county, or partly within such unincorporated area and partly within one or more incorporated cities. A county may exercise jurisdiction to provide for a grade separation in a public street, highway or public way forming a portion of the boundary between such county and one or more incorporated cities or over territory in one or more incorporated cities benefited from such separation of grades; *provided*, the consent of the legislative body of such city shall be first obtained to such improvement and to the levying of such assessment therein. Similarly a city may exercise jurisdiction to provide for a grade separation in a public street, highway or public way forming a portion of the boundary between it and unincorporated area of a county or between it and one or more incorporated cities or over territory outside its limits and in the unincorporated area of such county or within one or more other incorporated cities, benefited from such separation of grades, provided the consent of the legislative body of such county or the legislative body of such other city be first obtained to such improvement and the levying of such assessment therein. Power is also hereby given to any county or any city operating hereunder to issue bonds representing the unpaid assessments levied for the purpose herein specified and provided. It is hereby declared that the true intent and meaning of the above provisions is that such share of the cost and expense of a separation of grade crossing

Jurisdiction
to provide
for grade
separation

or a portion thereof, that is required to be paid by any incorporated city or by a county shall be charged to and collected from the property within the district or districts of land specially benefited thereby, and that the power to effect this end is vested in the legislative body either of the incorporated city, or the county which is under the obligation of paying the cost and expenses of such separation of grade crossings or a portion thereof and which initiates a proceeding hereunder. Such legislative body shall have and retain exclusive jurisdiction of the proceedings at all stages and for the full and final completion and enforcement thereof.

Declaration
of intention.

SEC. 3. Whenever the legislative body of any incorporated city or of a county shall deem that the public necessity, convenience or safety requires a separation of the grades at any crossing of a street railroad, interurban railroad or railroad by a public street, highway or public way or vice versa and it shall desire to obtain permission of the railroad commission of the State of California thereto, it shall cause a declaration of intention of such purpose to be made by publication and posting. Such declaration of intention may give a brief description of the proposed separation of grades and a description of the district or districts which such legislative body deems to be the district or districts benefited by such separation of grades and to be assessed to pay the portion of the expense of such separation of grades which may thereafter by order of the railroad commission be apportioned to such incorporated city or such county or such portion of such expense as said legislative body deems should be charged upon and paid by such assessment district or districts, or it may merely state that it is proposed to make a separation of grade crossing where a certain named street, highway or public way crosses a designated railroad, interurban railroad or street railroad, giving therein information sufficient to make it reasonably certain where such crossing is located and refer to plans, drawings, maps and specifications or such thereof as may be expedient, on file in some public office in such city or county for a description of such proposed separation of grade crossing, and of the district or districts to be assessed. Such declaration of intention must in any event state that bonds will be issued to represent unpaid assessments and give the rate of interest which the bonds will bear and the period of time over which they shall extend. Such declaration of intention shall be published at least five times in some newspaper either published within said municipality or the said county or of general circulation in such city or such county. At least ten copies of such declaration shall also be posted on public streets in the vicinity of the proposed separation of grade crossing. Lack of formality in such declaration or in the publication or posting thereof shall in nowise affect the jurisdiction of the legislative body which has ordered the publication of such declaration. Such declaration shall also name a date which can not be less than ten days

from and after the day of the first publication of said declaration at or before which owners of property within the assessment district may file objection to such proposed grade separation or to the extent of the proposed assessment district or the period of time over which the bonds are to extend. Such objections must be in writing but no prescribed formality shall be necessary either as to form or signature. At the date named in said declaration as that at or before which such objections will be received or at such time or times to which the hearing of such objections may be adjourned or continued the legislative body shall hear the objectors. After such hearing it shall have full power to proceed in the matter as it deems necessary or desirable; *provided, however*, that when such objections are against the proposed separation of grades and the legislative body finds that such objections are made by the owners of more than one-half of the area of the property to be assessed for said improvement, no further proceeding shall be taken for a period of six months from the date of the decision of the legislative body on said hearing. It may abandon the said proposed separation of grades, may alter or modify its plan, may reduce the proposed assessment district or eliminate certain properties therefrom or may change the period over which the bonds shall extend. It shall have full power to order or determine that the proposed separation of grades shall be carried out on the terms and conditions, it shall fix and declare upon the conclusion of said hearing, subject to the later determinations, rulings and orders of the state railroad commission. In the event that said city or county shall so determine to proceed in such matter it shall make application as nearly as possible in conformity with the provisions of section 2694 of the Political Code and conformable to the public utility act approved April 23, 1915, as amended. When thereafter an order shall have been made by the railroad commission in connection with the said application, directing the separation of grades at the said crossing and prescribing the proportions in which the expense of the said separation of grades shall be divided between the railroad or interurban railroad or street railroad and the city or county making the application, then the said city or county shall proceed to advertise for bids for making such grade separation. Before doing so, a copy of the determinations, ruling and orders of the state railroad commission made after the hearing hereinbefore provided for, shall be placed on file with the city clerk or the clerk of the board of supervisors, as the case may be, and notice of such filing shall be published by such clerk by two insertions in some newspaper of general circulation within such city or county. Notice inviting such proposals, and referring to the determinations theretofore made with respect to such grade separation by said city or county and also to the later determinations, rulings and orders of the state railroad commission with reference thereto, shall be published twice in a newspaper published within said city or within said

Hearing.

Order of
railroad
commission.

Bids.

county, or of general circulation in such city or such county. The time fixed for the opening of bids shall be not less than ten days from the date of the first publication of said notice. All proposals or bids offered shall be accompanied by a check payable to the city or county as the case may be, certified by a responsible bank, for an amount which shall not be less than ten per cent of the bid, or by a bond for the said amount and so payable, signed by the bidder and two sureties, who shall justify before any officer competent to administer an oath, in double the said amount, and over and above all statutory exemptions. Said bids shall be delivered to the clerk of the legislative body of said city or said county, and the same shall in open session of said body be publicly opened, examined and declared. Such legislative body may reject any and all bids should it deem this for the public good, and may award the contract to the lowest regular responsible bidder at the prices named in his bid. If no bids are received, or if all bids are rejected, such legislative body may within six months thereafter readvertise for bids as in the first instance, without further proceedings, and thereafter proceed in the manner hereinabove provided. If the bidder to whom the contract is awarded fails, neglects or refuses to enter into the contract to perform said work, as hereinafter provided, then the certified check accompanying his bid and the amount therein stated, shall be collected by it and paid into the general fund, and any bond forfeited may be prosecuted, and the amount due thereon collected and paid into said fund. Notice of such award of contract shall be published by the clerk of such legislative body twice in some newspaper published in said city or county or of general circulation therein. At any time within ten days from the date of the first publication of said notice of award of contract, any person having any interest in said improvement who objects to the same, or who claims that any of the acts or proceedings relating to such grade separation are illegal or defective or faulty or in any way objectionable may file with the clerk of such legislative body a written notice specifying his objections or his claims. The failure or neglect to file a notice or claim of illegality, defects, faults or objections shall constitute a complete waiver of the right to object to said improvement and of the rights to claim that the proceedings are illegal or defective or faulty or objectionable. The superintendent of streets or the county surveyor, as the case may be, is hereby authorized in his official capacity to make a written contract for the said work and to receive the bonds authorized by this act from the contractor and to do any other act either express or implied that applies to the street department under this act. Such contract shall be executed within twenty-five (25) days after the first publication of the notice of award of contract. The contractor shall at the time of executing the contract, execute two bonds to the satisfaction of said superintendent of streets or county surveyor, with two or more sureties and payable to the said city or county, the first being in a sum not less than twenty-five per cent (25%) of the

Notice of
award of
contract

Legality of
proceedings

Execution of
contract

Contractor's
bonds

amount of the contract, conditioned for the faithful performance of the contract, and the second being in a sum not less than one-half of the total amount payable by the terms of the contract, and which shall be made to inure to the benefit of any and all persons, companies, or corporations, who perform labor on or furnish materials to be used in said work or improvement. Said last mentioned bond shall provide that if the contractor fails to pay for any materials so furnished for the said work, or for any work or labor done thereon of any kind, the sureties will pay the same to an amount not to exceed the sum specified in the said bond. The said sureties shall qualify for double the sum specified in each bond. No lien can be asserted, claimed or enforced against any property of any street railroad, interurban railroad or railroad upon or across which any work of grade separation shall be done, but any laborer, materialman, person, company or corporation furnishing materials to be used in the performance of the work specified in the said contract or who performs work or labor upon the said work or improvement, whose claim has not been paid by the contractor or his assigns, shall severally have a first lien upon and against all moneys or funds to be paid for or on account of the performance of said work, by the owner of such street railroad, interurban railroad or railroad, pursuant to the orders of the railroad commission and likewise against and upon any other funds which are to be paid on said contract by or through the agency of the city or county. Such materialmen or laborers may at any time prior to thirty (30) days after the recording of the assessment for said work, file with the superintendent of streets or the county surveyor, as the case may be, a verified statement of his or its claim, together with a statement that the same or some part thereof has not been paid. At any time within ninety (90) days after the filing of such claim, the person, company or corporation filing the same or their assigns, may at their election commence an action to enforce the aforesaid lien against such funds or an action on said bond for the recovery of the amount due on said claim. In either of said cases, they shall be entitled to the costs incurred in the said action and a reasonable attorney's fee to be fixed by the court for the prosecution thereof. The said contract shall provide that when the said work is completed, the total contract price and the total of the incidental expenses shall be computed and there shall be deducted from such sum total the amount of the payment for said work of improvement to be made by the owner of the street railroad, interurban railroad or railroad, and by the State of California or any other public body, and that the balance of said sum shall be assessed upon and against the lots, pieces or parcels of land within the assessment district or assessment districts provided for in the proceedings. The said cash payments shall not be made until thirty (30) days after the recording of the assessment herein provided for.

Payment for
work.

Diagram and
assessment.

SEC. 4. The legislative body of the city or of the county which has initiated the proceedings in question shall cause a diagram to be made by the city engineer or the county surveyor which shall show each separate lot, piece or parcel of land within the assessment district or districts and the dimensions of each of the same. Said diagram shall be delivered to the street superintendent of the city which is carrying through said proceedings or to the county surveyor of the county that may be carrying through the proceedings. The street superintendent or the county surveyor shall then assess the total sum fixed as assessable against the assessment district or districts upon and against the lands, lots or portions of lots within said assessment districts, upon and against each respectively, in proportion to the estimated benefits to be received by each of said several lots, portions of lots or subdivisions of land. Said assessment shall be numbered to correspond with the numbers shown on said diagram and shall be filed with the clerk of the legislative body that is carrying through the proceedings, who shall give notice of the filing thereof and of a time fixed by said clerk when all persons interested in or affected by said assessment will be heard by the appropriate legislative body. Such notice shall be posted for not less than ten (10) days on or near the council chamber door of the said legislative body and shall be published five (5) times in some newspaper either published or of general circulation in said city or county. The first of said publications shall be not less than fifteen (15) days before the time fixed for such hearing. Said clerk shall also mail a post card to the owner of each lot within said district so far as the names and addresses of such owners are known to him; *provided*, that the failure of the clerk to mail a card to any owner or the failure of the person addressed to receive the same shall not affect the jurisdiction of the legislative body to proceed with the hearing noticed. Any person who claims that the diagram or assessment is incorrect in any particular, or that the assessment has not been apportioned according to the benefit to be received from said separation of crossing may prior to the day named as the day for the hearing on the assessment, appeal to the legislative body by briefly stating in writing the grounds of appeal. Upon such appeal, the legislative body may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts and determinations of the city engineer, the street superintendent or the county surveyor relative to said assessment and may correct the assessment or diagram in any particular. All the decisions and determinations of said legislative body upon such hearing shall be final and conclusive as to all errors, informalities and irregularities which said legislative body might have avoided or remedied during the progress of the proceedings, or which it can at that time remedy. When the said hearing has been had and the orders and determinations of the legislative body have been complied with, or when no appeal has been filed, or when all

Appeal to
legislative
body.

appeals have been denied, and when the legislative body is finally satisfied with the correctness of the assessment the said legislative body shall confirm the same. The clerk of the legislative body shall deliver to the street superintendent or to the county surveyor, as the case may be, the said confirmed assessment together with his certificate that the said assessment has been confirmed. The street superintendent or the county surveyor, as the case may be, shall thereupon record such assessment and diagram in his office in a suitable book to be kept for that purpose, and append thereto his certificate of the date of such recording, and such record shall be the assessment roll. From the date of such recording all persons shall be deemed to have notice of the contents of such assessment roll. Immediately upon such recording, the several assessments contained in such assessment roll shall become due and payable, and each of such assessments shall be a lien upon the property against which it is levied. The term "lands, lots, or portions of lots" used herein shall be deemed to include property owned or controlled by any person, firm or corporation as a railroad, street or interurban railroad right of way and such railroad right of way whether the same is owned in fee or as an easement shall be assessed in the same manner and with the same effect as other lands, lots or portions of lots provided in this act, and such railroad, street or interurban railroad right of way shall be subject to sale for non-payment of assessments as in this act provided. However, wherever it is provided by order of the railroad commission that the expense of the separation of crossing shall be paid in part by a railroad, street or interurban railroad and a part by the city or county, then in such event none of the portion of such expense so to be paid by the city or county shall be assessed against any of the right of way or operative property of the particular railroad, street or interurban railroad which is obligated to pay the remainder of the cost and expenses of such separation of crossing. Any other property however, of such railroad within the assessment district shall be assessable.

After said assessment and diagram are recorded the superintendent of streets or the county surveyor, as the case may be, shall attach thereto a warrant, which shall be signed by the superintendent of streets and countersigned by the mayor in the case of the city, or signed by the county surveyor and countersigned by the president of the board of supervisors in the case of the county, which said warrant shall be substantially in the manner and form following:

By virtue hereof, I (-----) of the city of (or county of) (-----), State of California, by virtue of the authority vested in me as said (-----) do authorize and empower (name of contractor), (its, his or their) agents or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be (its, his or their) warrant for the same.

Dated this ----- day of -----, 19-----

 (Name of superintendent of streets
 or county surveyor.)

 (Name of mayor or president of
 the board of supervisors.)

Payment of
 assessments.

SEC. 5. The street superintendent or the county surveyor, as the case may be, shall upon the recording of the assessment, give notice by publication five (5) times in some newspaper published in the city or county, as the case may be, that the assessment has been recorded in his office and that all assessments therein amounting to less than twenty-five and no/100 dollars (\$25.00) are due and payable immediately, and that payment of the said assessments is to be made to him or the contractor, (its, his or their assigns) within thirty (30) days after the date of the first publication, which date shall be stated in the notice. Said notice shall also state that assessments less than twenty-five and no/100 dollars (\$25.00) in amount not paid before the expiration of said thirty (30) days will become delinquent, and that thereupon five per cent (5%) upon the amount of such assessment will be added thereto, and that all other assessments if not paid within said period of thirty (30) days will be represented by bonds as described in the declaration of intention. After said warrant, assessment and diagram are recorded, the same shall be delivered to the contractor, (its, his or their) agents or assigns, on demand, but not until after the payment to the superintendent of streets or the county surveyor as the case may be, of the incidental expenses not previously paid by the contractor or (its, his or their) agents or assigns. By virtue of said warrant, the contractor, (its, his or their) agents or assigns, shall be authorized to receive and receipt for the amounts of the several assessments included in said assessment. The street superintendent or the county surveyor, as the case may be, shall upon presentation of such receipt mark on the record of the assessment a note of payments so made.

When payment of any assessment is made, to the street superintendent or the county surveyor, as the case may be, a note of such fact shall be marked opposite such assessment, stating that it is paid, and giving the date of payment. The contractor, (its, his or their) assigns shall after the expiration of said period of thirty (30) days file with the street superintendent or the county surveyor, as the case may be, a written statement of all payments that have been made to him on said assessment, prior to the expiration of said period of thirty (30) days. At the expiration of said period of thirty (30) days, the assessments amounting to less than twenty-five and no/100 dollars (\$25.00) shall become delinquent and the street superintendent or the county surveyor, as the case may be, shall certify such fact at the foot of said assessment roll and mark each such assessment "delinquent"

and add five per cent (5%) to the amount of each assessment delinquent.

The legislative body of the city or of the county carrying through the proceedings in question, shall have the power in its discretion to determine that serial bonds shall be issued in the manner and form hereinafter provided to represent individual assessments of twenty-five and no/100 dollars (\$25.00) or more contained in the assessment roll for any improvement authorized by this act. Said serial bonds may extend over a period not to exceed fifteen (15) years from the second day of January next succeeding the issuance of said bonds, and that even annual proportions of the principal sum thereof shall be payable by coupons on the second day of January every year after their date until the whole is paid; *provided*, that if the period over which said bonds are to extend exceeds ten (10) years, it may be provided that one-tenth (1/10th) part of the principal sum thereof shall be payable by coupon on the second day of January of each of the last ten (10) years of said period. The interest on the said bonds shall be payable semiannually by coupon on the second days of January and July respectively of each year, at the rate of interest named in the declaration of intention on all sums unpaid until the whole of said principal and interest is paid. Said bonds and interest thereon shall be paid at the office of the city treasurer or the county treasurer, as the case may be, who shall keep a fund designated by the name of said bonds into which he shall receive all sums paid in for the principal of said bonds and the interest thereon, and from which he shall disburse such sums upon the presentation of the coupons, and under no circumstances shall the said bonds or the interest thereon be paid out of any other fund.

Bonds to represent assessments.

The street superintendent or the county surveyor, as the case may be, shall at the expiration of thirty (30) days after the publication of the notice of recording the assessment, make and certify to the city treasurer in the event that the proceedings are being carried on by the city or to the county treasurer in the event that they are being carried on by the county, a complete list of all assessments unpaid which amount to twenty-five and no/100 dollars (\$25.00) or over, upon any separate assessments contained in said assessment roll and the said treasurer shall thereupon make out a separate bond representing upon each piece of land, lot or portion of lot, the total amount of the particular assessment against the same. Said bonds shall be substantially in the following form:

List of unpaid assessments.

Form of bonds.

BOND REPRESENTING ASSESSMENT FOR GRADE SEPARATION.

Series (designate it) in the city of or county of (naming it).
 \$----- No. -----

Under and by virtue of an act of the Legislature of the State of California, entitled (title of this act), I, out of the fund for the above designated grade separation bonds, Series

-----, will pay to the bearer, the sum of -----and
 ---/100 (\$-----) dollars, with interest at the rate of -----
 per cent per annum, all as hereinafter specified and at the
 office of the Treasurer of the-----of-----, State
 of California. This bond is issued to represent the amount of
 an assessment for-----in the-----of-----as
 the same is more fully described in the assessment therefor.
 Its amount is the amount assessed in said assessment roll
 against the piece of land, lot or portion of lot therein num-
 bered-----, and which now remains unpaid, but until paid
 with accrued interest is a first lien upon the property affected
 thereby as the same is described herein, and in said recorded
 assessment and the diagram filed therewith, to wit: That cer-
 tain piece of land, lot or portion of lot in the-----of
 -----State of California, described as follows:

 This bond is payable exclusively from the said fund and
 neither the-----nor any officer thereof is to be holden
 for payment otherwise of the principal thereof. The terms of
 this bond is-----years from the second day of January next
 succeeding its date and at the expiration of said time the
 whole sum then unpaid shall be due and payable; and on the
 second day of January of each year after its date an even
 annual proportion of its whole amount is due and payable
 upon presentation of the coupon therefor until the whole is
 paid (or if said bonds are to extend over a period exceeding
 ten years from their date and it is provided that payment of
 the principal thereof shall be made during the last ten years
 of said term, then insert in place of the last statement, the
 following: On the second day of January of each of the last
 ten years of the term of this bond, an even one-tenth part of
 the whole of the principal of said bond shall be due and
 payable upon the presentation of the coupon therefor), with
 all accrued interest at the rate of-----per cent per annum.
 The interest is payable semiannually on the second days of
 January and July in each year hereafter upon presentation
 of the coupons therefor, the first of which is for the interest
 from date to the next succeeding second day of-----,
 and thereafter the interest coupons are for semiannual interest.

Should default be made in the annual payment upon the
 principal or in any payment of interest by the owner of said
 land, lot or portion of lot, or any one in his behalf, the holder
 of this bond is entitled to declare the whole unpaid amount to
 be due and payable and to have said piece of land, lot or
 portion of lot, advertised and sold forthwith in the manner
 provided by law.

Dated at said-----of-----this-----day of
 -----, 19-----.

 Treasurer of-----

Privilege of
 payment.

The owner or any person interested in any piece of land,
 lot or portion of lot upon which a bond has been issued under

the terms of this act, may at any time pay off such bond and discharge the land from the lien of the assessment by paying to the treasurer for the holder of such bond the amount then unpaid on the principal sum thereof and all interest thereon which has accrued and is unpaid, together with the semiannual installment of interest which will next become due thereafter, and in addition thereto interest for six months at the rate specified in the bond upon the amount of the principal of said bond which remained unpaid at the date of application for paying off such bond. The assessment upon which a bond is issued shall be a lien upon the piece of land, lot or portion of lot until discharged; such lien shall be subordinate to all special assessment liens previously imposed upon the same piece of land, lot or portion of lot, but shall have priority over all special assessment liens which may thereafter be created against the said piece of land, lot or portion of lot.

Said bonds shall by their issuance be conclusive evidence of the regularity of all proceedings leading up thereto and of the validity of said lien. The said bonds when issued shall be dated as of the date when the assessments of less than twenty-five and no/100 dollars (\$25.00) each become delinquent. In the event of the nonpayment of any installment of the interest or principal, the holder of any bond upon which any payment either upon the principal or of the interest has not, or shall not be made when due may, at any time after six months from the date of any delinquency of principal or interest and prior to the expiration of four years after the due date of the last installment unpaid upon any bond or of the last principal coupon attached thereto, file and maintain a suit to foreclose the lien of the bond and recover the amounts due thereon.

The complaint in such suit shall be sufficient if a true copy of the bond be therein set forth and appropriate allegation be made therein regarding the payments made upon the principal and interest of such bond, and such suit shall be brought in the superior court within whose jurisdiction the city is by which the said bond has been issued and in case the owner of the lot, or parcel of land covered by said bond, can not with due diligence be found, the service of summons in such case may be had in the manner prescribed in the codes and laws of this state. The said bond, together with proof either orally by the said treasurer of the said city or by a certificate signed by him showing the nonpayment of any of the principal or interest upon said bond, shall be prima facie evidence of the right of the plaintiff to recover in said action. The court in said suit shall have the power to adjudge and decree a lien against the lot or parcel of land covered by said bond and to cause said premises to be sold as in other cases of the sale of real estate by the process of said court to satisfy and discharge such bond and lien, and the amount of interest and penalties due shall be calculated in the manner herein provided up to the date of the judgment. On appeal, the appellate courts

Foreclosure
of lien
(cont'd).

shall have the same power to adjudge and decree a lien and order such premises to be sold as is conferred on the court from which an appeal is taken. The court having jurisdiction of said cause shall also fix and allow a reasonable attorney's fee for the prosecution of said suit.

The plaintiff in the suit may also recover the cost of any abstract or report of search of title procured in good faith, in order to determine ownership, such search to be by a reputable abstractor or title company, and such cost not to exceed five dollars per lot, and such abstract or report of search with affidavit of payment to be filed in the action.

Such premises, if sold, may be redeemed as in other cases. Such action shall be governed and regulated by the provisions hereof, and also when not in conflict herewith, by the codes of this state.

A written notice of the pendency of any action for recovery on a bond shall be filed with the treasurer and after the filing of such notice the treasurer shall not receive any money on account of said bond in his register or give a discharge of said bond without the written consent of the owner thereof until judgment has been rendered in such action or the same has been dismissed.

Should suit be brought for recovery on any bond prior to the time provided herein, the plaintiff shall not recover in such suit and the defendant in such suit shall be entitled to have and recover such attorney fees as the court may deem reasonable, in addition to all taxable costs.

Issued to
whom

Bonds not to
be issued.

The said bonds shall be issued to the contractor, (its, his or their) assigns. Unpaid assessments amounting to less than twenty-five and no/100 dollars (\$25.00) each shall be collected as hereinafter provided for in this act. If any person, shall at any time before the issuance of the bond representing the assessment upon his lot or parcel of land, present to the city treasurer or the county treasurer, as the case may be, his affidavit made before a competent officer that he is the owner of a lot or parcel of land upon which an assessment of twenty-five and no/100 dollars (\$25.00) or more is placed by said assessment, accompanied by a certificate of a searcher of records, that he is such an owner of record, and notifies such treasurer in writing that he desires no bond to be issued for the said assessment, then no such bond shall be issued and the payee of the warrant or his assigns, shall have the right to enforce collection of the said assessment in the same manner that is hereinafter provided for the collection of assessments amounting to less than twenty-five and no/100 dollars (\$25.00) each. The treasurer shall keep a record of all bonds issued by him, and of all payments on said bonds with the dates thereof. The assessment represented by a bond so issued shall be a first lien upon the property covered thereby until such bond and the accrued interest thereon shall be fully paid according to the terms thereof.

Record.

Lien.

The superintendent of streets or county surveyor is authorized at any time to receive the amount due upon any assessment list and warrant issued by him which shall not have gone to bond, and give a good and sufficient discharge therefor; *provided*, that when suit shall have been brought to collect the amount due upon any assessment as herein provided, the plaintiff shall file with the superintendent of streets or county surveyor a written notice of the pendency of said action showing the particular assessments affected by said action or actions; and after the filing of said notice the said superintendent of streets or county surveyor shall not receive any money on account of said assessments, and thereafter he shall have no authority to cancel said assessment or give a discharge thereof without the written consent of the owner of said assessment until judgment has been rendered in said action or the same has been dismissed. In case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which collections may be made with the same effect as on the original. After the filing of the written statement of payments as aforesaid, all amounts remaining due thereon shall draw interest at the rate of one per cent per month until paid, said interest to be computed from the date of the filing of the contractor's statement and there shall be added thereto a penalty of five per cent of the amounts due thereon.

Payment of
assessments.

Interest on
assessments.

It shall be the duty of the superintendent of streets or county surveyor on or before the fourth Monday of September of each year to certify to the tax collector a list of the properties upon which there is a lien for delinquent assessments, as shown by the records of the superintendent of streets or county surveyor. If the tax collector so requires, the notice herein provided for to be attached to or pasted to, printed on or stamped upon the tax bill, shall be prepared by the superintendent of streets or the county surveyor and shall be delivered to the tax collector on or before the date herein provided for forwarding said list, and if the tax collector so requires, the superintendent of streets or county surveyor shall upon notice attach to or paste to, print on or stamp upon the tax bills, the notice hereinafter prescribed. In any event, the tax collector shall himself or through the agency of the superintendent of streets or county surveyor, cause to be pasted or attached to, or printed or stamped upon the tax bill or tax receipt, a notice which shall in substance be as follows:

Notice of
delinquent
assessments.

“NOTICE OF ASSESSMENT”

“There is an assessment lien unpaid on this property. Unless same is paid to the city street superintendent (or bureau of assessments where such office exists) or (county surveyor) this property will be subject to foreclosure.”

At any time after the first day of July next succeeding nine months following the date of recording of such assessment, the contractor or his assignee may sue in his own name the owner

Suits to
recover
unpaid
assessments.

Suits to
recover
unpaid
assessments
(cont'd).

of the land, lots or portions of lots assessed on the day of the date of the recording of the warrant, assessment and diagram, and recover the amount of any assessment remaining unpaid together with interest and any penalties allowed hereunder; *provided*, that if any state, county or municipal taxes or other special assessment or assessments be delinquent on said property then such action may be brought at any time after ninety days after the recording of such assessment.

When suit has been brought in accordance with the provisions of this section, the plaintiff shall be entitled to have and recover fifteen dollars attorney fee on each assessment sued on, in addition to all taxable costs, notwithstanding that the suit may be settled or a tender may be made before a recovery in said action, and he may have judgment therefor; *provided*, that if the court finds an unnecessary number of actions have been brought, where the parties are identical, it may allow the costs of one action only; *and provided, further*, that such attorney's fee in any one action shall not exceed fifteen dollars where said action shall be settled before trial or where judgment shall be taken on default. Suit may be brought in the superior court within whose jurisdiction the city or county is, in which said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands, the service of process may be had in said actions, in such manner as is prescribed in the codes and laws of this state. It shall be competent to bring a single action under any such assessment irrespective of the number of lots assessed where the parties defendant are identical, and where separate actions are brought, the same may be consolidated by order of the court. The said warrant, assessment and diagram, with proof of nonpayment, shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the superintendent of streets or county surveyor, and the legislative body of the city or county carrying on said proceeding upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The plaintiff in such action may recover the cost of any abstract or report of search of title procured in good faith in order to determine ownership, such search to be by a reputable abstractor or title company and such cost not to exceed five dollars per lot, and such abstract or report of search with affidavit of payment to be filed in the action.

In a complaint in any such action it shall be held sufficient to allege briefly that the city council ordered the work, the performance of the work under the contract, the making of the assessment, the issuing of said warrant and the making of said diagram; that an assessment (naming the amount) was levied against that certain lot or parcel of land (describing the same) which, according to the information and belief of the plaintiff, is owned by the defendant; that payment of said assessment has not been made.

In describing said lot or parcel of land in said complaint it shall be sufficient to refer to the same by its number upon said diagram, provided a certified copy of said warrant, assessment and diagram shall have been previously filed in the office of the recorder of the county or city and county in which the same is situated. It shall be the duty of such recorder to so file any such certified copy presented to him upon payment of the filing fee therefor, which fee is hereby fixed at fifty (50) cents.

If the contractor or his agent or any person acting in behalf of the contractor shall, prior to the filing of a complaint for the recovery of any assessment as herein provided or subsequent to the filing of suit and prior to the allowance of attorney fees and costs as herein provided, make any written demand upon or present any bill or notice in writing to such owner, demanding, requesting or notifying such owner to pay or that there is due, attorney's fees or court costs in connection with the collection of such assessment, then, the superintendent of streets or county surveyor is authorized, upon written demand of such owner, accompanied by the affidavit of such owner, that such written demand, bill or notice for the payment of attorney's fees and costs, or either thereof, was made upon or presented to such owner prior to the commencement of suit, or subsequent to the filing of suit and prior to the allowance of attorney's fees and costs, together with such written demand, bill or notice to mark said assessment "paid" and such assessment shall thereby be deemed to be paid and the lien thereof released; *provided*, that this clause shall not be held to apply to the service of summons and complaint in a civil action.

Should suit be brought for the recovery of any assessment prior to the time permitted for bringing same as herein provided, then in such action, so brought the plaintiff shall not recover and the defendant shall be entitled to have and recover such attorney's fees as the court may deem reasonable in addition to all taxable costs and he may have judgment therefor.

SEC. 6. In the event that an order shall have heretofore been made by the railroad commission without application having been instituted by a city or county, but which nevertheless requires that the expense of separation of grades be borne in part by a railroad, street or interurban railroad and a part by a city or a county, then proceedings shall be had as hereinbefore provided with the exception that the declaration of intention to create the assessment district shall recite the facts and particulars of the order with reference to which the assessment district is being created. The provisions relative to giving notice, shall be the same as provided in section 3 of this act, with the exception that it shall be clearly stated therein that the proceedings are based upon an order made without previous application on the part of the city or county in question. It shall not be necessary that the city or county

Procedure where railroad commission makes order without application therefor.

make any further application to the railroad commission other than for an order permitting the officers of the city or county to enter upon so much of the right of way of the street railroad, interurban railroad or railroad as may be necessary to effect the desired physical grade separation. A copy of the order of the railroad commission authorizing such action on the part of the officers of the city or county, shall be filed with the city clerk or the clerk of the board of supervisors, as the case may be, and notice of such filing shall be published by such clerk by two insertions in some newspaper of general circulation within such city or county. The provisions of section 3 hereof, relative to advertising for bids, awarding of contracts, and the execution of contracts, and the provisions of sections 4 and 5 hereof shall be applicable to proceedings carried through pursuant to this section.

Reassess-
ments.

SEC. 7. Whenever any assessment heretofore issued or which may be hereafter issued is or shall be void, or unenforceable, for any cause, or if bonds shall have been, or shall be, issued to represent any assessments and such issuance shall not have been, or shall not be effective through the curative provisions in relation thereto, or any curative act that may be passed by the Legislature in relation thereto to make them valid and enforceable, then, in any of such events, a reassessment therefor may be issued. The true intent and meaning of this section is to make the cost and expense of work or improvement made through an attempted compliance with this act, payable by the real estate benefited by such work or improvement by making a reassessment therefor.

Such power of reassessing embraces both a full and a partial reassessment, and is not exhausted by a single attempted exercise thereof.

When to
be ordered

A reassessment shall be ordered under any one of four circumstances:

First—Where the owner or holder of any assessments, or of bonds issued under this act to represent assessments request the legislative body of the city in which the assessment has been or shall be issued to order a reassessment. In such event if said legislative body be of the opinion that the assessments or bonds in question are not enforceable it shall order the making and issuing of a reassessment covering only the assessments owned or held by the petitioner or the assessments represented by the bonds owned or held by such petitioner.

Second—Whenever any court of competent jurisdiction in any suit to foreclose the lien of any assessment or to enforce the obligation of any bond issued to represent any assessments issued under this act, has for any reason held such lien unenforceable, then it shall in and by its decree direct the making of a reassessment to cover the assessments involved in such suit.

Third—Whenever any court of competent jurisdiction in any suit to set aside the lien of any assessment or of any bond representing any assessment, or in any suit to quiet title

against the lien of any such assessment, or bond shall in its judgment decree such assessments or bonds to be void, or unenforceable, then it shall in and by its decree direct the making of a reassessment to cover the assessments involved in such suit.

Fourth—Whenever any contractor or assignee of a contractor shall have done or performed any work or improvements pursuant to proceedings had and taken in attempted compliance with the provisions of this act, and whenever prior to the issuance of any assessment, any court of competent jurisdiction in any suit to invalidate the contract or any of such proceedings shall for any reason declare said contract or other proceedings to be invalid, then such court shall in and by its decree direct the making of a reassessment for the reasonable value of the work and improvement actually done and performed in good faith by the contractor, or such portion thereof as was of a kind that could lawfully have been ordered under the provisions of this act.

The manner of making, issuing and enforcing the reassessment shall be as follows: Manner of making.

The superintendent of streets or county surveyor shall, upon the entering of a decree of court directing a reassessment or upon the making of an order by the legislative body of the city directing a reassessment, proceed to make a reassessment in the following manner:

If the reassessment be a partial one only, then it shall not be necessary for the diagram to show any other lots than the ones covered by such partial reassessment. If it be a full reassessment, however, then it shall be upon the lots fronting on said work if the original assessment was one made on the front foot plan; if the original assessment was made against a district then the superintendent of streets or county surveyor shall prepare and file with the reassessment a diagram showing the lots, pieces or parcels of land deemed by him to have been benefited by the work or improvement. The reassessment shall assess upon and against each of the lots, pieces, or parcels of land, contained therein an amount arrived at as follows:

The benefits derived, or to be derived by each of the said lots, pieces or parcels of land from the work or improvement estimated as of the date of the original assessment shall first be listed. Then there shall be added thereto interest thereon from twenty (20) days after the date of recording the original assessment at the rate of seven per cent (7%) per annum, and the total sum shall constitute and be the amount of the proposed several assessments in such reassessment. The total of such reassessment, however, exclusive of interest, shall not exceed the cost of the work or improvement. Such assessment need not be in any prescribed form, but shall refer to the original assessment, give the date of the original assessment and state that it is made pursuant to the orders of the legislative body of the city or decree of the court, as the case may be, and shall be accompanied by a diagram showing the lots to be reassessed and their relation to the work. It shall

Manner of
making
(cont'd)

then be presented to the legislative body, which shall fix a time for hearing before it. Such time must be at least twenty (20) days after the reassessment is so presented. The city clerk shall then advertise the time of such hearing before the legislative body by publishing a notice in the newspaper in which the notice of award of contract for the improvement for which the assessment was made, was published unless the legislative body directs publication in some other paper. If the reassessment is to be against the property in a district, then this fact shall be stated in the notice and a description of the district shall be set forth and the assessment diagram referred to for particulars. Such notice shall be published for five insertions, if the paper be a daily, or by two insertions if the paper be published less frequently. At the time fixed for said hearing, or at such time or times to which the same may be thereafter adjourned, the legislative body shall consider the objections to said reassessment and in its discretion informally direct the revision, correction or modification of such reassessment in such manner as is most equitable to apportion to each lot, piece or parcel of land thereby benefited the amount of the actual benefits derived from said improvement. When such reassessment shall have been revised or corrected or modified so as to comply with the judgment of said legislative body, then it shall pass a resolution confirming the reassessment. The street superintendent or county surveyor shall thereupon record the reassessment with a certificate at the end thereof by the city clerk, that it is the reassessment approved by the legislative body of the city. He shall also note opposite the several assessments in the original assessment that have been displaced by the reassessment, the fact that the reassessment has been made, giving its date, and shall credit upon such reassessment or upon the bonds issued to represent the same, together with all payments theretofore made upon the original assessment, interest on such payments at the rate of seven per cent (7%) per annum from and after the date of such payments. Such reassessment shall be collectible and payable in the same manner as an original assessment and shall be enforceable by suit in the same manner provided in this act for enforcing an original assessment, and shall have the same weight in evidence. In the event that bonds issued under the original assessment they shall also issue upon the reassessment for such sum as may be reassessed against the lot, piece or parcel of land covered thereby. When the reassessment is recorded the original assessment shall be canceled by the street superintendent or the county surveyor so far as it affects the particular assessments involved. New bonds shall not be issued until the original bonds are delivered up to the city treasurer, who shall cancel the same. The lien of such reassessment shall hold its relative rank as to other special assessment liens as of the date of the original assessment.

SEC. 8. In the event that any of the expense of said grade separation shall be paid by the State of California, or in the discretion of such legislative body shall be paid out of its treasury, then such legislative body shall determine the said amount prior to advertising for bids and designate the fund from which it is to be paid. In such event there shall be deducted from the portion of the expense of such grade separation which is not to be paid by the owner of the street railroad, interurban railroad or railroad, such amount as shall be paid by the State of California, or from the public treasury of the city or county as hereinbefore provided, and only the remainder of such expense shall be assessed upon or against the property in any district or districts of land made assessable under the proceedings hereunder.

Part
payment
by state,
county
or city.

SEC. 9. The legislative body conducting the proceedings under this act shall have the power and authority to appoint any competent person to serve as superintendent of work, whose duty it shall be to have the actual supervision of the physical work of grade separation called for by the contract. The compensation of such superintendent of work shall be fixed by the legislative body; *provided*, that any county officer in case the proceedings are carried through by a county, or any municipal officer or board in case the proceedings are carried through by a city, may be appointed such superintendent without compensation.

Sup't of
work.

SEC. 10. Whenever any lot, piece or parcel of land belonging to the United States, or to the State of California, or any lot, piece or parcel of land belonging to any county, city, public agent, mandatory of the government, school board, educational, penal or reform institution or institution for the feeble-minded or the insane, and being in use in the performance of any public function, shall be included within the district or districts, declared by the city council or board of supervisors in its declaration to be the district or districts to be assessed to pay the costs and expenses thereof, said council or board may, in the declaration of intention, declare that said lots, pieces or parcels of land, or any of them, shall be omitted from the assessment thereafter to be made to cover the costs and expenses of said work or improvement. In the event that said lots, pieces or parcels of land, or any of them, shall by said declaration be omitted from the assessment, then the total expense shall be assessed on the remaining lots lying within the limits of the assessment district or districts, without regard to such omitted lots, pieces or parcels of land. In the event that the council or board, shall, in such declaration of intention, declare that said lots, pieces or parcels of land so owned as aforesaid, or any of them, shall be included in the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, or any of them, then said city or county shall be liable for such sum or sums as may thereafter be assessed against any such lots, pieces or parcels of land so owned and used, and so included in the assessments by reason of the

Assessment
of public
property.

aforsaid declaration, or such lots, pieces or parcels of land so owned and used respecting which the declaration of intention makes no declaration, which shall be payable by the city or county out of the general fund unless the legislative body shall in its declaration of intention designate another fund; *provided, however*, that any such sum or sums which may be assessed against any such lots, pieces or parcels of land so owned and used, shall not be payable by the city or county when such sum or sums are paid by the owner of or the governing body controlling such lots, pieces or parcels of land.

Liability
of county
or city.

SEC. 11. The county or municipality carrying through the proceedings shall not be liable for any portion of the expenses of the work, nor shall any officer thereof be so liable, excepting for such sums as may have been declared by the legislative body to be payable from the treasury as hereinbefore provided, and the contract for the work of improvement shall contain express notice to this effect.

General
powers of
legislative
body.

SEC. 12. The legislative body of the city and the board of supervisors of the county shall have the power to prescribe by ordinance general rules respecting the mode of performing the work of grade separation and fixing the terms and contents of the contract so far as not in conflict with the express provisions contained herein. Such power shall be supplemental to the power of adopting specifications. Specifications, plans, profiles, drawings and maps may be adopted by such legislative body in and by its declaration of intention or by the declaration prescribed in section 6 hereof.

Phrases
defined.

SEC. 13. The terms "streets, highways or public ways" shall include all public roads, highways, streets, avenues, boulevards, or other thoroughfares. The term "right of way" shall include the land over and upon which a street railroad, interurban railroad or railroad may be maintaining its tracks, and the spaces between tracks when there shall be more than one, and a sufficient space outside the track or tracks for the suitable and proper operation of the same, whether owned in fee or as an easement, or whether the same lie within the lines of any street, highway or public way.

The term "incidental expenses" as used in this act shall include the compensation of the superintendent of work; the compensation of the city engineer or county surveyor for work done by him; the cost of printing and advertising as provided for in this act and the expenses of making the assessment. All demands for incidental expenses shall be presented to the street superintendent or county surveyor, by itemized bill duly verified by oath of the demandant.

The expression "grade separation" or "separation of grades" shall include all work necessary to properly and satisfactorily accomplish the physical separation of grades described in this act, and shall include all items of work appropriate thereto, such as excavating, grading, filling, paving, repaving, constructing or reconstructing sidewalks, steps,

parks, parkways, culverts, bridges, gutters, subways, viaducts, the installation of drains, instrumentalities for lighting, retaining walls, embankments, and all other structures necessary and suitable to accomplish said purpose, including the replacing or substitution of any improvements in existence in the area affected prior to the performance of the actual work of grade separation both upon or in the area of the street, highway, or public way in question and the area of the right of way of the street railroad, interurban railroad or railroad upon which work may be required by or in connection with such grade separation.

The notices, declarations, resolutions, orders or other matters required to be published by the provisions of this act, shall be published in a newspaper published within the city or the county, or of general circulation therein and no other statute shall govern or be applicable to the publications herein provided for. No proceeding or step herein shall be invalidated or avoided by any departure herefrom with respect to the person or instrumentality connected with the publication; *provided*, the same is actually published in a newspaper which will reasonably serve to give publicity to the fact of the adoption of the declaration, resolution, order, notice or determination in question.

Publication
of notices,
etc

SEC. 14. This act shall be liberally construed to the end that its purpose may be effective. No error, defect, irregularity, informality, and no neglect or omission of any officer of the city or county in any proceedings taken under this act shall avoid or invalidate such proceedings or any bonds which may be issued pursuant thereto. The exclusive remedy of any person affected or aggrieved thereby, shall be by appeal to the city council or the board of supervisors, as the case may be. The sole acts prerequisite and essential to confer jurisdiction upon the city council or the board of supervisors in addition to obtaining the order and determination of the state railroad commission as herein provided, shall be the publication of the declaration of intention as provided in section 3 of this act, or of the declaration of intention provided in section 6 hereof, and the publication of such declaration of intention in the manner provided in this act. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Construction
and validity
of act, etc.

SEC. 15. This act shall be known as and whenever cited, referred to or mentioned, shall be designated as "The grade separation act of 1927."

Short title.

CHAPTER 691.

An act to amend sections two hundred twenty-four, two hundred twenty-six, and two hundred twenty-seven of, and to add a new section to be numbered two hundred twenty-four m to the Civil Code, relating to adoption.

[Approved by the Governor May 21, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats 1921,
p. 307,
amended.
Consent to
adoption.

SECTION 1. Section 224 of the Civil Code is hereby amended to read as follows:

224. A legitimate child can not be adopted without the consent of its parents if living, nor an illegitimate child without the consent of its mother if living, except that consent is not necessary in the following cases:

1. From a father or mother deprived of civil rights.

2. From a father or mother adjudged guilty of adultery or cruelty and for either cause divorcèd.

3. From a father or mother who has been judicially deprived of the custody and control of such child on the ground of abandonment, cruelty, neglect or habitual intemperance by order of the juvenile court, declaring such child to be free from the custody and control of its parents as provided in the juvenile court law, approved June 15, 1915, or any act or acts superseding or amending the same.

4. From a father or mother who has been declared either feeble-minded or insane by a committee appointed by the state department of institutions; *provided*, that if so declared said father or mother shall have subsequently been determined to be incurably insane by the superior court of the county where he or she resides.

5. From the father or mother of any child deserted by its parents without provision for its identification.

6. From the father or mother of any child relinquished for adoption as provided in section 224*m* of this code.

New section.

SEC. 2. A new section to be numbered 224*m* is hereby added to the Civil Code to read as follows:

Relinquish-
ment for
adoption.

224*m*. The father or mother may relinquish a child for adoption by a written statement signed before two subscribing witnesses and acknowledged before the secretary of an organization licensed by the state department of public welfare to find homes for children and place children in homes for adoption. Such relinquishment, when reciting that the person making it is entitled to the sole custody of the minor shall when duly acknowledged before such officer or court be prima facie evidence of the right of the person making it to the sole custody of the child and such person's sole right to relinquish.

The relinquishment authorized by this section shall be of no effect whatever until filed with the state department of public welfare.

SEC. 3. Section 226 of the Civil Code is hereby amended to read as follows: Stats 1907,
p. 329,
amended.

226. Any person desiring to adopt a child may for that purpose petition the superior court of the county in which the petitioner resides and the clerk of the court shall immediately notify the state department of public welfare at Sacramento in writing of the pendency of the action. In all cases in which consent is required, unless a society licensed by the state department of public welfare to find homes for children and place children in homes for adoption join in the petition for adoption, a copy of the consent for adoption on a form to be prescribed by the state department of public welfare must be signed in the presence of and filed with the clerk of a superior court. The clerk shall immediately file a certified copy of such consent to adoption with the state department of public welfare. Petition,
investigation
and report.

In all cases of adoption in which no agency licensed to place children for adoption is a party it shall be the duty of the department of public welfare to verify the allegations of the petition and to ascertain whether the child is a proper subject for adoption and to determine whether the proposed foster home is a suitable home for the child and shall submit to the court a full report of the facts disclosed by its inquiry with a recommendation regarding the granting of the petition.

No hearing shall be held or action taken within ninety days after filing of the petition unless the department of public welfare shall have submitted a report.

227. The person or persons desiring to adopt a child, the child proposed to be adopted, the parent or other persons whose consent is necessary, if within or residents of the county, must appear before the court. The court must examine all persons appearing before it pursuant to this section, each separately, and if satisfied that the interests of the child will be promoted by the adoption, the party or parties adopting shall execute or acknowledge an agreement in writing that the child shall be treated in all respects as the lawful child of the party or parties, and the court shall thereupon make an order awarding the custody of the child to the adopting parent or parents. The petition, relinquishment, agreement and order must be filed in the office of the county clerk and shall not be open to inspection by any other than the parties to the action and their attorneys and the state department of public welfare except upon the written authority of the judge of the superior court. Stats. 1905,
p. 556,
amended.

Hearing,
agreement
and order.

CHAPTER 692

An act to amend section four hundred ninety-four of the Civil Code of the State of California, relating to the sale of property and franchises of railroad corporations.

[Approved by the Governor May 21, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1903,
p 50,
amended.
Sale of
property
and
franchises to
another
railroad.

SECTION 1. Section 494 of the Civil Code of the State of California is hereby amended to read as follows:

494. Any railroad corporation, person or persons, firm or corporation, owning any railroad in this state, may sell, convey, and transfer its property and franchises, or any part thereof, to any other railroad corporation, whether organized under the laws of this state or of any other state or territory, or under any act of congress; and any other such railroad corporation receiving such conveyance may hold and operate such railroad franchises and property within this state, built and operate extensions and branches thereof, and thereunto exercise the right of eminent domain, and do any other business in connection therewith, as fully and effectually to all intents and purposes as if such corporation were organized under the laws of this state.

Consent of
stockholders.

Provided, that no such sale, conveyance or transfer shall be valid without the consent of stockholders of the vendor corporation holding of record at least two-thirds of the issued capital stock of said corporation, such consent to be either expressed in writing, executed by the consenting stockholders and attached to the original, or one of the duplicate originals of such sale, conveyance or transfer, or by a vote at a stockholders' meeting of such vendor corporation called for that purpose, or by such vote at any regular or adjourned regular meeting of stockholders; and such conveyance or transfer shall be recorded in the office of the county recorder of each county in this state in which the whole or any part of the railroad or real estate so sold, conveyed or transferred may be situated. *Provided, further*, that no sale or conveyance or transfer under this act shall relieve the franchise or property sold, conveyed or transferred from the liability of the grantor contracted or incurred in the operation, use or enjoyment of such franchise, or any of its privileges.

Record of
conveyance.

Increase
of rates

And provided, further, that any or all established rates for fares and tolls for carrying passengers or freight between any points upon any railroad purchased under the provisions of this act, shall not be increased without the consent of the governmental authority in which is vested by law the power to regulate fares and freights; *and provided, further*, that whenever a railroad corporation, which has purchased any line of road under this act, shall for the purpose of competing with any other common carrier lower its rates for transportation of

passengers or freight from one point to another upon such line purchased, such reduced rates shall not be again raised or increased from such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights.

And provided, further, that for every violation of the provisions of this section on the part of directors or governing officers of said corporation, the state shall be entitled to recover from such offending railroad company the sum of ten thousand dollars. Penalty.

It is hereby declared to be the duty of the attorney general of the state, in the event of any such violation, to demand and collect from such company the said penalty; and he is hereby authorized and empowered to prosecute all the necessary actions in the name of the people of the State of California against such company in the courts of the state. All money so collected shall be paid into the general fund of this state. Duty of attorney general.

CHAPTER 693.

An act to amend section thirty-nine of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts,' and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith,' approved May 19, 1915," approved May 28, 1917, as amended, relating to fish and game districts.

[Approved by the Governor May 21, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 39 of an act entitled "An act to divide the State of California into fish and game districts and to repeal an act entitled 'An act to divide the State of California into fish and game districts,' and to repeal an act entitled 'An act to divide the State of California into six fish and game districts,' approved March 21, 1911, and all acts or parts of acts inconsistent herewith,' approved May 19, 1915," approved May 28, 1917, as amended, is hereby amended to read as follows: Stats 1925,
p. 801,
amended.

Sec. 39. Fish and game district twelve "B" shall consist of and include all waters and tidelands to high water mark of the Carquinez straits not included within fish and game district twelve, the waters and tidelands to high water mark of Suisun bay, all waters of the Sacramento river flowing within the main channel between the mouth thereof and the M street bridge at Sacramento and main channel of Steamboat slough and Sutter slough; and the waters of New York slough and Broad slough; also all waters of the San Joaquin river flowing in the main District
twelve "B."

channel thereof, between its mouth and the Santa Fe railroad bridge across said river near Stockton; all waters of Old river flowing within the main channel thereof between its mouth and the Santa Fe railroad bridge across said river at Orwood; all waters of Middle river flowing within the main channel thereof between its mouth and the Santa Fe railroad bridge across said river; all waters of Connection slough between the main channel of Old river and the main channel of Middle river; all waters of Columbia cut flowing therein between the main channel of Middle river and the main channel of the San Joaquin river; all waters of Lathar slough flowing therein between the main channel of Middle river and Empire cut; all waters of Burns cut-off around Rough and Ready island.

CHAPTER 694.

An act to amend section five hundred twenty-nine of the Civil Code, relating to bridge, ferry, wharf, chute and pier corporations.

[Approved by the Governor May 21, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats 1925,
p. 979,
amended.
Dissolution
of
corporations

SECTION 1. Section 529 of the Civil Code is hereby amended to read as follows:

529. Every such corporation which has heretofore or may hereafter be incorporated may be dissolved:

1. If within one year from filing its articles of incorporation, it has not obtained such authority from the board of supervisors, or other governing body having authority in that behalf; and if, within one year thereafter, it has not commenced the construction of the bridge, wharf, chute, or pier, and if, within two years after obtaining such authority, there has not been actually expended thereon a sum equal to at least ten per cent of the issued capital stock of the corporation obtaining such authority;

2. If within seven years from the time that authority to construct the bridge, wharf, chute, or pier was granted by the board of supervisors, or within such further time as said board may lawfully grant the bridge, wharf, chute, or pier is not completed; *provided, however*, that the board of supervisors may from time to time by order extend the time of completion beyond seven years, if the actual and physical work of constructing such bridge, wharf, chute, or pier has been diligently prosecuted from the time of commencement thereof up to the time that application for such extension or extensions beyond seven years is presented to the board of supervisors.

3. If, when the bridge, wharf, chute, or pier of the corporation is destroyed, it is not reconstructed and ready for use within three years thereafter;

4. If the ferry of any such corporation is not in running order within one year after authority is obtained to establish it, or if at any time thereafter it ceases for a like term consecutively to perform the duties imposed by law.

CHAPTER 695.

An act making an appropriation for the purchase of additional lands for the enlargement of Mount Diablo park in Contra Costa county.

[Approved by the Governor May 21, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated the sum herein-
after set forth, out of any moneys in the state treasury not
otherwise appropriated, for the purchase by the Mount Diablo
park commission, pursuant to the powers vested in such com-
mission, of lands contiguous to those now included within
Mount Diablo park in Contra Costa county.

Enlargement
of Mount
Diablo park

SEC. 2. It is the intent and purpose of the State of Cali-
fornia to provide a total of twenty thousand dollars for the
purpose as expressed in section 1 of this act and there is hereby,
for the said purpose, appropriated therefor, out of any moneys
in the state treasury not otherwise appropriated, the sum of
twenty thousand dollars, to be paid as hereinafter specified.

Appropriation.

SEC. 3. There is hereby created a Mount Diablo state park
fund. Whenever there shall be deposited in the said Mount
Diablo state park fund any sum of money other than the
appropriation made hereunder the controller shall transfer
from the general fund to the said Mount Diablo state park
fund an amount equal to one-half of said amount so deposited
in said Mount Diablo state park fund. The state treasurer
is hereby authorized to receive contributions in any amount
and from any source whatsoever and credit the same to said
Mount Diablo state park fund. All expenditures from said
Mount Diablo state park fund shall be made solely for the
acquisition of land contiguous to said park as hereinabove
provided. Such expenditures from said fund shall be made
upon the written order of the said commission and audited by
the state board of control or other proper authorities who
must allow the same and direct payment thereof to be made
and the controller shall draw warrants therefor on the state
treasury for the payment of the same to the said Mount Diablo
state park commission out of the said Mount Diablo state park
fund.

Commission
created and
duties, etc.,
set forth.

SEC. 4. In the event of the creation by law, of a depart-
ment of natural resources, said department shall succeed to

Department
of natural
resources.

and is hereby invested with all the powers, purposes, responsibilities and jurisdiction of the Mount Diablo state park commission and of the several officers, deputies and employees of said commission, and whenever by the provisions of any statute or law now in force or that may hereafter be enacted a duty or jurisdiction is imposed or authority conferred upon said commission or the officers, deputies or employees thereof by any statute the enforcement of which is transferred to the department, such duty, jurisdiction and authority are hereby imposed upon and transferred to the department of natural resources and the appropriate officers thereof with the same force and effect as though the title of said department of natural resources had been specifically set forth and named therein in lieu of the name of said commission, or any officer, deputy or employee thereof. Said commission and offices, the duties, powers, purposes, responsibilities and jurisdiction of which are so transferred and vested in the department of natural resources, and the positions of all officers, deputies and employees thereunder, shall upon such transference be thereafter abolished and shall have no further legal existence, but the statutes and laws under which they may have existed and all laws prescribing their duties, powers, purposes, responsibilities and jurisdiction, together with all lawful rules and regulations established thereunder are hereby expressly continued in force.

CHAPTER 696.

An act to provide for the promotion and maintenance of classes for children with defective speech, and making an appropriation therefor.

[Approved by the Governor May 21, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Instruction
of children
with
defective
speech.

SECTION 1. It shall be the duty of the superintendent of public instruction to promote and superintend instruction in the public schools of this state for children with defective speech, in order that such defect may be corrected or relieved.

Within the limits of the appropriation hereinafter made, the superintendent of public instruction is empowered to employ such help as is necessary and incur such additional charges as may be needed to promote and superintend such instruction; *provided*, that out of the funds hereinafter appropriated the superintendent of public instruction is authorized to apportion to such counties, or cities and counties, of the state, as in his judgment require the maintenance of special classes for the correction of speech defects, such sums of money as may be necessary not to exceed seventy-five dollars a month for each teacher employed in each such special class; *provided*,

further, that no such apportionment shall be made unless the superintendent of schools of the county or city and county in which each such special class for the correction of speech defects is being established shall have set aside for the maintenance of such classes out of the unapportioned county school funds of such county or city and county an amount equal to that apportioned therefor by the superintendent of public instruction. The superintendent of schools of the county or city and county is authorized to apportion this fund to districts maintaining a special class for the correction of speech defects as approved by the superintendent of public instruction; *provided*, that no apportionment shall be made by the superintendent of schools of the county or city and county unless the district establishing such special class has set aside for the maintenance of such class an amount equal to that apportioned therefor by the superintendent of public instruction.

SEC. 2. The sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be used in accordance with law for the purpose of carrying out the provisions of this act, during the seventy-ninth and eightieth fiscal years.

Appropriation.

CHAPTER 697.

An act to amend section five hundred ninety-four of the Political Code, relating to the classification of insurance, and the reserves required in certain classes.

[Approved by the Governor May 21, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 594 of the Political Code is hereby amended to read as follows:

Stats 1919,
p 1286,
amended

594. All insurance business in the State of California is hereby classified in the following eighteen kinds, namely:

Insurance
business
classified

1. Life insurance, including within its meaning insurance upon the lives of persons and every insurance appertaining thereto, and the granting, purchasing and disposing of annuities.

Life.

2. Fire insurance, including within its meaning insurance against loss or damage by fire, lightning, windstorm, tornadoes or earthquakes.

Fire.

3. Marine insurance, including within its meaning insurance upon vessels, freights, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange, and other evidences of debt, bottomry and respondentia interests, and every insurance connected with marine risks and risks of transportation and navigation, including the risks of lake, river and inland transportation and navigation.

Marine

- Title. 4. Title insurance, including within its meaning the issuance of guarantees and policies of insurance affecting titles to real estate, and guaranteeing or insuring owners of real or personal property, or others interested therein, or having liens or encumbrances thereon, against loss by reason of defective titles, encumbrances, or adverse claims of title, or otherwise.
- Fidelity and surety. 5. Fidelity and surety insurance, including within its meaning the guaranteeing of persons holding places of public or private trust, and guaranteeing and executing all bonds, undertakings, and contracts of suretyship, and guaranteeing the performance of contracts other than insurance policies, and not including guaranteeing the payment of mortgages or trust deeds.
- Accident. 6. Accident insurance, and either sickness or health insurance, including within its meaning insurance against injury, disablement or death resulting from traveling or general accidents, and against disablements resulting from sickness and every insurance appertaining thereto.
- Plate glass. 7. Plate glass insurance, including within its meaning all insurance against breakage of glass, whether local or in transit.
- Liability. 8. Liability insurance, including within its meaning all insurance against loss or damage resulting from accident to or injury, fatal or nonfatal, suffered either by an employee or other person, and for which the insured is liable, except workmen's compensation insurance, and except common carrier liability insurance.
- Workmen's compensation. 9. Workmen's compensation insurance which is hereby defined to be insurance against any liability imposed by law upon any or all employers of labor or other person to compensate their or any employees and the dependents of such employees for any injury sustained by such employees by accident arising out of and in the course of their employment, irrespective of negligence or of the fault of either party, and includes all insurance written in accordance with the provisions of the workmen's compensation insurance and safety act of 1917, and amendments thereto; *provided*, that insurance carriers as defined in said act and also all companies writing such insurance shall be subject to the tests of solvency and maintain the reserves required by sections 602a of the Political Code for insurance carriers and companies doing liability insurance or insurance against loss or damage from accident to or injuries suffered by an employee or other person and for which the insured is liable.
- Common carrier liability. 10. Common carrier liability insurance, which is hereby defined to be all insurance against loss or damage, resulting from accident to, or injury, fatal or nonfatal, suffered either by an employee, or other person, and for which any common carrier is liable, except workmen's compensation insurance; *provided*, that companies writing such insurance shall be subject to the tests of solvency and maintain the reserves required by section 602 and 602d of the Political Code for companies doing liability insurance.

11. Boiler and machinery insurance, including within its meaning insurance against loss of or damage to persons or property from explosion of or other accident to, boilers, tanks pipes and other pressure vessels, engines, wheels and electrical machinery and apparatus connected therewith or operated thereby. Boiler and machinery.

12. Burglary insurance, including within its meaning insurance against loss by burglary or theft or both. Burglary.

13. Credit insurance, including within its meaning insurance of merchants, traders, and those engaged in business and giving credit for loss and damage by reason of giving and extending credit to their customers and those dealing with them, and insurance or guarantee either by agreement to purchase uncollectible debts or otherwise, against loss or damage from the failure of persons indebted or to become indebted to the insured, or to meet existing or contemplated liabilities. Credit.

14. Sprinkler insurance, including within its meaning insurance against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers, pumps or other apparatus placed for extinguishing fires, and of water pipes, against accidental injury to such sprinklers, pumps, or other apparatus. Sprinkler.

15. Team and vehicle insurance, including within its meaning insurance against loss or legal liability for loss because of damage to property caused by the use of teams or vehicles whether by accident or collision or by explosion of any engine or tank or boiler or pipe or tire of any vehicle, and also including insurance against theft of the whole or any part of any vehicle; the term vehicle as here used does not include ships or vessels, nor boats nor any railroad rolling stock. Team and vehicle.

16. Automobile insurance, including within its meaning the insurance of the owners of or dealers in automobiles against any and all hazards incident to ownership, maintenance, operation and use of such automobiles, except the hazard or liability against loss or damage resulting from an accident to or physical injury, fatal or nonfatal, suffered by any person as a result of the ownership, maintenance, operation or use of such automobile. No company shall assume any hazard or risk upon an automobile unless authorized to assume hazards or risks of that character by its charter or articles of incorporation. Nothing herein contained shall be construed to prevent a fire insurance company from issuing a policy of insurance upon an automobile covering the fire hazard only, nor be construed to prevent a marine insurance company from issuing a policy of insurance upon an automobile covering the marine hazard of transportation only. Automobile.

17. Mortgage insurance, including within its meaning the guaranteeing of the payment of the principal, interest and other sums agreed to be paid under the terms of any note or bond secured by mortgage or trust deed, or other sums secured under the terms of any such mortgage or trust deed, in its entirety, or of an undivided or other partial interest in any Mortgage.

such mortgage or trust deed, or in a group of such mortgages or trust deeds, and the guaranteeing or insuring, directly or indirectly, against loss thereon.

Miscellaneous.

18. Miscellaneous insurance, including within its meaning lightning, windstorm, tornado and earthquake insurance; and any and all casualty insurance not included in any of the foregoing kinds, and which is a proper subject of insurance.

Authority to do business.

No company shall do any of the foregoing eighteen kinds of insurance unless authorized to do so by its charter; *provided, however*, that companies heretofore authorized to write liability insurance may continue to write workmen's compensation insurance and common carrier liability insurance in the same manner as if the said last two kinds of insurance were expressly permitted in their charter.

Capital stock required.

No company having a capital stock shall do life insurance in California without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other of said kinds of insurance, except the sixth, eighth, and ninth, and tenth classes; *provided*, that any such insurance company desiring to do either the sixth, eighth, or ninth and tenth class, must have in addition to such two hundred thousand dollars of capital stock at least fifty thousand dollars of capital stock for each permitted class it desires to do except that an additional capital stock of fifty thousand dollars shall be sufficient capital stock to enable such company to do the eighth, ninth, and tenth classes of insurance. No company having a capital stock shall do in California any fire insurance without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other kinds of insurance except the third, eleventh, fourteenth, sixteenth and eighteenth classes. To do both fire and marine insurance such company must have a capital stock of at least four hundred thousand dollars, and to do any other permitted class of insurance, such company must have an additional capital stock of at least fifty thousand dollars for each additional class it desires to do, in addition to the two hundred thousand dollars required if it does fire insurance, or the four hundred thousand dollars if it does both fire and marine insurance. No company having a capital stock shall do in California marine insurance without having a capital stock of at least two hundred thousand dollars, nor shall any such company do in California any other of said kinds of insurance, except the second, fifteenth, sixteenth and eighteenth classes. To do both fire and marine insurance, such company must have a capital stock of at least four hundred thousand dollars, and to do any other permitted class of insurance, such company must have an additional capital stock of at least fifty thousand dollars for each such additional class it desires to do, in addition to the two hundred thousand dollars required if it does marine insurance, or the four hundred thousand dollars if it does both fire and marine insurance. No company having a capital stock

shall do in California any of the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth or eighteenth of said kinds of insurance without having a capital stock of at least one hundred thousand dollars for the first class of insurance such company desires to do, nor do any other of such classes without having in addition thereto of at least fifty thousand dollars capital stock for each additional permitted kind of insurance it desires to do; *provided, however*, that any company having a capital stock of at least one hundred thousand dollars may do the eighth, ninth, and tenth classes of insurance, or having qualified to do any of the fifth, sixth, seventh, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, or eighteenth classes of insurance may do the eighth, ninth, and tenth class of insurance upon having an additional capital stock of at least fifty thousand dollars. Except as above prescribed, no company doing either the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth or eighteenth classes of insurance shall do any of the first, second, or third classes of insurance. No company doing the fourth class of insurance shall do any other class of insurance. No company doing the seventeenth class of insurance shall do any other class of insurance. No company doing any other class of insurance shall do the fourth class or seventeenth class of insurance. No company shall do in California any title insurance without having at least one hundred thousand dollars of capital stock fully paid in, in cash, previous to the issuance of any policy. No company shall do in California any mortgage insurance without having at least two hundred fifty thousand dollars of capital stock fully paid in, in cash, previous to the issuance of any policy.

Restrictions
on business

Such capital stock required must be fully paid up before doing any such business in California. The capital stock required must be unimpaired and shall be exclusive of all liability for losses reported, expenses, taxes and reinsurance of all outstanding risks as provided in section 602 and 602a of the Political Code. Every company organized or formed under the laws of any other state or country as a mutual or as a joint stock and mutual company having a capital stock less than as above prescribed must have in lieu of such capital stock available cash assets of at least two hundred thousand dollars above all liabilities for losses reported, expenses, taxes and reinsurance of all outstanding risks as provided in section 602 and 602a of the Political Code.

CHAPTER 698.

An act to amend section eight of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended.

[Approved by the Governor May 21, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1915,
p. 701,
amended

SECTION 1. Section 8 of "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended, is hereby amended so as to read as follows:

Registration
of dentists.

Sec. 8. Every person who is now or who shall hereafter be licensed to practice dentistry in this state, shall within six months after the date of the license herein provided for register the said license in the office of the county clerk of the county or city and county where his place of business is located or, if he has no place of business in this state, then in the office of the county clerk of that county in this state wherein at the time shall be situated the office of the secretary of the board of dental examiners of California. A practicing dentist who removes his place of business from one county or city and county to another county or city and county in this state shall register his license in the county or city and county to which he removes and a practicing dentist who establishes a place of business in more than one county or city and county in this state shall register his license in each county or city and county in which he establishes a place of business. Registration shall be made in a register kept by the clerk for such purposes, which register shall be alphabetically arranged and shall show the name of the person registered as shown by his license, his age, his office address, the date and number of his license to practice dentistry and the date of such registration. The person licensed need not appear in person before the county clerk for the purpose of registering a license but registration shall be made only upon showing the county clerk the said license, or a copy thereof certified by the secretary of the board over its seal. The county clerk shall issue to every licentiate registering as hereinbefore provided a certificate of registration in his county or city and county and said license and certificate may be offered as primary evidence in all courts of the facts therein stated. The county clerk shall, within five days after a registration is made, notify the secretary of the board of the said registration, giving in detail the information herein required for the purposes of registration. Any lawfully registered person who shall change his or her name according to law,

shall re-register with the clerk of the county or city and county where he or she is practicing and the clerk shall make a marginal note of the former name of the licentiate. Any county clerk who knowingly shall make or suffer to be made upon the registration records of dentists kept in his office any entry other than that provided for in this act, shall be liable to a penalty of fifty dollars, to be recovered by and paid to the said board of dental examiners in a suit in any court having jurisdiction. Any failure, neglect or refusal on the part of any person holding such license to register the same as above directed for a period of six months after the issuance thereof shall ipso facto work a forfeiture of his or her license, and it shall not be restored except upon the written application and payment to said board of twenty-five dollars. Any suspension, revocation or reinstatement of a license shall with the date thereof be forthwith noted by the county clerk on the registration record thereof upon receipt of notice from the secretary of the board.

CHAPTER 699.

An act to amend section two thousand three hundred twenty-two x seventeen of the Political Code, relating to the compensation and expenses of county horticulture commissioners, deputies, inspectors and clerks in counties of the seventeenth class.

[Approved by the Governor May 21, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 2322x17 of the Political Code is hereby amended to read as follows:

2322x17. In counties of the seventeenth class, the commissioner shall receive a salary of three thousand six hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy county horticultural commissioner at a salary of two thousand four hundred dollars per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed six annual inspectors, three of whom shall be known as "senior inspectors," and three of whom shall be known as "junior inspectors." Said senior inspectors shall be paid a salary at the rate of one hundred seventy-five dollars per month each during the time actually employed, and said junior inspectors shall be paid a salary at the rate of one hundred fifty dollars per month during the time actually employed.

Stats. 1925,
p. 203,
amended.

Counties of
17th class:
horticultural
commissioner.

(c) The commissioner is also authorized and empowered to appoint one clerk at a monthly salary of one hundred and fifty dollars per month.

(d) The commissioner is also authorized and empowered to appoint not to exceed twenty-four additional inspectors who shall be paid a compensation of ten dollars per diem during the time actually employed for the inspection of cantaloupes and watermelons; and seven dollars per diem during the time actually employed for the inspection of lettuce; *provided, further*, that the aggregate amount which may be expended for salaries in any one year, for such additional inspectors shall not exceed the sum of seventeen thousand five hundred fifty dollars.

CHAPTER 700.

An act to amend section one of and to add two new sections to be designated section two and three to an act entitled "An act granting to municipal corporations of the State of California the right to construct, operate and maintain water and gas pipes, mains and conduits, electric light and electric power lines, telephone and telegraph lines, and sewers and appurtenances thereof across, along, in, under or upon any road, street, alley, avenue, or highway or across any railway, canal, ditch or flume, and providing for the means by which the terms, conditions and location of such use shall be determined," approved May 2, 1923, by providing the manner by which terms, conditions, location and safety factors shall be determined.

[Approved by the Governor May 21, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1923,
p. 147,
amended

SECTION 1. Section 1 of an act entitled "An act granting to municipal corporations of the State of California the right to construct, operate and maintain water and gas pipes, mains and conduits, electric light and electric power lines, telephone and telegraph lines, and sewers and appurtenances thereof across, along, in, under or upon any road, street, alley, avenue, or highway or across any railway, canal, ditch or flume, and providing for the means by which the terms, conditions and location of such use shall be determined," approved May 2, 1923, is hereby amended to read as follows:

Right of way
for
municipal
utilities.

Section 1. There is hereby granted to every municipal corporation of the State of California the right to construct, operate and maintain water and gas pipes, mains and conduits, electric light and electric power lines, telephone and telegraph lines, sewers and sewer mains, all with their necessary appurtenances, across, along, in, under, over, or upon any road, street, alley, avenue or highway, and across, under or over any railway, canal, ditch or flume which the route of such works intersects,

crosses or runs along; the municipal corporation constructing the improvement shall restore the road, street, alley, avenue, highway, canal, ditch or flume so used to its former state of usefulness as nearly as may be, and such use shall be so located as to interfere as little as possible with other existing uses of said road, street, alley, avenue, highway, canal, ditch or flume; *provided*, that before construction shall be begun a bond guaranteeing replacement, within a reasonable time, of any pavement or other structure to be torn up shall be filed with the municipality to be crossed. Whenever any of the improvements above mentioned are to be constructed within any other municipal corporation, said improvements shall conform to all safety requirements provided for by acts of the Legislature, and such reasonable regulations by ordinances of such other municipal corporation not in conflict with such acts; and the route of said improvement, and the time after commencing construction within which said improvement shall be made shall conform to such reasonable general rules and regulations as the municipal corporation within which the improvement is to be constructed shall prescribe; *provided further*, that this act shall not be deemed to authorize the construction of any sanitary sewer within the territorial limits of any other municipality if the method of disposition of sewage therefrom is by discharging said sewage in the Pacific ocean within one mile of the territorial limits of such other municipality or in any manner that may create a public nuisance.

SEC. 2. A new section to be numbered 2 is hereby added to said act, to read as follows:

Stats. 1923,
p. 147,
amended.

Sec. 2. This act shall not affect any right or action which has accrued, or any duty imposed, or any proceedings commenced under and by virtue of the act hereby amended.

Effect of act.

SEC. 3. A new section to be numbered 3 is hereby added to said act, to read as follows:

Stats. 1923,
p. 147,
amended.

Sec. 3. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act.

Constitutionality

CHAPTER 70.

An act to amend sections two thousand seven hundred fifty-four, two thousand seven hundred fifty-five, and two thousand seven hundred sixty-eight of the Political Code, relating to permanent road divisions.

[Approved by the Governor May 21, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1907,
p. 637,
amended.
Special tax
election.

SECTION 1. Section 2754 of the Political Code is hereby amended to read as follows:

Notice.

2754. When a special tax is petitioned for, the board of supervisors shall immediately order an election within such road division to determine whether the same shall be levied; and the board may in its discretion submit to the electors at such election the question whether the balance of the estimated cost of the proposed work shall be raised by a special tax in one, two, three, four, five, or six successive years, raising an equal amount each year. Such election must be called by posting notices not more than one mile apart, and not less than three such notices, along the road or roads proposed to be improved or constructed, at least fifteen days before the election, and by publishing the same at least once a week for three successive weeks in a newspaper published in the county.

Stats. 1907,
p. 638,
amended.
Contents of
notice.

SEC. 2. Section 2755 of the Political Code is hereby amended to read as follows:

2755. Such notices must specify the time and place or places of holding the election, the amount of money proposed to be raised and the purpose for which it is to be used, including a brief description of the proposed work and materials to be used, and whether it is proposed to raise the amount in one, two, three, four, five, or six successive years. If in more than one year, the amount proposed to be raised each year.

Stats. 1907,
p. 640,
amended.
Inspectors
or engineer.

SEC. 3. Section 2768 of the Political Code is hereby amended to read as follows:

2768. Before opening the bids for doing the work herein provided for, the supervisors shall appoint such inspectors as they deem necessary and fix their compensation, which compensation shall be paid out of the funds of the division. It shall be the duty of the inspectors to inspect from time to time the work being done under the contract. They shall file with the board of supervisors at least once a month written reports on the manner in which the contractor is performing the work, setting forth in detail any objections they or either of them may have to the manner in which the work is being done, with recommendations as to changes desirable and provided for in the plans and specifications. They shall also estimate the amount of work of an unsatisfactory nature done since their last report and the supervisors shall make no payment on account of such alleged unsatisfactory work until the objections have been inquired into or until the contractor shall have performed

the work in strict compliance with the plans and specifications.

Or in lieu of the appointment of inspectors as above provided for, the supervisors may employ an engineer who shall prepare plans and specifications and supervise the construction and perform such other services as the supervisors shall require.

CHAPTER 702.

An act to amend section twenty-six of the "Workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, relating to subrogation procedure in workmen's compensation cases.

[Approved by the Governor May 21, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 26 of the "Workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, is hereby amended to read as follows: Stats. 1919,
p. 920,
amended

Sec. 26. The term "employee," as used in this section, shall include the person injured and any other person in whom a claim may arise by reason of the injury or death of such injured person. The death of the employee, or of any other person, shall not abate any right of action established by this section. The claim of an employee for compensation shall not affect his right of action for damages arising out of injury or death against any person other than the employer; and any employer having paid, or having become obligated to pay compensation, may likewise bring an action against such other person to recover said damages. If either such employee or such employer shall bring such action against such third person, he shall forthwith notify the other in writing, by personal service or registered mail, of such fact and of the name of the court in which such suit is brought, filing proof thereof in such action, and, if the action be brought by either, the other may, at any time before trial on the facts, join as party plaintiff or must consolidate his action, if brought independently. If the suit be prosecuted by the employer alone evidence of any expenditure which the employer has paid or become obligated to pay by reason of said injury or death shall be admissible, and such expenditures shall be deemed a part of the damages, including a reasonable attorney's fee to be fixed by the court; and if in such suit the employer shall recover more than the amount he has paid or become obligated to pay as compensation he shall pay the excess to the injured employee or other person entitled. If the employee joins in or prosecutes such suit, evidence of the amount of disability indemnity or death benefit paid by the employer shall not be admissible, but proof of all other expenditures on account of said injury or death shall be admissible and shall be deemed Subrogation
procedure.

part of the damages. The court shall, on application, allow as a first lien against any judgment recovered by the employee the amount of the employer's expenditures for compensation. When any injury or death shall have been suffered by an employee, no release or settlement of any claim for damages by reason of such injury or death and no satisfaction of judgment in such proceedings, shall be valid without the written consent of either both employer and employee, or one of them, together with the consent of the commission or the court in which any such action may be pending, after notice to and opportunity of all parties to the action to be heard by such court.

CHAPTER 703.

An act to amend section one of an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, as amended, relating to statements of candidates.

[Approved by the Governor May 21, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1913,
p. 396,
amended.

SECTION 1. Section 1 of an act entitled "An act to regulate the conduct of election campaigns, and repealing an act entitled 'An act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof,' approved February 23, 1893," approved March 19, 1907, as amended, is hereby amended to read as follows:

Statement of
campaign
contributions
and expenses.

Section 1. Every candidate who is voted for at any public election held within the state shall, within fifteen days after the day of holding such election, file, as hereinafter provided, an itemized statement, showing in detail all moneys paid, loaned, contributed, or otherwise furnished to him, or for his use, directly or indirectly, in aid of his election, and all money contributed, loaned, or expended by him, directly or indirectly by himself or through any other person, in aid of his election. Such statement shall give the names of the various persons who paid, loaned, contributed, or otherwise furnished such moneys in aid of his election, and the names of the various persons to whom such moneys were contributed, loaned or paid, the specific nature of each item, the service performed, and by whom performed, and the purpose for which the money was expended, contributed or loaned. If the candidate seeks

to avoid the responsibility of any illegal payment made by any other person in his behalf, he shall set out such illegal payment and disclaim responsibility therefor. Candidates for office to be filled by the electors of the state, or of any political division thereof greater than a county, and for members of the senate and assembly, representative in congress, or members of the state board of equalization, shall file their statements in the office of the secretary of state. Candidates for all other offices shall file their statements in the office of the clerk of the county wherein the election is held, and within which the duties of the office for which the candidate is voted for are to be exercised. The statement of a committee or candidate shall also be filed in the office of the county recorder, and shall, after being filed, become a public record, and open at all times to public inspection and no fee or charge whatsoever shall be collected or made by any officer herein specified for filing any statement required to be filed under the provisions of this act. Vouchers must be filed for all expenditures, except in the case of sums under five dollars.

CHAPTER 704.

An act to amend section forty-three of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended, relating to the apportionments of cost of grade separations.

[Approved by the Governor May 21, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 43 of an act entitled "An act to provide for the organization of the railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV, part IV, of division I, of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act,"

Stats 1917,
p 321,
amended.

approved April 23, 1915, as amended, is hereby amended to read as follows:

Grade
crossings.

43. (a) No public road, highway or street shall hereafter be constructed across the track of any railroad corporation at grade, nor shall the track of any railroad corporation be constructed across a public road, highway or street at grade, nor shall the track of any railroad corporation be constructed across the track of any other railroad or street railroad corporation at grade, nor shall the track of a street railroad corporation be constructed across the track of a railroad corporation at grade, without having first secured the permission of the commission; *provided*, that this subsection shall not apply to the replacement of lawfully existing tracks. The commission shall have the right to refuse its permission or to grant it upon such terms and conditions as it may prescribe.

Powers of
commission

(b) The commission shall have the exclusive power to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use and protection of each crossing of one railroad by another railroad or street railroad, and of a street railroad by a railroad and of each crossing of a public road or highway by a railroad or street railroad and of a street by a railroad or vice versa, subject to the provisions of section 2694 of the Political Code so far as applicable, and to alter, relocate or abolish any such crossing, and to require, where in its judgment it would be practicable, a separation of grades at any such crossing heretofore or hereafter established and to prescribe the terms upon which such separation shall be made and the proportions in which the expense of the construction, alteration, relocation or abolition of such crossings or the separation of such grades shall be divided between the railroad or street railroad corporations affected or between such corporations and the state, county, municipality or other political subdivision affected. It shall be the duty of each corporation and political subdivision to which any of the expense is apportioned to pay from the funds available therefor in its treasury the amount apportioned to it at the time and to the parties specified by the order of the commission and if the same is not paid in accordance with the commission's order the corporation or political subdivision entitled thereto under the commission's order shall have the right to sue therefor in any court of competent jurisdiction. If no such funds are available as aforesaid, it shall be the duty of the appropriate boards, officers and employees intrusted with the levy and collection of the taxes or assessments of such political subdivision to do all acts necessary to include in the next succeeding tax or assessment levy the amount due and to collect the same, whereupon the amount due shall be paid over to the corporation or corporations, the state, political subdivision, or political subdivisions entitled thereto under the commission's order. The commission shall have the power by order to designate the state, certain of said corporations, and political

Payment of
expense.

subdivisions, affected, to do all or specified portions of the acts required by any order of the commission made under the provisions of this subsection, and to prescribe the manner and the time within which the parties so designated shall be paid or reimbursed by the other corporations, the state and political subdivisions among which the expense of the work has been apportioned by the commission.

If the legislative body of the political subdivision deems that special benefits will accrue from the separation of grades to a district or districts within such political subdivision, and has made a finding to such effect and that the cost thereof other than the portion to be paid by the railroad, interurban railroad or street railroad involved should be paid in whole by such district or districts or partly by such district or districts and partly by such political subdivision, then the commission shall have power to provide that such proportion of the total cost of such separation of grades including the acquisition of property, the damage to property or an interest therein as shall not be payable by the owners of the railroad, interurban railroad or street railroad involved, may be assessed upon a district or districts within such political subdivision or that a part thereof may be paid by such district and a part by such political subdivision in accordance with the finding of the legislative body of such political subdivision and that the physical work of making such grade separation as well as the proceedings for letting contracts therefor, collecting and enforcing the assessments and making payment for damages and for the acquisition of property shall be done through the agency of such political subdivision in accordance with such statutory methods as may be provided. Power shall be given in and by the order of the commission to the officers of the political subdivision to enter upon so much of the right of way of the railroad, interurban railroad or street railroad as may be necessary to effect the physical grade separation.

Assessments
against
districts.

If any order of the commission heretofore or hereafter made shall provide for the payment of a portion of the cost of any such grade separation by such political subdivision without authorizing the assessment of the same or any part thereof upon a benefited district, then the legislative body of such political subdivision may at any time thereafter apply to the commission to have such order modified in accordance with any finding made by such legislative body and the commission shall thereupon have the same power to make a new or modified order as if such application had been made to it before the making of such order.

Modification
of order.

(c) 1. The commission shall have power in accordance with the procedure provided in this subsection to fix the just compensation to be paid for property or any interest in or to property to be taken or damaged in the separation of grades at any crossing specified in subsection (b) hereof, or for property or any interest in or to property to be taken or damaged in the construction, alteration or relocation, under the

Power to fix
just
compensation

order or with the approval of the commission, of elevated tracks or subways for any railroad or street railroad over or under any public road, street, highway or private right of way, or of any public road, street or highway over or under the tracks of any railroad corporation or street railroad corporation; and upon the payment of the just compensation so fixed to make a final order of condemnation as hereinafter provided.

Commence-
ment of
proceedings

2. Proceedings under subsection (c) hereof may be commenced by order on the commission's own motion or by a petition filed by the state, county, city and county, incorporated city or town, other political subdivision, railroad corporation, or street railroad corporation affected. Any proceeding commenced under this subsection may be made a part of any proceeding commenced under subsection (b) hereof. Said petition shall set forth the name and interest of the petitioner, and said order on the commission's own motion and said petition shall set forth a statement of the purpose of the proceedings and the use for which property or interest in or to property is sought to be taken, a description of each piece of land or other property or interest in or to property sought to be taken, and whether the same includes the whole or only a part of an entire parcel or tract or piece of property or interest in or to property and the names and addresses of all owners and claimants thereof, if known, or a statement that they are unknown, and a statement of each railroad corporation, the state and political subdivision which in the opinion of the commission or the petitioner has an interest in the proceeding. Said petition shall pray that the commission fix the just compensation to be paid for the acquisition of or damage to the property and interest in or to property specified in the petition, that the commission designate the party or parties to the proceeding who shall pay such compensation and the owners and claimants of the property and interest in or to property condemned to whom such compensation shall be paid and that the commission make its final order of condemnation; *provided*, that when the proceeding is commenced by order on the commission's own motion said matters shall be included in the statement of the purpose of the proceeding. Said petition shall be duly verified and at the time the same is filed with the commission the petitioner shall also file the additional copies thereof equal in number to three or more than the number of owners and claimants named in the petition.

Order to
appear.

3. Upon the filing of said petition with the commission or the making of said order on the commission's own motion, the commission shall make its order specifying the nature of the proceeding, containing a general description of the property and interest in or to property to be condemned, and directing the owners and claimants and the railroad corporations, street railroad corporations, and governmental authorities in interest named in said petition or order on the commission's own motion, who shall also be named in said order to show cause, to appear before the commission at a time and place specified

in said order, to show cause, if any they have, why the commission should not proceed after hearing to fix the just compensation to be paid for the acquisition of or damage to the property and interest in or to property specified in said petition or order on the commission's own motion, to designate the party or parties to the proceeding who shall pay such compensation and the owners and claimants to whom such compensation shall be paid and to make its final order of condemnation. Said order to show cause shall direct the secretary of the commission to serve or cause to be served upon each said owner and claimant, railroad corporation, street railroad corporation and governmental authority in interest a copy of said order certified under the seal of the commission to which shall be attached a true and correct copy of the petition or order on the commission's own motion; *provided*, that when the proceeding is commenced by order on the commission's own motion said order to show cause may be incorporated in said order on the commission's own motion.

Personal service shall be made in accordance with the provisions of the Code of Civil Procedure of the State of California; *provided*, that service may also be made by depositing a copy of said order to show cause certified under seal of the commission with a true copy of the petition or order on the commission's own motion attached thereto or made a part thereof in the United States mail, inclosed in a sealed envelope, registered, with postage prepaid, addressed to each owner or claimant, railroad corporation, street railroad corporation and governmental authority in interest named in said petition or order on the commission's own motion. Personal service.

If any owner or claimant named in the petition, or order on the commission's own motion resides out of the state or has departed from the state or can not after due diligence be found within the state, or conceals himself to avoid service, or is a corporation having no managing or business agent, cashier or secretary or other officer upon whom summons may be served, who, after due diligence, can not be found within the state, and the fact appears by affidavit to the satisfaction of the commission, and it also appears by such affidavit or by the petition or order on the commission's own motion that a cause of action exists against such owner or claimant on whom service is to be made and that he is a necessary or proper party to the proceeding, the commission may make an order that the service be made on such owner or claimant by publication of the commission's said order to show cause. Said order of the commission shall direct that the publication be made in a newspaper to be designated by the commission as likely to give notice to the owner or claimant to be served, and for such time as the commission may find to be reasonable, at least once a week, but publication against an owner or claimant residing out of the state or absent therefrom shall not be less than two months. If the address of any owner or Service by publication

claimant as stated in the petition or order on the commission's own motion is out of the state, the secretary of the commission shall within fifteen days after the making and filing of said order to show cause, deposit or cause to be deposited a copy of said order to show cause certified under the seal of the commission, with a true and correct copy of the petition or order on the commission's own motion attached thereto or made part thereof, in the United States mail, inclosed in a sealed envelope, registered, with postage prepaid, addressed to such owner or claimant at the address specified in the petition or order on the commission's own motion. Personal service of a copy of the order to show cause and of the petition or order on the commission's own motion out of the state is equivalent to publication and deposit in the United States mail.

Notice of hearing.

Within ten days prior to the time set for the first hearing on the petition or order on the commission's own motion, which time shall be not less than thirty days after the filing of said petition or the making of said order on the commission's own motion, the secretary shall serve or cause to be served upon the petitioner a written notice of such hearing, specifying the time and place at which such hearing shall be had. In all respects not in this paragraph otherwise provided, service and the proof of service shall be made as provided by the Code of Civil Procedure of the State of California. Upon the completion or service upon the petitioner or upon any owner or claimant, railroad corporation, street railroad corporation or governmental authority in interest named in the petition or order on the commission's own motion, the commission shall have full and complete jurisdiction in so far as such petitioner, owner or claimant, railroad corporation, street railroad corporation, or governmental authority in interest is concerned, to make each finding hereinafter referred to, to fix the just compensation to be paid for the acquisition of or damage to any property or interest in or to property specified in the petition or order on the commission's own motion, to designate the party or parties to the proceeding who shall pay such compensation and the owner or claimant to whom such compensation shall be paid and to make its final order of condemnation. The failure to make such service upon any person alleging that he is an owner or claimant or party in interest but not named in the petition or order on the commission's own motion or to acquire jurisdiction over such person shall in no way affect the jurisdiction of the commission over owners and claimants and parties in interest on whom service has been made as in this paragraph provided.

Amendment of petition.

The commission shall have power at any time subsequent to the filing of the petition, and prior to making and filing its finding of just compensation, to authorize the amendment of the petition, or in case the proceeding is by order on the commission's own motion to amend said order, by altering or modifying the description of said property, or interest in or

to property, or by adding to or deducting from said property or interest in or to property, or by bringing in any additional party or parties and in each other respect including each jurisdictional allegation.

4. At the time and place specified in said order to show cause, or at such other time and place as, for good cause, may be otherwise ordered by the commission, the commission shall proceed to a hearing upon the petition or order on the commission's own motion. When the proceeding has been submitted the commission shall make and file its finding upon the question whether the use to which the property or interest in or to property is to be applied is a use authorized by law and whether the taking is necessary to such use, and shall make and file its written finding and fixing the just compensation to be paid for said property or interest in or to property; *provided*, that if the commission finds that severance damages should be paid, the just compensation for such damages shall be found and stated separately. Said just compensation shall be fixed by the commission as of the day on which the petition was filed or the order on the commission's own motion was made. The commission shall also make its order designating the party or parties to the proceeding who shall pay the just compensation so fixed, or any portion thereof, the amounts in which it shall be paid, the times at which it shall be paid, the property or interest in or to property for which it shall be paid, and the owners and claimants of such property or interest in or to property to whom it shall be paid. The commission may prescribe any other terms or conditions with reference to the payment of such compensation as to the commission may seem proper, including a provision that the money due be paid to the commission to be distributed to the parties entitled thereto. The party or parties whom the commission may designate to pay such compensation or any part thereof shall thereupon become liable therefor, and may be sued in any court of competent jurisdiction by the party or parties entitled to such compensation as provided in the commission's order; *provided*, that in cases in which the order of the commission authorizing any work to be done under the provisions of this section is permissive in character and not mandatory, the commission may prescribe the time within which the party receiving such permission must elect to proceed and notify the commission thereof, and only in the event such party elects to proceed and so notifies the commission shall any liability arise in such cases to pay the just compensation or any part thereof under the provisions of this subsection. When any political subdivision of the state is designated by the commission to pay such compensation or any portion thereof the same shall be collectible in the manner provided in subsection (b) hereof for the collection of expenses apportioned by the commission to political subdivisions of the state.

5. When the just compensation has been paid in accordance with the commission's order made under the provisions of this

Hearing and finding.

Final order of condemnation.

subsection for property or interest in or to property, the commission shall make its final order of condemnation which must describe the property or interest in or to property condemned and the purpose of such condemnation. A copy of said order certified under the seal of the commission shall thereupon be filed in the office of the recorder of the county in which the property or interest in or to property therein described is situated, and thereupon the property or interest in or to property described therein shall vest in the parties and for the purposes specified in said order.

Finding
final

6. The finding of the commission on the question of the necessity for the taking and the finding, fixing the just compensation to be paid for any property or interest in or to property under the provisions of this subsection shall be final and shall not be subject to modification, alteration, reversal or review by any court of this state. The provisions of this act with reference to rehearing and review shall be applicable to the findings of the commission made and filed under the provisions of this section. Petitions for rehearing must be filed within twenty days from the date of making and filing the finding as to which a rehearing is desired. If a finding of the commission made and filed under the provisions of this section is set aside by the supreme court of the State of California, the matter shall be referred back to the commission for further action in a proceeding before the commission, and the commission shall have the right, on taking further action, to consider the entire testimony theretofore taken in the proceeding before the commission as well as such further testimony, if any, as may be presented in connection with such further action.

Rehearing
and review.

Procedure
not exclusive

7. The procedure provided in this section shall be alternative and cumulative and not exclusive to the right to pursue any other procedure now or hereafter establishing, providing for the acquisition under eminent domain proceedings of property or interest in or to property.

Germane to
jurisdiction

8. The Legislature hereby declares that subsection (c) hereof is enacted as a germane and cognate part of and as an aid to the jurisdiction of the railroad commission in the supervision and regulation of railroad and street railroad corporations.

Right to
damages

9. Nothing in this section shall be construed to entitle any owner or claimant of property and interest in or to property to receive damages when the right to receive such damages does not exist under the laws of this state apart from the provisions of this section.

CHAPTER 705.

An act to amend sections one and nine of an act entitled "An act to provide for the establishment and change of grade of public streets, lanes, alleys, courts, places, and rights of way, and of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges

or independent subterranean ways in municipalities and providing for the construction or improvement thereof, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvements, and for the payment and effect of such bonds," approved June 16, 1913, as amended, relating to street improvements.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of an act entitled "An act to provide for the establishment and change of grade of public streets, lanes, alleys, courts, places and rights of way, and of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways in municipalities and providing for the construction or improvement thereof, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby, and to provide a system of local improvement bonds to represent the assessments for the costs, damages and expenses of such improvements, and for the payment and effect of such bonds," approved June 16, 1913, as amended, is hereby amended to read as follows:

Stats 1917,
p 971,
amended.

Section 1. Whenever the public interest or convenience may require, the legislative body of any city is hereby empowered to establish or change or modify the grade of any public street, avenue, lane, alley, court, place or right of way in said city, or any portion thereof, and also the grade of the roadway of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways, in, on, under, over or through any public street, avenue, lane, alley, court, place or other land of the city, or in, on, under, over or through any land in which and where the city may then have an easement or right of way therefor; and in any case when or where, in the opinion of said legislative body, any damage to private property would result from the improvement thereof, to order the whole or any part, either in length or width, of such public street, avenue, lane, alley, court, place or right of way or other land of the city, in which and where the city may then have an easement or right of way therefor, to be improved to conform to such official grade by grading or regrading, paving or repaving, plank-ing or replanking, macadamizing or remacadamizing, piling or repiling, capping or recapping, graveling or regraveling, oiling or reoiling, sewerage or resewerage, sidewalking or residewalking, curbing or recurbing, guttering or reguttering,

Cities may
establish and
change street
grades, etc.

or by the construction, reconstruction or repair of manholes, culverts, cesspools, conduits, crosswalks, steps, parking or parkways, or by the construction, reconstruction or repair of poles, posts, wires, conduits, lamps and other appurtenances for the lighting thereof; or by the construction, reconstruction or repair of wells, pumps, dams, reservoirs, storage tanks, channels, tunnels, conduits, hydrants, pipes, meters or other appurtenances for supplying or distributing a domestic water supply; and also in any case where, in the opinion of said legislative body, any damage to private property would result from the construction, reconstruction or repair hereof, to order the construction, reconstruction or repair of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways, together with approaches thereto, and all appurtenances therefor, in, on, under, over or through any public street, avenue, lane, alley, court, place or other land of the city, or in, on, under, over or through any land in which and where the city has an easement or right of way therefor, to the grade established for the roadway of such tunnel, subway, viaduct, bridge or independent subterranean way, and order the construction, reconstruction or repair of stormwater ditches or tunnels, or breakwaters, levees or walls of rock, or other materials, culverts, manholes, cesspools, conduits, subways, retaining walls, sewers, ditches, drains and channels for sanitary and drainage purposes, or either or both thereof, with necessary outlets, catch-basins, flush-tanks, septic tanks, connecting sewers and other appurtenances, to protect the streets, avenues, lanes, alleys, courts, places or rights of way, or any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways which may be constructed as hereinabove provided, from overflow or injury by water or otherwise; and to order the doing of any other work which shall be necessary to improve the whole, or any portion of such street, avenue, lane, alley, court, place or other land of the city, or any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways which may have been constructed, or which shall be constructed, under the proceedings provided in this act. This act shall apply equally in cases where the official grade of any public street, avenue, lane, alley, court, place or right of way, or of the roadway of any of the following avenues of public travel, namely, tunnels, subways, viaducts, bridges or independent subterranean ways, in, on, under, over or through any public street, avenue, lane, alley, court, place or other land of the city, or in, on, under, over or through any land in which and where the city may then have an easement or right of way therefor has previously been established or changed, and where such grade is established, modified or changed in whole or in part by the same proceedings by which the improvement is ordered, if in the opinion of the legislative body of the city, damage will result to

Official grade
already
established

private property from the making of the improvement contemplated by the proceedings.

[SEC. 2. Section 9 of said act is hereby amended to read as follows:]

Stats. 1913,
p. 958,
amended

Sec. 9. Before the awarding of any contract by the legislative body for doing any work authorized by this act, said legislative body shall cause notice, with specifications, to be posted conspicuously for five days on or near the chamber door of said legislative body, inviting sealed proposals or bids for doing the work ordered, and shall also cause notice of said work inviting said proposal, and referring to the specifications posted or on file, to be published for two days in a daily, or weekly newspaper published and circulated in said city, designated by said legislative body for that purpose, and in case there is no newspaper published in said city, then it shall only be posted as hereinbefore provided. Every bid shall be delivered to the clerk of the legislative body and shall be accompanied by a check certified by a responsible bank, amounting to ten per cent of the amount of the bid, payable to the order of the said clerk, or by a bond for the said amount, and so payable, signed by the bidder and by two sureties who shall justify before any officer competent to administer an oath, in double the said amount, and over and above all statutory exemptions, and said amount shall be forfeited to the city in case the bidder depositing the same does not, within ten days after written notice that the contract has been awarded to him, enter into a contract with the city to do the work, with the bonds hereafter required. Said bids shall be opened by the legislative body in public session and publicly declared, and no bid shall be considered unless accompanied by said bond or said certified check. The legislative body must let the contract to the lowest responsible bidder, who shall give bond for the faithful performance of the work in such sum as may be required by it, with sureties satisfactory to said legislative body; *provided, however*, that the legislative body may reject any and all bids, should it deem this for the public good, and also the bid of any person who has been delinquent or unfaithful in the performance of any former contract with the city, or of any other contract let by or under the authority thereof. The contract must provide that the work shall be done under the supervision of the superintendent of streets, and no work shall be paid for until it has been accepted by the legislative body. Whenever the contractor desires the work, or part thereof, to be accepted, he must make written application to that effect to the legislative body. Upon the filing of such application for acceptance, the clerk of the legislative body shall give not less than five days' notice by publication by two insertions in a daily or weekly newspaper, published and circulated in the city, or by posting for two days in three public places in the city, in case no such newspaper is published and circulated therein, that at a certain time and place, to be named in said notice, the legis-

Notice
inviting bids.

Bids.

Opening bids
and letting
contract

Application
for
acceptance
of work.

lative body of the city will hear and consider any objections to the acceptance of the work, or part of the work, for the acceptance of which said contractor has made such application, and only after such hearing shall any work be accepted. If upon such hearing any objections to the acceptance are made, and are sustained by the legislative body, the legislative body must require the contractor to take such steps as will remove such objections; and in the event of his failure to do so, within such time as the legislative body shall prescribe, the legislative body may relet such portion of the work, and charge the contractor the cost thereof, together with all expenses incident to said reletting, and retain the same out of any moneys due, or to become due, to him under the contract, and also hold him and his sureties responsible therefor upon his bond. The contract shall provide that the work must be commenced within twenty days after the contractor receives written notice from the superintendent of streets that there is sufficient money or bonds, or money and bonds in the special fund devoted to the proposed improvement to pay the contract price, and completed within such time as the superintendent of streets shall prescribe. If the contractor abandons the work or fails to proceed with the same as rapidly as required by his contract, the legislative body may either relet the contract, or any portion thereof, or said body may complete the work by the direct purchase of materials and employment of labor, and pay the cost of the same, including any expenses incident thereto, out of the funds due, or to become due the contractor, and also hold him and his sureties responsible upon his bond for such costs and expenses, and also any damages resulting from such abandonment or failure to proceed with the work as required by his contract; *provided, however,* that should said legislative body elect to complete the work, notice thereof in writing of not less than five days shall be served upon such contractor, or his agent having charge of the work. Such notice may be served by personally delivering such notice to such contractor, or his agent having charge of the work, or by registered mail directed to such contractor or agent at his last known address (the period of five days to run from the date of registration in the United States post office), or when such contractor or his agent has left the state or his address is unknown, by posting such notice in a conspicuous place upon the premises of work.

When work
to be done

Abandonment
or failure
to proceed.

Contractor's
bond.

At the time of signing and executing said contract, the contractor shall execute, deliver to, and file with the superintendent of streets, a good and sufficient bond in a sum not less than one-half of the total amount payable by the terms of said contract. Such bond shall be executed by either two or more good and sufficient sureties or by corporate surety as provided by law, and must provide that if the contractor, person, company or corporation, or his or its subcontractors fail to pay for any materials, provisions, provender or other

supplies or teams, or the use of implements or machinery used in, upon, for or about the performance of the work contracted to be done, or for any work or labor thereon of any kind, that the surety will pay for the same in an amount not exceeding the sum specified in the bond, and also in case suit is brought upon such bond, a reasonable attorney's fee to be fixed by the court. Such bond must by its terms, inure to the benefit of any and all persons, companies and corporations entitled to file claims under this act, so as to give a right of action to them or their assigns in any suit brought upon said bond.

Any materialman, person, company or corporation furnish-<sup>Claims of
materialmen,
etc.</sup>ing materials, provisions, provender or other supplies used in, upon, for or about the performance of the work contracted to be executed or performed, or any person, company or corporation renting or hiring teams or implements, or machinery for, or contributing to, said work to be done, or any person who performs work or labor upon the same, or any person who supplies both work and materials and whose claim has not been paid by the contractor, company or corporation to whom the contract has been awarded, or by the subcontractors of said contractor, company or corporation, may at any time prior to the expiration of the periods within which claims of lien must be filed for record as prescribed by section 1187 of the Code of Civil Procedure, file with the superintendent of streets, a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. It shall be lawful for the superintendent of streets, within ten days after the completion of any such contract or work of improvement provided for in this act, or within ten days after there has been a cessation from labor thereon for a period of thirty days, to file for record in the office of the county recorder of the county where the property is situated, a notice, setting forth the date when the same was completed, or on which cessation from labor occurred, together with the name of the municipality and description of the property or public work of improvement, sufficient for identification, and the name of the contractor or contractors, and the name of the surety, which notice shall be verified by such superintendent of streets, and in case such notice be not so filed the failure to so file shall have the same effect as provided in section 1187 of the Code of Civil Procedure, with reference to the "owner." Any laborer, materialman, person, company or corporation entitled to the benefit of this act as hereinbefore set forth, whose claim has not been paid by the said contractor, company or corporation, or his or its subcontractors, shall severally have a first lien upon and against the assessment, any partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment. And actions against the said municipality or superintendent of streets to establish such liens brought by any claimant who has filed claims under this act, or by his assigns, shall be governed by the provisions of sections 1184, 1184a, 1184b,

1184c of the Code of Civil Procedure and the verified notice provided for in the said section shall be equivalent for all purposes to the verified claim provided for herein.

Effect of
assignments,
etc

No assignment by the contractor of the whole or any part of the money, assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment, due him or to be due him under the contract, or for "extras" in connection therewith, whether made before a verified claim is filed as provided for herein or after said claim is filed, shall be held to take priority over claims filed under this section, and such assignment shall have no binding force in so far as the rights of the claimants who file claims hereunder, or their assigns, are concerned; *provided*, that nothing in this section shall be construed to prohibit payment to the contractor or his assigns, so long as no verified claim is on file before the disbursing officer shall have actually surrendered possession of the assessment, partial assessment, any reassessment, and any bonds which may be issued to represent any assessment or reassessment, or the payment to said contractor or his assigns of any assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment, due him or his assigns over and above the total amount of the claims filed at that time plus such interest and court costs as might be reasonably anticipated in connection with said claims.

Suit on
bond.

Suit against the surety or sureties on the bond of the contractor required hereunder may be brought by any claimant, or his assign, at any time after the claimant has ceased to perform labor or furnish material or both and until the expiration of six months after the period in which verified claims may be filed as provided herein. The filing of a verified claim shall not be a condition precedent to the maintenance of such action against the surety or sureties on the bond and an action on such bond may be maintained separately from and without the filing of an action against the municipality or officer by whom such contract was awarded. And upon the trial of any such action, the court shall award to the prevailing party a reasonable attorney's fee, to be taxed as costs, and to be included in the judgment therein rendered.

Bond
guaranteeing
payment
of sum
recovered.

If the contractor, subcontractor or other person against whom any claim is filed as provided in this act, shall dispute the correctness or validity of any claim so filed, it shall be lawful for the municipality or superintendent of streets by whom the contract for the improvement was awarded, in its or his discretion, to permit the contractor to whom said contract was awarded to deliver to such municipality or superintendent of streets a bond executed by some corporation authorized to issue surety bonds in the State of California, in a penal sum equal to one and one-fourth times the amount of said claim, which said bond shall guarantee the payment of any sum which said claimant may recover on said claim, together with his costs of suit in said action,

if he shall recover therein, and upon the filing of said bond by and with the consent of such municipality or superintendent of streets, then such municipality or superintendent of streets, shall not withhold any funds, assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment from said contractor on account of said claim. The sureties upon said bond shall be jointly and severally liable to said claimant with the sureties upon the original bond inuring to the benefit of persons entitled to file claims under this act and given in accordance with the provisions of this act.

CHAPTER 706.

An act to provide for the formation, management and dissolution of park, recreation and parkway districts and annexations thereto and withdrawals therefrom, designating and setting forth the powers of the governing bodies of such districts and providing for the levying and collecting of taxes on property in such districts to defray the expenses thereof.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Any city or portion thereof, or city and county, or portion thereof, or any portion of the unincorporated area of any county not included in any other park, recreation and parkway district and lying entirely outside any national forest may be formed into a park, recreation and parkway district to acquire all necessary and proper lands and do all necessary and proper construction and work, including the planting of trees and shrubs, to secure and maintain an adequate system of parks, recreation grounds and parkways within said district; *provided*, that no such park, recreation or parkway district, shall embrace within the boundaries of such proposed park, recreation or parkway district, any land or lands lying nearer than one mile to the Pacific ocean or any inlet, bay, estuary or arm of the ocean or shall any change be made in the boundaries of such proposed districts so as to embrace any such lands.

Formation of park, recreation and parkway districts

SEC. 2. The words "governing body" as used in this act shall be construed to mean the city council or other governing body of any city, or city and county, or the board of supervisors of any county within this state.

"Governing body."

SEC. 3. The governing body of any city, city and county, or county of the state may determine that said city or portion thereof or city and county or portion thereof, or any portion of the unincorporated area of any county of the state, respectively, not already included in any park, recreation and parkway district, is in need of parks, recreation grounds and parkway planting and should be formed into a park,

Determination to form district

recreation and parkway district. Consolidated districts may be formed so as to include both incorporated and unincorporated areas of a given county by the joint resolution of the governing bodies of such incorporated and unincorporated areas of any county, in which case the governing bodies of the incorporated areas may designate the governing body of the unincorporated area of any county as the governing body of such district. Thereupon the governing body of said city, city and county or county shall fix a time and place for the hearing of the matter and shall direct the clerk of said governing body to publish a notice once a week for two successive weeks in a newspaper circulated in the territory which it is proposed to organize into a park, recreation and parkway district which said governing body deems most likely to give notice to the inhabitants thereof of the proposed formation of such district. Such notice shall be in large type and shall be headed "Notice of the proposed formation of----- (county) or (city and county) or (city) park recreation and parkway district in----- county (stating the name of the proposed district and the name of the county or city and county or city in which the proposed district is located) and it shall state the fact that the governing body of the city or county or city and county has fixed the time and place (which shall be stated in the notice) for a hearing on the matter of the formation of park, recreation and parkway district. Said notice shall describe the territory or specify the exterior boundaries of the territory proposed to be organized into a park, recreation and parkway district.

Notice.

Objections
and
hearing

SEC. 4. At any time prior to the time fixed for the hearing of said matter any freeholder residing within said proposed district may file with the clerk of the governing body written objections to the formation of such district. At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the governing body of the city or county or city and county shall consider all written objections filed and shall pass upon the same. If the governing body overrules said objections it shall hear any person having objection to the inclusion within the proposed district of any territory and may exclude any territory therefrom which would not be benefited by inclusion within such district. At the conclusion of the hearing the governing body of the city or city and county or county may abandon the proposed establishment of a park, recreation and parkway district or may decide to establish said district. If it decides to establish said district an election shall be called by a resolution in which said governing body shall set forth the date of said election, which shall be at least twenty days after the adoption of such resolution and which shall designate one or more precincts within the boundaries of said proposed district, and which shall further designate a polling place in each precinct, and

Election.

the names of election officers, who shall be one inspector, one judge, and one clerk for each precinct. In all particulars not recited in said resolution such election shall be held as provided by law for holding of general elections in such county except that no notice of such election other than publication of such resolution need be given. The resolution ordering the holding of such election shall, prior to the date thereof, be published once a week for two successive weeks in a newspaper of general circulation in said proposed district which the said governing body shall deem to be most likely to give notice to the electors thereof of such proposed election. Such notice of election shall contain a description of the district declared by the governing body of the city or city and county or county to be a park, recreation and parkway district. The ballots used at such election need not contain a description of such district but shall contain in substance as follows: "Shall the resolution of the (governing body of the city, or county, or city and county) of the -----day of-----, 192--, that ----- (city or city and county or county) park, recreation and parkway district to be established be ratified?" and opposite said proposal be printed the words "Yes" and "No" together with voting squares. If at such election a majority of the votes cast ratify the declaration of said governing body of the city or city and county or county then the said governing body shall enter a finding to that effect upon its minutes and thereafter said district shall be deemed established and organized as a (city or city and county or county) park, recreation and parkway district.

SEC. 5. The governing body of any park, recreation and parkway district shall be the governing body of the city or county and city or county in which such district lies. The governing body of said district shall have power to make and enforce all rules and regulations necessary for the administration and government of such district and for the acquisition, improvement and maintenance of parks, recreation grounds and parkways within the district; to appoint agents and employees sufficient to maintain and operate such parks, recreation grounds and parkways for the benefit of said district; to construct all needed structures; and to perform all other acts necessary to accomplish the purpose of this act.

Powers of governing body.

SEC. 6. The title of all property which may be acquired in connection with said park, recreation and parkway district created under the provisions of this act shall be vested in the city or city and county where said district lies within such a municipality and shall be vested in the county where such district lies in the unincorporated area of any county. When any such district is composed of partly incorporated and partly unincorporated areas of any county the title to such property shall be vested in the county. Whenever all of the territory in any such district created under this act shall be

Property, obligations, etc

Property
obligations,
etc.
(cont'd).

annexed to any municipality the governing body of such municipality shall assume control of such district together with such property, equipment and supplies as may belong to such district, and shall assume all obligations of such park, recreation and parkway district and shall then receive the unexpended balance of all money in the city or county treasury to the credit of any fund of such park, recreation and parkway district which shall be used for the purposes for which the same was available prior to such transfer and for none other. Whenever all of the territory of such park, recreation and parkway district shall be included within two or more municipalities then the governing bodies of such municipalities may by joint resolution designate the governing body of one of such municipalities to be the governing body of such district, in which case said governing body shall assume all obligations of said park, recreation and parkway district and shall then receive the unexpended balance of all money to the credit of such district together with such property, equipment and supplies as may belong to such district. If prior to ninety days after the annexation of the territory by the two or more municipalities no joint resolution has been passed by the governing bodies of such municipalities designating the governing body of one of such municipalities as the governing body of such district then such park, recreation and parkway district shall be considered dissolved and the several municipalities shall assume an apportioned share of the obligations of such district, and thereafter the unexpended funds, equipment and supplies may then be apportioned between said municipalities in proportion to the assessed valuations of the sections annexed; *provided*, that the county auditor may apportion amounts of any funds, equipment or property between said municipalities; *and provided further*, that any equipment and property which can not be apportioned and divided may be sold by the county at public auction, and the proceeds therefrom divided according to the assessed valuation of their respective territories. The county shall also pay to the municipality annexing or controlling such district, to be used for the purposes of such district, or, in case of the dissolution of such district as provided in this section, to such municipalities in proportion to the assessed valuations of the sections annexed, a sum equal to the uncollected taxes levied by the county for such district; such payment shall be made from the general fund of the county, by means of a claim or claims audited, allowed, and paid as other county claims are audited, allowed, and paid. Thereafter all collections on account of such uncollected district taxes, together with any interest and penalties collected thereon, shall be placed in the county's general fund, for the use and benefit of the county. Such municipality or municipalities shall refund to the county such district taxes thereafter refunded or canceled by the county.

SEC. 7. The governing body of any district created under this act shall levy a tax each year upon the taxable property in each such district sufficient to defray the cost of maintenance thereof and to meet such other expenditures as are authorized by this act in connection therewith. Such tax shall be levied and collected at the same time and in the same manner as general county taxes levied for general county purposes and when collected shall be paid into the county treasury. Where any such district lies entirely in incorporated area, the taxes so collected under this act shall be immediately transferred to the treasurer of such municipality. All funds collected under the provisions of this act, shall be used in furtherance of the purposes of this act with respect to the district within which such taxes were collected and for no other purpose.

Annual
tax levy.

SEC. 8. Any park, recreation or parkway district may be dissolved by the governing body of the city or city and county or of any county when the district lies in unincorporated territory of such county. Upon receiving a petition signed by twenty per cent of the freeholders of such district requesting the dissolution of such district, the governing body of the territory lying within the district, or in case of consolidated districts including both incorporated and unincorporated territory in any such district the governing body of any county shall by resolution call an election for this purpose. Said election shall be called in the same manner in all particulars as an election called to form such park, recreation and parkway district under this act. If at such election the majority of the votes cast ratify the proposal to dissolve such district then the said governing body shall enter a finding to that effect upon its minutes and thereafter said district shall be deemed to have been dissolved. If the governing body of such district shall order the dissolution of such district, the property of such district, the title to which is vested under the provisions of this act, in the city or city and county, or county, where said district lies, shall remain the property of said city, or city and county, or of the county, where said district lies in the unincorporated area of any county. Where such district includes both incorporated and unincorporated area of any county, all property lying within any city or city and county shall revert to such municipality and all property of such district lying in the unincorporated area of any county shall remain the property of the county and any money remaining in the treasury of said city, city and county or county to the credit of such district shall be expended in the maintenance and repair of the highways of such district, whether such highways, at the time of dissolution, are in incorporated or unincorporated territory. The county shall also, upon the order of the board of supervisors, transfer from its general fund to the fund of the district a sum equal to the uncollected taxes levied by the county for such district and all moneys then in and so transferred to such district fund shall be expended in the

Dissolution
of district.

maintenance and repair of the highways in such district, as previously provided in this section.

Proposal for
annexation
or
withdrawal
of territory.

SEC. 9. At any time after the establishment of any district created under the provisions of this act, the governing body of such district may determine that certain territory should be annexed to or withdrawn from such district. Thereupon said governing body shall fix a time and place for the hearing of the matter of the annexation or withdrawal of said territory and shall direct its clerk to publish a notice once a week for two successive weeks in a newspaper circulated in the territory which it is proposed to annex to or to withdraw from said district which said governing body deems most likely to give notice to the inhabitants of such territory. Such notice shall be headed "Notice of the proposed annexation of territory to the ----- park, recreation and parkway district in ----- county," or "Notice of the proposed withdrawal of certain territory from the ----- park, recreation and parkway district in ----- county," stating the name of the district to which it is proposed to annex territory and shall contain a statement of the time fixed by the said governing body for a hearing on the matter of the annexation of said territory to or withdrawal of said territory from said park, recreation and parkway district. Said notice shall designate the territory proposed to be annexed or withdrawn from said district.

Hearing and
action on
proposal.

SEC. 10. At the time and place fixed by said governing body for the hearing of said matter of annexation to or withdrawal of territory from such district, or at any time to which said hearing may be continued, the governing body shall hear any person objecting to said annexation or withdrawal of territory or objecting to the annexation or withdrawal of any portion of said territory. At the conclusion of said hearing said governing body may refuse to annex or withdraw any territory to the said established district or it may include all or a portion of the territory proposed to be annexed or withdrawn from such district. If it determines to annex to or to withdraw from said district any territory it shall so declare by resolution which must be approved by a majority vote of the taxpayers of the existing district in case of a proposed withdrawal of territory, or by a majority vote of the taxpayers of the entire new proposed district in case of a proposed annexation of territory, at an election which shall be called for such purpose by the said governing body not later than sixty days after the adoption of said resolution. Said election shall be so conducted and shall be held at such place and during such hours of the day set for the same as will in the judgment of said governing body best serve the needs and convenience of a majority of the taxpayers of said existing or proposed district, as the case may be.

Thereupon said territory shall be annexed to or withdrawn from said district for all purposes of this act.

SEC. 11. All regularly paid employees of any park, recreation and parkway district in any county shall be subject to the rules and regulations of the civil service commission of any city, city and county or county in the state. Employees

SEC. 12. The provisions of this act shall be liberally construed to effect the purposes thereof. Construction of act.

SEC. 13. All acts or portions of acts in conflict herewith are hereby repealed. Repealed.

SEC. 14. It is hereby declared to be the intention of the Legislature to enact each and every section, paragraph, clause or phrase of this act irrespective of the enactment of every other section, paragraph, clause or phrase herein contained. Legislative intent.

CHAPTER 707.

An act to amend the "California water storage district act" approved June 3, 1921, as amended by amending the title to said act, and sections five, eight, ten, eleven, twelve, thirteen, sixteen, seventeen, eighteen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-seven, twenty-nine, thirty-two, thirty-four, thirty-eight, forty-one, forty-four, forty-five, forty-seven, forty-nine, sixty and sixty-four thereof, by adding a new section to be numbered nineteen a, and relating to the reapportionment of assessments in case of the subdivision of lands; by adding a new section to be known as nineteen b, relating to the reassessment of land after a five-year period; by adding a new section to be known as twenty a, relating to additional help for county treasurer of any county in which any lands contained in the district are located; by adding a new section, to be numbered twenty-three and a half, and relating to the allocation of the net returns from the generation of electric power; by adding nineteen new sections, to be numbered sections sixty-four a, sixty-four b, sixty-four c, sixty-four d, sixty-four e, sixty-four f, sixty-four g, sixty-four h, sixty-four i, sixty-four j, sixty-four k, sixty-four l, sixty-four m, sixty-four n, sixty-four o, sixty-four p, sixty-four q, sixty-four r, and relating to the inclusion and exclusion of lands in and from water storage districts, and the manner and incidents thereof, and by adding a new section, to be numbered sixty-four s, and relating to the authority of guardians, executors and administrators, to act as owners of title or evidence of title.

[Approved by the Governor, May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. The title to the "California water storage district act" approved June 3, 1921, is hereby amended to read as follows: "An act providing for the organization, operation, maintenance, government and dissolution of water Stats. 1921, p. 1727, amended. Title.

storage districts, and the inclusion of lands therein, and the exclusion of lands therefrom, and for the acquisition, appropriation, diversion, storage, conservation and distribution of water for irrigation of lands in such districts, for the drainage and reclamation connected therewith, and for the generation, disposition and sale of hydroelectric energy developed incidental to such storage and distribution, and for the acquisition, of lands or rights therein, and the acquisition, construction, operation and maintenance of works to carry into effect the provisions of this act, and conferring upon the state engineer certain additional duties and powers in connection with the carrying out of the purposes of said act, and providing for the appointment of directors to assist the state engineer in so doing, and defining the said duties and powers, and repealing the California irrigation act approved June 4, 1915, and all acts amendatory thereof."

Stats. 1923,
p. 943,
amended.
Hearing

SEC. 2. Section 5 of said act is hereby amended to read as follows:

Sec. 5. At the time and place fixed in said notice the state engineer shall proceed to hear said petition and to determine whether or not the same complies with the requirements hereinbefore set forth and whether or not the notice required herein has been published as required, and must hear all competent and relevant testimony offered in support of or in opposition thereto. Said hearing may be adjourned from time to time for the determination of said facts, not exceeding thirty days in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, and no lack of signatures thereto, or to the petition as published, shall vitiate any proceedings thereon; *provided*, such petition or petitions have a sufficient number of qualified signatures attached thereto. The determination of said engineer shall be expressed by an order establishing the facts. If said state engineer shall determine that any of the requirements hereinbefore set forth have not been complied with the matter shall be dismissed, but without prejudice to the right of the proper number of persons to present a new petition covering the same matter or to present the same petition with additional signatures, if such additional signatures are necessary to comply with the requirements of this act. If the state engineer shall determine that all the said requirements have been complied with the said engineer shall forthwith proceed to hear said petition and all evidence offered in support of the petition and in support of said written objections, and the written application of any holder of title or evidence of title to lands included in said proposed water storage district, to have said lands excluded therefrom, and to also receive the written application of the holder of title or evidence of title to other lands already irrigated or susceptible of irrigation from the common source and by the same system of storage and irrigation works in said petition more particularly referred to and described, to have said lands included in said

Determina-
tion of
engineer.

district and to participate in the benefits of such water storage district. Said engineer shall ascertain and determine the practicability, feasibility and utility of the proposed project set forth in said petition, and for that purpose may make, or cause to be made, all necessary studies, examinations, surveys, plans and estimates of cost, and in connection therewith said state engineer may employ all necessary engineers, attorneys, and other assistants, or acquire and use estimates, surveys, and reports theretofore made, for the accomplishment of said purposes, and the cost thereof shall not in the aggregate exceed a sum in dollars equal in amount to one-fourth the number of acres in such proposed district and shall be deemed a part of the expense of said project, and said state engineer shall issue warrants therefor, which warrants shall be considered and treated in all respects as warrants of the district and which shall be payable out of the funds of said district when the organization thereof has been completed, and the same, if necessary, may be included in any bond issue authorized for the purpose of said district. If said district shall, as a result of any election hereinafter provided for, be not organized, any warrants so issued by said state engineer shall be a charge upon the undertaking, or undertakings, hereinbefore and in section 4 of this act provided for, and shall thereupon become due and payable by the sureties therein named, and the holders of said warrants shall have a cause of action against said sureties thereon.

Examination
of proposed
project.

SEC. 3. Section 8 of said act is hereby amended to read as follows:

Stats 1921,
p 1732,
amended

Sec. 8. At such election there shall be elected a board of directors corresponding in number to the number of divisions in the district. None of said directors shall be elected by the district at large, but one director shall be elected by each division to represent such division. Said officers shall qualify in the same manner as is provided for the qualification of the same officers elected at a general water storage district election, as hereinafter in this act provided.

Election of
directors

SEC. 4. Section 10 of said act is hereby amended to read as follows:

Stats 1921,
p 1732
amended

Sec. 10. The state engineer shall on the second Monday succeeding such election proceed to canvass the votes cast thereat and if upon such canvass it appears that a majority of all the votes cast are "Water storage district—Yes" said engineer shall, by an order entered in the records kept by him, declare the territory duly organized as a water storage district under the name theretofore designated, and shall declare the candidate for director receiving at such election the highest number of votes in each division to be duly elected a director. If upon such canvass it appears that a majority of all the votes cast are "Water storage district—No," then the result of such election shall be declared accordingly and entered of record in the records kept by the state engineer.

Canvass
of votes

Stats 1921,
p. 1733,
amended
Filing order
organizing
district

SEC. 5. Section 11 of said act is hereby amended to read as follows:

Sec. 11. If such order on election shall declare the territory duly organized as a water storage district the said state engineer shall forthwith cause a copy of such order, duly certified, to be filed for record in the office of the county recorder of each county in which any portion of the lands embraced in such district is situated, and from and after such filing the organization of such district shall be complete and said district shall have the powers and rights conferred upon it by the provisions of this act. Said state engineer shall at the same time issue certificates of election to the persons declared in said order to be elected directors.

Certificates
of election

Stats. 1921,
p. 1733,
amended.
Oath and
bond of
officers.

SEC. 6. Section 12 of said act is hereby amended to read as follows:

Sec. 12. The directors elected at such election after qualifying by receiving their certificates of election and subscribing the official oath and giving the required bonds, shall immediately enter upon their duties and shall hold office, respectively, until their successors are elected and qualified.

Stats. 1921,
p. 1733,
amended.
Organization
of directors.

SEC. 7. Section 13 of said act is hereby amended to read as follows:

Sec. 13. The directors shall on the first Tuesday after their election and qualification meet and organize as a board and select and designate an office of the board, which shall also be the office of the district, at which the board shall thereafter hold its meetings. The board shall then proceed to classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire on the first Tuesday in March following the next general February election in this act provided for; and the term of office of the class having the lesser number shall terminate on the first Tuesday in March following the next general February election thereafter. After such classification the board shall elect a president from their number and shall appoint a secretary and treasurer, each of whom shall hold office during the pleasure of the board. The term of office of any treasurer holding office at the date this amendatory act becomes effective shall terminate at the general water storage district election next thereafter held in the district for which such treasurer holds office; *provided, however,* that if any vacancy shall occur in the office of any incumbent treasurer prior to such general water storage district election, such vacancy shall be filled by appointment of the board of directors of the district in which such vacancy occurs, the treasurer so appointed to hold office at the pleasure of the board of directors. The amount of the bond to be given by the secretary for the faithful performance of his duties shall be fixed by the board.

Treasurer.

Office and
place of
meetings.

The office of the board and its place of meetings may be changed by a majority vote of the board of directors, but no such change shall become effective until after the resolution

making such change shall be published once a week for two successive weeks in the county in which the office of the board of directors has theretofore been located.

SEC. 8. Section 16 of said act is hereby amended to read as follows:

Stats 1923,
p. 946,
amended
Assessments
to pay
expenses of
organization.

Sec. 16. The board of directors must and shall at its first regular meeting or within ninety (90) days thereafter levy an assessment of an equal amount upon each acre of land in said district sufficient to pay all warrants issued by the state engineer, in accordance with the provisions of this act, and to defray all other expenses as estimated by the board, incurred and to be incurred for the general benefit of the district up to the time of the levy of the assessment provided for in section 19 of this act, including expenses incurred prior to the organization of the district, but in the judgment of the board properly incurred for the general benefit of the district, the amounts required to be raised to pay warrants of the state engineer and to pay such expenses to be separately stated in the resolution levying the assessment. In the event the assessment so levied for such purposes shall not be sufficient for the same, it shall be the duty of the board of directors from time to time levy an additional assessment or assessments of the same character for said purposes; *provided, however,* that the total of all such assessments, exclusive of the amount assessed for the purpose of paying warrants of the state engineer, shall not exceed fifty (50) cents per acre, except as hereinafter provided.

If, after the total amount raised by all such assessments shall have been expended or its expenditure authorized, such total amount is found to be insufficient to meet all of such expenses of the district, the directors may, in the manner hereafter provided, levy an additional assessment or assessments of like character for such purposes up to an amount not in excess of fifty (50) cents per acre. Before levying any such additional assessment the board of directors shall pass a resolution declaring its intention so to do and in such resolution shall appoint a time not less than two weeks and not more than four weeks from the passage of such resolution of intention at which the matter of levying such additional assessment will be considered in open meeting. A copy of such resolution of intention shall be published once a week for at least two weeks before the time so appointed in a newspaper of general circulation in each county in which land within the district is located. At the time so appointed the board shall meet and in open meeting consider the matter of levying such additional assessment and hear any objection thereto and at or after such meeting may upon approval of the state engineer levy such additional assessment, if in its judgment the best interests of the district so require. Every assessment levied under this section shall constitute a lien upon the lands affected thereby, until the full amount thereof is paid, which lien shall be prior to all other liens, except state,

county and municipal taxes and assessments, or taxes levied or assessed by or under statutory authority, and shall be collected in the same manner as other assessments provided for in this act. The provisions of this section as amended shall apply to all water storage districts, whether organized before or after the date of this amendatory act becomes effective.

Stats 1921,
p. 1734,
amended.
Examination
and study
of proposed
project.

SEC. 9. Section 17 of said act is hereby amended to read as follows:

Sec. 17. The board of directors shall upon the organization of a water storage district as in this act provided, proceed to make or cause to be made all such examinations, surveys, detailed plans and specifications, and estimates of cost for the acquisition, appropriation, diversion, storage, conservation and distribution of water, any drainage or reclamation works connected therewith, and the generation of hydroelectric energy incident thereto, and the sale and distribution thereof, as may be necessary or requisite to enable said board of directors to ascertain and estimate the requirements and works necessary as aforesaid, for the purpose of said water storage district, and the probable cost and expense thereof, and to make a report thereof as hereinafter provided, in which connection said board may use and adopt all previous estimates, surveys, reports and other data it may have acquired or which are available to it, adapted to that purpose, and may employ all necessary engineers, attorneys and other assistants for the accomplishment of said purposes, and the cost thereof shall be deemed a part of the expense of said project, and such board may issue warrants therefor, which shall be payable out of the funds of said district and may be included in any bond issue authorized for the purposes of said district. Said board of directors may at their option segregate and divide the plans, specifications and estimates of cost into one or more units of construction, and may in said plan provide that one or more individual units of construction shall not be entered upon immediately, but shall be authorized and undertaken in such order and at such future time as the board of directors shall thereafter determine. Upon the completion of said examination and study of the proposed project by the said board of directors, the said board shall prepare and file in the office of the state engineer, and a true copy thereof in the office of the secretary of said board, a report thereof, in which said report shall be set forth in full and in detail the character and nature of the proposed works, a description of the rights both to waters and lands it will be necessary to acquire to carry said project to completion, accompanied by detailed plans and specifications, and a detailed estimate of the cost of said project, including the acquisition of all rights necessary to the completion and operation thereof. The board of directors shall attach to said report a recommendation that said project shall be carried out in accordance with the plans and specifications in said report contained, or that said project be abandoned. Such report when completed shall be signed by a

Report to
state
engineer.

majority of the board of directors, and entered in full upon the minutes of said board. If said board shall determine to segregate and divide the plans, specifications and estimates into more than one unit of construction, such plans, specifications and estimates shall be complete as to each unit, and the board shall in its report specify the particular unit or units the construction of which shall be immediately entered upon, and the particular unit or units reserved for future action.

SEC. 10. Section 18 of said act is hereby amended to read as follows:

Sec. 18. If the said board of directors recommends that said project be abandoned the state engineer shall make such further investigation of said project as is in his judgment desirable and shall within sixty days after the filing of said report make and enter upon the records kept by him an order either (a) approving and confirming the said report and recommendation and declaring said project abandoned, which said order shall be without prejudice to the presentation of another petition covering the same matter, or (b) approving and adopting the said report but taking no action with respect to the said recommendation, and calling another election to be held in the district for the purpose of determining whether or not the recommendation of said board of directors shall be adopted or rejected. In the event the said order so made and entered by the state engineer shall call an election, said state engineer shall within thirty days after the entry of said order give notice of such election. Said notice shall be published once a week for at least three weeks previous to such election in each county in which any land in the district is situated. Said notice shall require ballots to be cast, which shall contain the words "Completion of project—Yes" or "Completion of project—No." For the purposes of said election the state engineer must establish a convenient number of election precincts in said district and define the boundaries thereof and said state engineer at the time of calling said election shall in his order designate voting places and appoint three land holders of the district to act as a board of election at each voting place. Such election shall be conducted as nearly as practicable in accordance with the provisions of this act relating to general water storage district elections, but no particular form of ballot shall be required. The qualification of voters at said election shall be the same as prescribed for the original election on organization of district, and the votes cast at said election shall be canvassed in the same manner as votes cast at said original election, and the result of such election shall be declared and entered of record in the minutes of the board. If such result shall show more than one-third of all the votes cast are "Completion of project—No," the state engineer shall make and enter in his records an order declaring said project abandoned, and requiring all persons, except the holders of warrants issued pursuant to the provisions of this act and which have been duly presented for payment, having claims against

Stats 1921,
p. 1735,
amended.

If board
recommends
abandoning
project.

Election

Order
declaring
project
abandoned

said district, or proposed district, to file them with the necessary vouchers within three months from the making of said order in the office of said state engineer. Notice of said order requiring presentation of claims stating the time and place thereof shall be published in the county in which the office of the district is located by said state engineer once a week for four successive weeks, the first publication of which said notice shall be made within ten days after the making of said order. After all warrants issued under the provisions of this act which have been duly presented for payment and all claims that have been duly presented and have been allowed and approved by said state engineer or the board of directors of said district, have been paid, said state engineer shall forthwith cause a copy of said order declaring said project abandoned, duly certified by said state engineer, to be filed for record in the office of the county recorder of each county in which any portion of the land embraced in said district is situated, and from and after such filing said district shall be deemed dissolved and all liens which may have attached to any of the lands therein under any provisions of this act shall be discharged and any undertaking given pursuant thereto shall be annulled and of no further effect. If the canvass of the votes cast at such election show two-thirds or more of all votes cast are "Completion of project—Yes" said state engineer shall thereupon appoint the commissioners provided for in section 19 of this act and thereafter such proceedings shall be taken and followed as are provided in said section 19 and subsequent sections of this act.

Appoint-
ment of com-
missioners.

Stats 1923,
p. 946,
amended

If board
recommends
carrying
out of
project.

SEC. 11. Section 19 of said act is hereby amended to read as follows:

Sec. 19. If the board of directors recommends that said project be carried out in accordance with the plans and specifications in its said report contained, the state engineer shall make such further investigation of such project as is in his judgment desirable and shall as soon as possible after the expiration of sixty days after the filing of said report make and enter upon the records kept by him an order either approving and confirming said report and recommendation or disapproving the same. Pending final approval or disapproval by the state engineer, the board of directors may amend, modify, or supplement their report and the plans, specifications and estimates and other matters accompanying the same, either on their initiative or in response to suggestions by the state engineer.

Election.

Immediately after making and recording such order, the state engineer shall call a district election for the purpose of determining whether such recommendation and report shall be adopted, such election to be noticed, held, and conducted and the result thereof determined and declared in all respects as nearly as possible as provided in section 18 of this act, the notice of election to state whether such report and recommendation is approved or disapproved by the state engineer.

If the result of such election shows that more than one-third of all votes cast are "Completion of project—No," the project shall be deemed abandoned and proceedings shall be thereafter taken as provided in section 18 in case of abandonment. If the result of such election shows two-thirds or more of all votes cast are "Completion of project—Yes," said report and recommendation shall be deemed to be adopted by the district. In case of the adoption of said report and recommendation the state engineer shall forthwith appoint three (3) commissioners whose duty it shall be to assess the cost of the project, or in the event said board shall have divided the project into units of construction, the cost of the unit or units specified for immediate construction, upon the benefited lands within the district, and the said cost shall be apportioned in accordance with the benefits that will accrue to each tract of land held in separate ownership in said district by reason of the expenditures of said sums of money, and the completion of the project, or such unit or units thereof as have been specified for immediate construction, such assessment to be in gold coin of the United States; *provided, however*, that if the project shall include plans for the generation of electric power, then the commissioners shall ascertain the total cost of all the properties which are necessary to be used in connection with the generation of electric power as set forth in said plan, and shall also ascertain what portion of the assessment of benefits to accrue to each tract made as herein provided consists of costs of the properties which are necessary to be so used; and *provided, further*, that where any such tract of land consists of more than one section such apportionment to such tract of land shall be made according to legal subdivisions thereof or to other boundaries sufficient to identify the same in subdivisions not greater than one section in area, but any failure or defect in complying with this requirement shall not invalidate said apportionment or said assessment. One of said commissioners shall be a civil engineer and one shall have a practical knowledge of irrigation, and none of said commissioners shall have any interest in any land in the district either directly or indirectly, and each commissioner before entering upon his duties shall take and subscribe an oath that he is not in any manner interested directly or indirectly in any land in the district and that he will perform the duties of commissioner to the best of his ability, and said commissioners shall be paid as compensation for the services rendered by them such sum, or sums, as the state engineer shall fix and determine, which shall be considered a part of the cost of the project, and said state engineer may issue warrants therefor, which shall be payable out of the funds of said district and may be included in any bond issue authorized for the purposes of said district. The said commissioners shall receive from the board of directors of the district a copy of the detailed plans, specifications, and estimate of the costs of the project, which have been duly filed

Result of election

Commissioners to assess cost.

Qualifications of commissioners.

Preparation of triplicate rolls.

Preparation
of triplicate
rolls
(cont'd).

with the state engineer. The said commissioners shall thereupon prepare and certify to the state engineer in triplicate rolls which shall contain:

(1) A description of each tract held in separate ownership by legal subdivisions, governmental surveys or other boundaries sufficient to identify the same; *provided, however*, that if any area composed of more than one tract held in separate ownership is not assessed because the lands therein will not be benefited by the expenditure of the funds to be raised by the assessment, a description of such area as a whole without a description of each tract thereof shall be sufficient;

(2) The number of acres in each tract;

(3) The name and address of the owner of each tract, if known, and if unknown, that fact, but no mistake or error in the name of the owner or supposed owner of the property assessed, and no mistake in any other particular, shall render the assessment thereof invalid;

(4) The rate per acre of such assessment upon each tract assessed, or if no assessment is made upon any tract, or area composed of more than one tract, a statement of that fact;

(4½) The rate per acre of such assessment upon each tract assessed for the costs of the properties which are necessary to be used in connection with the generating of electric power, or if no assessment of such costs is made upon any tract, or area composed of more than one tract, a statement of that fact;

(5) The total amount of the assessment as computed;

(6) Any other statement which may be required by the state engineer and as to which notice is given in writing to the commissioners at the time of transmitting the plans and specifications and costs of the work for the district before-mentioned.

Report of
commission-
ers.

The roll shall be separately made for lands lying within different counties contained within said district. Said rolls when completed shall be accompanied by the written report of the commissioners wherein is set out with particularity the exact nature and quantum of the benefits so assessed, both in respect of the right in and to stored surplus waters, and the right to store water in the reservoir or reservoirs of the district, apportioned and allocated to each such tract of land in said district and also through any drainage or reclamation work connected therewith and also the portion of the assessment attributable to the cost of the properties which are necessary to be used in connection with the generation of electric power. In such report lands embraced within a comprehensive area or a political subdivision of the state may be referred to generally as lands lying within such area or subdivision without further description.

Certification
and filing
of rolls.

Said rolls when completed shall be duly certified by said commissioners and forthwith by them filed in the office of the state engineer. Said state engineer shall forthwith transmit two copies of said rolls to the board of directors of said district, who shall file one copy in their records and thereupon

transmit to the county treasurer of each county within such district that portion of the roll relating to the lands within such county. Thereafter the executive directors and the president of the board of directors of the water storage district in which the lands described in said rolls are situated shall become and constitute a board, in the nature of a board of equalization, which shall be known and designated as the "adjustment board" and whose functions shall be to consider and act upon objections, if any, presented as herein provided to the assessment made by said commissioners. For that purpose said adjustment board shall at once organize by the election from its members of a president and a secretary and shall thereupon appoint times and places not less than thirty days after said rolls have been filed in the records of said board of directors when and where it will meet within each county wherein lands of said district are situated for the purpose of hearing objections to said assessments, and notice of such hearing shall be published at least once a week for two successive weeks in each county in which any land within said district may be situated. Said objections, if any, must be in writing verified and filed with the state engineer, and shall set forth the grounds of such objections. Such verification shall be made by the affidavit of the objector or some other person who is familiar with the facts. Said adjustment board may postpone such hearings from time to time. At such hearings the adjustment board shall hear such evidence as may be offered touching the correctness of such assessment, and may modify, amend, or approve the said assessment in any particular and may reapportion the whole or any part thereof; *provided, however*, that no assessment shall be increased except after personal notice or notice by registered mail given to the owner, if known, by depositing in the postoffice at the place in which the office of said district is located, in a sealed envelope addressed to each of such owners at his last known, if any, place of residence or business, otherwise at the county seat of the county in which any portion of his lands are situated, with full postage paid, at least two weeks before said hearing, or if unknown by publication at least once a week for two successive weeks in the county in which said land in the district may be located, and upon a hearing of objections thereto if made.

Adjustment
board to
equalize
assessments.

Said adjustment board, after said hearings, must make an order approving such assessment as finally fixed or modified, which order shall be filed with and entered in the records of the state engineer, and the apportionment and determination of said adjustment board shall be final and conclusive, and no action or defense shall ever be maintained attacking the same in any respect. Two copies of said assessment roll as finally fixed and approved by the adjustment board shall be forthwith certified by the secretary of such adjustment board and transmitted to the board of directors of the said district, who shall file one copy in their records and thereupon immediately

Order and
approved
assessment
roll.

transmit to the county treasurer of each county within such district that portion of the roll relating to the lands within such county together with a copy of the order of approval of such assessment roll by said adjustment board. Thereafter said assessment roll shall be conclusive evidence before any court or tribunal that said assessment has been made and levied according to law.

Charges
a lien.

When the board of directors shall file with the county treasurer of a county within such district the said assessment list or roll as finally approved as hereinbefore provided the charges assessed thereby upon the several tracts of land within the county shall constitute a lien thereon which shall be prior to all other liens except state, county and municipal taxes, and assessments or taxes levied or assessed by or under statutory authority and shall impart notice thereof to all persons. Where bonds of such district have been issued upon any such assessment no act or conduct on the part of such board of directors, or any officer herein mentioned, shall invalidate any such assessment after the same shall have become a lien in the manner herein provided.

Construction
of additional
units.

In the event of the division of the project into units of construction, and the specification of one or more units for future construction, the board of directors shall at such time as it shall determine upon the construction of any such unit or units, pass a resolution to that effect and cause a certified copy thereof to be transmitted to the state engineer. At such time the board may amend the plans, specifications and estimates of costs of such unit or units by making such changes therein, modifications thereof, and additions thereto, as it shall deem desirable, and in the event of any such change, modification or addition, the board shall cause to be filed with the state engineer, the plans, specifications and estimates of costs of such unit or units as amended. Upon receipt by the state engineer, of such certified copy of resolution and such amended plans, specifications and estimates of cost, if any, the same proceedings for levying, approving and collecting an assessment to meet the cost of the unit or units to be constructed shall be had as hereinbefore provided for an assessment to meet the cost of the unit or units first constructed.

Effect
of act.

Any proceedings taken under this section prior to the going into effect of this act amending the same, and conforming to said section as it read before such amendment, shall not be invalidated by the passage of this act, but all subsequent proceedings shall be taken into accord with said section as so amended.

Stats 1921,
p. 1739,
amended
Reapportion-
ment of
assessments.

SEC. 12. A new section is hereby added to said act, to be number 19a, and to read as follows:

Sec. 19a. When any tract of land upon which any assessment provided for by this act has been levied shall be subdivided into smaller parcels, the board of directors of the district shall, upon the written request of the owner of such

tract or of any of such smaller parcels and after hearing, reapportion the said assessment in such manner as will in the judgment of the board charge each of said smaller parcels with a just portion of such assessment. Supplementary assessment rolls, showing such reapportionment, shall be made and shall be made separately for lands lying within different counties. Said board of directors shall thereafter file copies of said supplementary assessment rolls with the state engineer and shall also file with the country treasurer of each county in which any portion of said tract so subdivided is situated the supplementary assessment roll relating to the lands in such county, and from and after such filing the said assessment shall be an assessment upon each of said smaller parcels in accordance with such reapportionment and not an assessment upon said tract as a whole; and such supplementary assessment rolls shall be deemed to be a part of and amendatory of the assessment roll or rolls theretofore filed for all purposes. Such reapportionment shall in no wise affect the assessment except as to the lands included in the supplementary assessment rolls.

SEC. 12 $\frac{1}{2}$. A new section is hereby added to said act, to be numbered 19b, and to read as follows:

Sec. 19b. At the expiration of five years after the commissioners have assessed the cost of the project upon the benefited lands within the district, and the costs of the portion of the project used for the generation of electric energy, and thereafter at periods of not less than five years, the state engineer, upon the request of the board of directors, or upon petition of holders of title to ten per cent of the lands within the district, shall appoint three commissioners to reassess the costs of the project upon the benefited lands within the district, whereupon the state engineer shall appoint such commissioners, and thereupon proceedings shall be had for assessing the costs of the project as provided in section 19 of this act.

SEC. 13. Section 21 of said act is hereby amended to read as follows:

Sec. 21. At the end of thirty days the county treasurer must make return to the board of directors of the district of all assessments paid. All unpaid assessments shall bear interest at the rate of seven per cent per annum. Thereafter all unpaid assessment and accrued interest shall be collected when and as called, and paid to the treasurer of the county or counties, who shall collect and hold such moneys to the credit of the district. Unless bonds shall have been authorized as hereinafter provided, all such payments shall be made in such amounts or installments and at such times respectively as the said board, from time to time, in its discretion, by order entered in its minutes, may direct. Upon making any order fixing and calling such installment or amount, the secretary shall also enter in the minutes of the board, and certify to each county treasurer for signature and mailing or publication in the

Stats. 1921,
p. 1738,
amended.
Reassessment
of cost.

Stats. 1923,
p. 950,
amended.
Payment of
unpaid
assessments

counties in which any lands within the district are situated a notice in substantially the following form:

Notice.

(Name) water storage district. (Location of the principal place of business). Notice is hereby given that at a meeting of the board of directors held on ----- an installment of ----- per cent of assessment number ----- was ordered paid within sixty days from the date thereof to the respective county treasurers of the counties wherein lands of such district are situate. Any installment which shall remain unpaid on the (day fixed) will be delinquent, together with the accrued interest thereon, with ten per cent of such installment and interest added as penalty.

(Signed)-----

Treasurer of-----County.

Such notice must be sent through the mail, addressed to each owner of land in the district at his place of residence if known, and if not known, at the place where the principal office of the district is situated, or in lieu thereof such notice shall be published once a week for two consecutive weeks in each such county.

Delinquent Installments

If any such installment shall remain unpaid at the expiration of said sixty days from the date of the order, then the said installment of said assessment shall become delinquent, together with the accrued interest thereon and a penalty of ten per cent of the amount of said installment and interest shall be added thereto and collected for the use of the district.

Delinquent list.

Immediately after the said installment has become delinquent the said county treasurer or county treasurers must prepare and as soon as the same is complete publish once a week for two consecutive weeks in each county wherein lands of the district are situated, in one notice a list of all delinquencies in such county, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed or a statement that it is assessed to unknown owners, if such is the fact, the amount then due on said property, and a notice that the property assessed will be sold on the date therein stated in front of the courthouse of said county to pay the amount then due on said property. The date of said sale shall not be less than ten days after the date of the last publication of said notice. At the time stated in said notice, or such other time to which said sale may have been postponed, the county treasurer must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the county treasurer must deposit the amount due on said property as shown in said notice to the proper fund of the said district. The county treasurer must pay to the owner of said property any surplus remaining after said deposit to the credit of the district, after first deducting any expense of sale. Except where bonds have

Sale for nonpayment.

been issued upon an assessment the board of directors may direct the county treasurer to postpone said sale from time to time, for not less than ten nor more than thirty days at one time, by a written notice posted at the place of sale.

If no bid is made for said property equal to the amount due thereon, it must be struck off to the district for the said amount so due. A certificate of such sale shall be executed by the county treasurer to the purchaser, or to the district if the property shall have been struck off to the district, and this certificate of sale shall be recorded in the office of the county recorder of said county. Any person interested in said property may redeem the same at any time within three years after the date of said sale, by paying to the county treasurer the amount for which the said property was sold, and interest on the said sum at the rate of two per cent per month from the date of said sale, which amount shall be credited to the proper fund of said district.

If no redemption shall be made within said three years, the purchaser or the district, if the property shall have been sold to the district, shall be entitled to a deed executed by the county treasurer or his successor in office, and the effect of such deed shall be to convey said property free and clear of all liens and incumbrances except state, county and municipal taxes, assessments or taxes levied or assessed by or under statutory authority and any water storage district assessment or portion thereof remaining unpaid at the date of said sale, each installment whereof may be called and collected as herein provided. The board of directors may sell such property sold to the district at any time at public auction after notice given for the same period and in the same manner as is herein provided for sale of delinquent assessments, but not for a sum less than the amount for which said property was sold, with interest at seven per cent per annum, and the deed executed in pursuance of such sale shall convey said property free of all incumbrances except as hereinabove provided for said deed by the county treasurer.

SEC. 14. Section 22 of said act is hereby amended to read as follows:

Sec. 22. Whenever after completion of the works of a district in whole or in part, it becomes necessary in the opinion of its board of directors to raise any sum for the maintenance, repairs or operation of its works or for the conduct and management of the district or its works, the board of directors shall first cause to be prepared and when prepared, adopt a report showing the stage to which the said works have been completed and paid for, the sum or sums that will be required for the maintenance or repair or operation of said works, or for the conduct or management of the district or its works, with reasonable particularity, together with any plans and specifications for any work to be done, and an estimate of the aggregate cost thereof, a copy of which said report with the said

Supplemental
assessments
(cont'd)

plans and specifications shall be placed on file with the secretary of said board, and a notice of the filing of said report stating the purpose of the same, and where the same may be inspected by any person interested, and fixing a time within which protests against the adoption of said report and the levying of any assessment thereunder may be filed, and the time and place when a hearing on such protests will be had. Such hearings shall be public, and held at the ordinary place of business of the board of directors of said district within said district, at which said hearing all protestants shall be permitted to appear in person or by attorney and present their objections to such report, if any. At the conclusion of such hearing said board may adopt such report or modify the same or cause a new report to be made and prepared to be again set for hearing as in the first instance, or abandon either in whole or in part the levying of any assessment pursuant to such report. If after such hearing said board shall determine that such assessment be necessary, said board may make an order of supplementary assessment. Such supplementary assessment shall be spread between the respective tracts of land in the proportions which the total amounts assessed against such tracts by the original and all subsequent assessments for construction purposes bear to one another. The order making such supplementary assessment shall be entered in the minutes of the board, shall state the total amount necessary to be raised and shall fix the rate of assessment which shall be the percentage of the total amount assessed by the original and all subsequent assessments for construction purposes which is required to produce the amount necessary to be raised. Upon the making of such order, the board shall cause to be prepared a supplementary assessment roll showing by description each tract assessed, the total of assessments against the same for construction purposes, the rate of assessment and the amount assessed against the same by such supplementary assessment in dollars and cents computed at such rate. Upon the completion of such supplementary assessment roll, the board shall file with the county treasurer of each county wherein are situated lands subject to such assessment, a copy of so much of such assessment roll as pertains to the lands within that county, and thereupon such assessment shall constitute a lien upon each tract shown to be assessed by the copy of the assessment roll so filed for the amount assessed against it, such lien to be of the same character and to have the same incidents as the lien of an original assessment for purposes of construction. At any time within sixty (60) days from the filing of the copy of the assessment roll as aforesaid, the same may be amended by the board of directors to correct errors either on its own initiative or at the instance of any land owner affected, such amendment to be made by endorsement upon the assessment roll by the county treasurer upon the certification of the error to him by the board of directors. Such supplementary assessment shall be

collected in the manner herein provided for the collection of original assessments and the board of directors may call the same as a whole or in installments from time to time, as it may deem best.

The report of the commissioners allocating or spreading the original assessment levied for construction purposes and all assessment rolls for such assessment or for supplementary assessments for such purposes shall continue in force as the basis for allocating and spreading assessments for maintenance repair or operation of the works of the project or for the management and conduct of such works or of the district. All provisions of this act with respect to the levy and collection of assessments shall, so far as appropriate, be applicable to such supplementary assessments.

For the purpose of the care, operation, management, repair or improvement of such portions of the project as are in use, including salaries of officers and employees, and all other operating and maintenance expenses, the board may in lieu (either in part or in whole) of levying assessments as in this section provided for, fix rates of tolls and charges for irrigation or available irrigation and other services rendered by the district, and collect the same from all persons receiving the benefit of such irrigation or other services, such tolls and charges to be proportional as nearly as possible to the service rendered. Tolls and charges.

Whenever any tolls or charges for the use of the water or for other services rendered by the district provided for by this act have been fixed by the board of directors, it shall be lawful to make the same payable in advance, and in case any tolls or charges remain unpaid for a period of thirty days after the same become payable, the same shall become delinquent and a penalty of ten per cent shall be added thereto and such delinquent tolls and charges shall bear interest at the rate of twelve per cent per annum. The board of directors may, after any toll or charge becomes delinquent, file in the office of the county recorder of the county in which are situated the lands as to which such tolls or charges are delinquent, a list showing the names of the owners of such lands, if known, and if not known, a statement of that fact, a description of such lands sufficient for identification and the amounts of tolls and charges which are delinquent, and upon the filing of such list the tolls and charges so listed, together with the penalties and interest thereon, shall become a lien upon the lands as to which such tolls and charges are delinquent in the same manner and of the same character as the lien of a district assessment. The board of directors of any water storage district may at any time after any toll or charge provided for in this act has become delinquent, direct that proceedings be not taken to enforce the lien therefor, and in place of such proceedings bring suit in the name of the district against the delinquent to enforce collection of such delinquent toll or charge. In such suit the district may recover the Collection of tolls and charges

amount of such toll or charge, together with penalties and interest, and costs of suit.

Stats. 1921,
p. 1742,
amended
Assessments
to complete
project or
units

SEC. 15. Section 23 of said act is hereby amended to read as follows:

Sec. 23. In the event that the original assessment for the project or any unit thereof is insufficient to provide for the completion of the project or of such unit, the board of directors shall levy and collect a supplementary assessment or assessments to cover the estimated cost of completion thereof. Each such supplementary assessment shall be spread between the different tracts of land in the proportion which the amounts assessed against such tracts by the original assessment bear to one another. Such supplementary assessment shall be made by order entered in the minutes of the board, which order shall state the total amount necessary to be raised and shall fix the rate of assessment which shall be the percentage of the total amount assessed by the original assessment which is required to produce the amount necessary to be raised. Upon the making of such order, the board shall cause to be prepared a supplementary assessment roll showing by description each tract assessed, the amount assessed against the same by the original assessment, the rate of assessment and the amount assessed against the same by such supplementary assessment in dollars and cents computed at such rate. Upon the completion of such supplementary assessment roll, the board shall file with the county treasurer of each county wherein are situated lands subject to such assessment a copy of so much of such assessment roll as pertains to lands within that county and thereupon such assessment shall constitute a lien upon each tract shown to be assessed by the copy of the assessment roll so filed for the amount assessed against it, such lien to be of the same character and to have the same incidents as the lien of the original assessment. At any time within sixty (60) days from the filing of the copy of the assessment roll as aforesaid, the same may be amended by the board of directors to correct errors either on its own initiative or at the instance of any land owner affected, such amendment to be made by endorsement upon the assessment roll by the county treasurer upon the certification of the error to him by the board of directors. Such supplementary assessment shall be collected in the manner herein provided for the collection of original assessments, and the board of directors may call the same as a whole or in installments from time to time, as it may deem best.

Additional
property
or work.

The board of directors may also determine upon the acquisition of property or for the construction of work not contemplated in the report and recommendation, with accompanying plans and specifications, originally adopted in accordance with the provisions of section 19. In such event, the same proceedings for the preparation and adoption or rejection of the report and recommendation as to the acquisition of such additional property or construction of such additional work,

and in case of the adoption of such report and recommendation, the levying and collection of the assessment or assessments to meet the cost thereof, shall be taken in connection with the property and work to be acquired or constructed as hereby provided shall be taken in connection with the acquisition or construction of the property or work contemplated by the original project.

In the event the cost of any unit is less than the funds collected therefor, the excess shall be held and used for the benefit of such unit only and shall be applied to the bond fund of such unit, if any, and if there be no bond fund then to the maintenance and operation of such unit.

Sec. 23½. Upon the call of any tax or assessment, or portion thereof, hereunder the board of directors shall ascertain the total net revenue which has been derived by the district from the generation of electric power since the call of the last preceding tax or assessment, or portion thereof, and from the tax or assessment then called upon each tract of land which has been assessed for the costs of the properties comprising the portion of the project to be used for the generation of electric energy, there shall be deducted by the county treasurer of each county in which lands of the district are situated, an amount equal to such proportion of the total net revenue so ascertained to have been derived from the generation of electric energy, as the portion of such costs assessed under section 19 hereof against such tract bears to the total of such costs. In making such deduction, fractions of cents upon each such tract shall be disregarded and no error in the computation of such deduction shall invalidate any such call.

SEC. 16. Section 24 of said act is hereby amended to read as follows:

Sec. 24. Whenever in any water storage district any assessment has been levied and assessed upon the lands of said district and remains unpaid in whole or in part, and, in the judgment and opinion of the board of directors of said district, it shall be for the best interest of the district or the landowners therein to issue bonds for the purpose of obtaining money to pay the costs of the proposed project, the indebtedness of the district, or any other lawful charge, or when a petition signed by the owners of more than one-fourth in assessed value of the lands of the district, requesting it is filed with the secretary of said board, the board of directors of such district shall by order entered upon the records of said board order a special election to be held in said district, at which special election shall be submitted to the owners of assessed land in said district the question whether or not bonds of said district shall be issued in an amount equal to the amount of such assessment, or the part of such assessment remaining unpaid, which said amount shall be entered by said board of directors in its records and stated by them in the order for such special election.

Excess funds

Deduction of electric power revenues

Stats 1923, p 952, amended.

Bond election.

Bond
election
(cont'd).

The notice of such special election must state in addition to other statements required to be made therein, the aggregate face value of bonds proposed to be issued. Only owners of lands which have been assessed as provided herein shall be qualified to vote at such election. Such election shall be conducted, save and except as in this section otherwise specifically provided, in accordance with the provisions of this act relating to other elections in the district.

The ballots cast at such election shall contain the words "Bonds—Yes" or the words "Bonds—No." A list of the ballots cast shall be made by the board of election containing the name of each voter who has voted at such election, and if the ballot be cast by proxy also the name of the person casting it, and the number of votes cast by each voter. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall deliver a certificate showing such result and the number of votes cast for and against the issuing of such bonds to the county clerk of the county wherein the office of the district is situated, and shall deliver a duplicate thereof to the board of directors of the district, and shall also deliver to the said county clerk all ballots cast at such election within said county and all documents and papers used at such election, and except as in this section specifically provided the provisions of this act with reference to all matters pertaining to elections shall govern and control. The county clerks of the respective counties shall immediately upon receipt of the ballots, papers, and documents from the board of election certify to the board of directors at its office a statement of the result of said election held in each of said counties with a statement of the number of votes for and in favor of the proposition of "Bonds—Yes" and opposed "Bonds—No." The board of directors shall thereupon in a certificate in writing recorded in their minutes declare that the proposal to issue bonds has carried or has been defeated, and stating therein the vote cast throughout the entire district, and a duplicate of such certificate shall be immediately transmitted to the state engineer.

Bond
issue.

If a majority of the votes cast at such election are in favor of the issuance of bonds, the board of directors of the district shall cause bonds in the amount stated in the order for the election to be executed and delivered, together with the assessment list segregated as to counties within said district, to the treasurer of said district. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the board of directors of the district and attested by the treasurer of said district, and shall be numbered consecutively in order of their maturity, and shall bear interest at a rate not to exceed six and one-half per cent per annum payable semi-annually on the first day of January and the first day of July in each year at the office of said treasurer, and at any other place within the United States which may be

designated by said board, upon the presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds and shall bear the facsimile signature of the treasurer of said district. The principal of said bonds shall be made payable on the first day of July, or the first day of January, and in such years as the directors may prescribe. Said bonds shall be payable serially within forty years from their date in the manner following, to wit:

(1) Not less than ten percentum of the aggregate face value of such bonds issued shall be payable within fifteen years from their date;

(2) Not less than two and one-half percentum of the aggregate face value of such bonds remaining unpaid at the end of fifteen years shall be payable each year beginning with the sixteenth year from their date, until the whole amount of said bonds has been paid.

Said bonds shall be substantially in the following form: Form of bonds.

United States of America

State of California

(Name) water storage district.

No.----- \$-----

(Name) water storage district for value received hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the treasurer of said district, at (place) in the State of California, on the first day of-----

-----the sum of \$-----

in gold coin of the United States of America, with interest thereon in like gold coin from date hereof until paid, at the rate of-----per cent per annum, payable at the office of

said treasurer, or at (other designated places), semiannually on the first day of January and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series of-----

bonds of like tenor and effect (except as to denomination and maturity), numbered from ----- to ----- inclusive amounting in the aggregate to-----

dollars, issued in accordance with the provisions of an act known as "California water storage district act," duly passed and adopted (stating when) and of the laws of the State of California, pursuant to an election held in said water storage district on the ----- day of -----

authorizing its issuance, and based upon and secured by an assessment levied on the lands in said district, and filed in the office of the county treasurer of the county (or counties) of ----- on the -----

day of -----, and the said water storage district does hereby certify and declare that said election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of

Form of
bonds
(cont'd).

and in strict conformity with the laws of the State of California applicable thereto, and that all the acts and conditions and things required by law to be done, precedent to and in the issue of said bonds have been done and have been performed in regular and in due form and in strict accordance with the provisions of the law authorizing the issuance of water storage district bonds.

In testimony whereof, the said district, by its board of directors, has caused this bond to be signed by the president of said board and attested by the treasurer of said district, with the official seal of said district affixed this_____day of_____.

President of said board.

Attest:-----

Treasurer.

And the interest coupons may be substantially in the following form:

No.----- \$-----

The treasurer of (name) water storage district, California, will pay to the holder hereof on the _____ day of_____, at his office at (place in the State of California, or at designated places), the sum of \$_____, in gold coin of the United States, out of the funds of (name) water storage district for interest on bond of said district numbered_____.

Treasurer.

Sale of
bonds.

The treasurer of said district shall place the bonds prepared pursuant to this act to the credit of the district. Thereafter when directed by resolution of the board of directors of the district, the treasurer shall sell the whole or any designated number of said bonds for the best price obtainable, but in no event for less than ninety per cent of the face value of said bonds and the accrued interest thereon. Before making a sale of said bonds, notice shall be given by the said treasurer by publication at least once a week for two successive weeks in the county in which the office of said district is located, that he will sell a specified amount of said bonds, and stating the day, hour, and place of such sale, and asking sealed proposals for the purchase of said bonds, or any part thereof. At the time appointed said treasurer shall open the bids and award the bonds to the highest responsible bidder. The treasurer upon written request of a majority of the directors must reject any or all bids. Any sale by the treasurer and delivery of the bonds thereunder shall be conclusive evidence in favor of the purchaser and all subsequent holders of the

bonds that such sale was made upon due authority and notice. The proceeds of sale of said bonds shall be placed in the treasuries of the respective counties in which land included in the district is situate to the amount of the unpaid assessment in each county and credited to the bond fund of the district, and a proper record of such transaction shall be made upon the books of said treasurer. At any time within thirty days after the issue of any bonds as the result of such election an action may be commenced in the superior court of any said counties by the board of directors of said water storage district in the name of the district as plaintiff, and the defendants shall be described as "all persons claiming any interest in any lands within the said (name) water storage district," to have it determined that said bonds are a legal obligation of such water storage district, and in the event no such action is brought then the same may be commenced by any land owner in the district within sixty days after the expiration of the period within which said action might have been brought by the board of directors. It shall be sufficient to describe said lands as all lands in the district (naming it) without a more specific description. The summons shall be published once a week for two successive weeks in the county where the action is pending. Within thirty days after the first publication of summons any owner of land in such district or any person interested may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions in such court, and judgment rendered declaring such matters so contested either valid or invalid. Any party not in default may have the right to appeal to the supreme court within thirty days after the entry of judgment. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein, and all owners thereof and other interested persons.

Legality
of bonds.

All moneys collected by a county treasurer upon any assessment upon which bonds shall have been issued, including all moneys derived from sale of land for delinquent installments, or from redemption thereof, or from sale of lands brought by such treasurer at any such sale as trustee of the bond fund of the district shall be by such treasurer forthwith paid into the county treasury of the county from which the same arose to the credit of the bond fund of such water storage district, and shall be used exclusively for the payment of principal and interest of said bonds issued on such assessment.

Moneys
credited
to bond
fund.

Whenever the board of directors shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of a water storage district organized under this act, including any bonds of such district authorized but not sold, shall be made available for the purpose provided for in sec-

Certification
of bonds as
legal invest-
ments.

Certification
of bonds as
legal invest-
ments
(cont'd).

tion 7 of an act of the Legislature of the State of California entitled "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies, and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, as amended, the said board of directors shall thereupon file a certified copy of such resolution with the commission created by, and provided for in said act of June 13, 1913, which commission, and the state controller in connection therewith, are hereby given the same power and authority in respect of the investigation and certification of bonds issued under this act as is given to them in respect of the investigation and certification of irrigation district bonds by said act, as amended, except as the same may be limited by, or inconsistent with, any provision of this act, and bonds of water storage districts provided for in this act which have been so investigated and certified and by authority of such investigation and certification are declared to be legal investments for the purposes stated in said act of June 13, 1913, as amended, may be lawfully purchased, or received in pledge for loans by savings banks, trust companies, insurance companies, guardians, executors, administrators, and special administrators, or by any public officer or officers of this state or of any county, city, or city and county, or other municipal or corporate body within this state having or holding funds which they are allowed by law to invest or loan; *provided, however*, that where said irrigation district bond commission has passed upon one issue of bonds of districts formed hereunder, that all subsequent issues of said district shall be submitted to said commission as in said act provided.

Unpaid
principal
and
interest.

The lien of any unpaid assessment upon which bonds shall have been issued shall continue until all said bonds shall have been paid in full, and if for any reason any part of the principal or interest of said bonds shall remain unpaid after enforcement of said assessment as in this act provided, the board of directors shall order an additional or supplemental assessment to be made as provided in this act sufficient to pay such unpaid principal and interest; which additional or supplemental assessment shall be enforced and collected in the same manner as the original assessment.

Maturity of
additional
bonds.

If any district having authorized the issuance of a series of bonds shall issue an additional series of bonds based on another assessment, the dates of maturity of such additional series of bonds shall be such that the latest maturities thereof shall not exceed fifty years and the earliest maturity of bonds of such additional series shall be later than the latest maturity of bonds of any earlier series. All provisions of this section

relative to the original issue of bonds shall apply to such additional series of bonds.

Upon a sale of any of the bonds provided herein the treasurer of the district is hereby authorized to accept in payment for said bonds, either in whole or in part, outstanding warrants of such district at their face value, together with the accrued interest thereon. Accepting warrants.

Where bonds of the district have been authorized to be issued on such assessments all unpaid assessments shall bear interest at the rate of seven per cent per annum from the date of the bonds issued thereon until such bonds shall have been fully paid and discharged, and the interest due at any time on said unpaid assessments may be called without calling any installment of the said assessment. The word installment as used in this section shall be construed as applying to interest as well as to principal as the case may be. Interest on unpaid assessments.

At least ninety days before any interest date of the bonds, the treasurer of the district shall certify to the county treasurer of each county in which lands of the district are situated an estimate of the amount of money and the percentage of the assessment together with the interest thereon, or only of the interest, necessary to pay interest and principal or the interest maturing on such interest date after crediting thereon the funds in the treasury applicable to the payment thereof to be collected by such county treasurer, and shall add thereto fifteen per cent of such aggregate sum to cover possible delinquencies, and each said county treasurer shall thereupon cause to be published, once a week for two successive weeks in the county of which he is county treasurer, a notice substantially in the following form: Levy of installment of assessment.

(Name of water storage district). Notice is hereby given that an installment of assessment (describing it) or (amount or proportion thereof including interest thereon or only for interest) is payable within thirty days from date by all assessed landowners of said district in the county of (name of county) to the treasurer of said county. All or any part of said installment of interest which remains unpaid on the (day fixed) will be delinquent, together with accrued interest thereon, with ten per cent of such installment and interest added as penalty. Notice of levy.

Dated, -----

(Signed)-----

Treasurer of-----County

If no newspaper is published in said county, such publication shall be made in a newspaper published in an adjoining county. If any part of such installment or any interest thereon shall remain unpaid at the expiration of thirty days from the date of said notice, it shall become delinquent and ten per cent Delinquent installments.

of the unpaid amount of said installment and interest shall be added thereto and collected by said county treasurer. When any installment shall have become delinquent, said treasurer shall, within ten days, publish in said county once a week for two successive weeks a notice containing a description of each parcel of land assessed in the district in said county wherein such installment is delinquent, as such description appears on the assessment list, the name of the person to whom it is assessed, to unknown owners, if such is the fact; the amount of the installment delinquent on such parcel, the amount of interest thereon reckoned to the day of sale, the amount of said ten per cent penalty thereon, and a notice that each of said parcels will be sold at public auction by said county treasurer in front of the courthouse of said county, at a specified day and hour, which shall not be less than thirty nor more than sixty days from the date of delinquency, to pay said delinquent installment, with said accrued interest and penalty. At the time stated in said notice, the county treasurer shall sell each parcel of land described in said notice to the highest bidder, unless prior thereto he shall have received payment in full of said delinquent installment, together with interest and penalty. No bid for any parcel shall be accepted less than the aggregate sum then due on said installment thereon with interest and penalty, and such sale shall be made for cash, except the treasurer may receive from any purchaser at their face value in lieu of cash bonds of said district or their interest coupons, issued on said assessment and then matured or to mature within sixty days after such sale. Any bond or coupon so received in payment shall be by the county treasurer forthwith canceled and filed in the office of the treasurer of the district. If the entire amount of such bond or coupon tendered in payment shall not be required to complete payment of the purchase money, the county treasurer shall endorse thereon as paid the amount of such purchase money credited thereon. If no bid is made for any parcel at such sale equal to the amount of the installment delinquent thereon, with interest and penalty, the county treasurer shall bid in and sell said parcel to himself and his successors in office, as trustee of the bond fund of said district, as purchaser, for the amount of said installment, interest, and penalty. The county treasurer shall execute to each purchaser, including himself as trustee, a certificate of sale, and shall record a duplicate in the county recorder's office.

Sale for
nonpayment.

Redemption.

Deed to
purchaser.

Any person interested in the said property may redeem the same at any time within three years after the date of sale by paying to the county treasurer for such purpose a sum equal to the purchase price stated in the certificate, with interest thereon at the rate of twelve per cent per annum from the date of sale to such redemption. If no redemption shall be made within three years, the said county treasurer upon demand and surrender of such certificate of purchase, shall

execute to the purchaser, his heirs or assigns, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all incumbrances, except state, county and municipal taxes, assessments or taxes levied or assessed by or under statutory authority, and any water storage district assessment, or portion thereof, remaining unpaid at the date of said sale each installment whereof may be called and collected as herein provided, except that no parcel sold and conveyed to the district shall thereafter be subject to sale by the county treasurer for delinquent installments. Every deed by a county treasurer purporting to be executed under this section shall be prima facie evidence of the truth of the matters therein recited, and of ownership by the grantee of the lands therein described. The county treasurer of each county shall credit to the bond fund of the district all moneys collected by him by sale or otherwise, upon assessments against which bonds shall have been issued, including interest and penalties, and he shall likewise credit to said fund the amounts of purchase money paid in bonds or coupons on sales made under said assessment. Each county treasurer shall charge to the general fund of the district, or to the bond fund if he has no money to the credit of the general fund, the expense of publication of notices and of recording certificates of sale, and shall notify the treasurer of the district thereof. The county treasurer shall transmit to the treasurer of the district all canceled bonds and coupons received in payment on any delinquent sale, and a memorandum of all sums endorsed as paid upon account of purchase money on any bonds or coupons, specifying the same. All moneys collected by any county treasurer upon account of an assessment on which bonds shall not have been issued shall be similarly accounted for to the treasurer of the district, and shall be credited to the general fund of the district. Any parcel of land bid in and purchased by any county treasurer as aforesaid, as trustee of the bond fund of the district, may be sold and conveyed by him or his successor in office at any time after the expiration of said redemption period of three years, at public or private sale and with or without notice, to any person paying him the amount for which said parcel was bid in by said treasurer at delinquent sale, with interest thereon at the rate of seven per cent per annum, compounded yearly, from the date of said delinquent sale, and also the amount of all subsequent installments then delinquent, with accrued interest and penalties thereon. Such payment may be made either in cash or in matured bonds and coupons issued on said assessment, taken at their face value, and such treasurer shall execute a deed to such purchaser upon such sale, conveying said property free of encumbrances, except as hereinbefore provided for deeds where no redemption is made. If any land so held by a county treasurer as trustee of the bond fund of a district shall remain unsold after the final installment of

Moneys received

Expense

Canceled bonds, etc.

Sale of lands bid in by treasurer

the assessment shall have been collected by payment or sale, then each such treasurer shall sell all said land so held by him at public auction to the highest bidder for cash, notice of which sale shall be given by publication once a week for two successive weeks in some newspaper published in the county in which said land is situated, and shall deposit the proceeds of such sale in the treasury of the county to the credit of the bond fund of the district. Any balance remaining in such bond fund, after payment in full of the principal and interest of all outstanding bonds of the district, shall be by the treasurer transferred to the general fund of the district. The county treasurer of each of the several counties shall report all transactions of delinquencies and sales to the treasurer of the district who shall keep a record thereof in the office of the district.

Balance
in bond
fund.

Sec. 17. Section 25 of said act is hereby amended to read as follows:

States. 1923,
p 960,
amended.
Directors'
powers and
duties.

Sec. 25. The board of directors shall have the power and it shall be its duty to manage and conduct the business and affairs of the district; to adopt a seal; to make and execute all necessary contracts; to employ and appoint such agents, officers, and employees as may be required, and prescribe their duties. The board and its agents shall have the right to enter upon any lands to make surveys, locate works, or for any other necessary and lawful purpose. The board shall have the power to acquire, construct, maintain, improve, and operate the necessary dams, reservoirs, canals, and works for the storage and distribution of water, and any drainage or reclamation works connected therewith, and to provide for the generation and distribution of hydro-electric energy incidental to such storage and distribution and shall have the power to sell, distribute, or otherwise dispose of, such water, water rights, and hydro-electric energy as may not be necessary for the uses and purposes of said district. The board shall also have the right to acquire by purchase, lease, contract, condemnation or other legal means, all lands, waters, water rights, or any use thereof or interest therein, and any other property or rights by it deemed necessary for the construction, maintenance, improvement, or operation of the works or the carrying out of the project of the district, whether the same be in this or another state or foreign nation, including the property and rights of private owners even though already devoted to a public use, and stocks of other corporations domestic or foreign, and may give in payment therefor bonds of such district upon such terms and conditions as the board of directors may deem best, but private property devoted to the use of one water storage district or any irrigation district or other district or to any city or county may not be taken by any water storage district; *provided*, before any purchase of property located in the district at a price exceeding five hundred thousand dollars, the price shall be approved by the state engineer, who shall give his approval if he finds the price not

excessive, and otherwise refuse it; *and provided, further*, that no bonds shall be so used at a valuation less than ninety per cent of the face value of the same and the accrued interest thereon. Said board may also enter into, and do any acts necessary or proper for the performance of, any agreement with the United States or with any state, county, district, public corporation, or municipality of any kind, for a purpose appertaining to or beneficial to the project of the district, and may acquire the right to store water in any reservoir, or to carry water through any canal, ditch, or conduit within or without this state not owned or controlled by the district and may grant to the owner or lessee of a right to the use of any water permission to store such water in any reservoir of the district or to carry such water through any canal, ditch, or conduit of the district. The said board is hereby authorized and empowered to take conveyances, leases, contracts, or other assurances for all property acquired by it under the provisions of this act, in the name of such district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law, or in equity necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges, and immunities created by this act or acquired in pursuance thereof. All contracts and other documents executed by the board shall be signed by the president and by the secretary. And in all actions, suits or proceedings, the said board may sue, appear, and defend in person or by attorneys, and in the name of such district. The board of directors shall have power whenever it deems it necessary for its own guidance or for the best interests of the district to submit any question or proposition relating to the construction, maintenance, improvement, or operation of the works or the carrying out of the project of the district, to the qualified voters of the district at any general election or at a special election called for the purpose, which election shall be in all respects conducted as is provided for other elections in the district. The said board shall have power generally to perform all such acts as may be necessary to fully carry out the purposes of this act.

SEC. 18. Section 27 of said act is hereby amended to read as follows:

Sec. 27. The board of directors shall proceed to carry out the project of the district in accordance with the plans and specifications of the duly approved and adopted report of said board. Before making any contract for the construction of any works in carrying out said project, or for the subsequent improvement thereof, said board shall advertise for bids. When such work is to be done said board shall give notice by publication thereof in the county in which the office of the board is located once a week for four consecutive weeks, calling for bids for the same. If less than the whole work provided for in said plans and specifications is to be done, the

Stats 1921,
p 1753,
amended

Bids for
construction
and for
materials.

portion to be done must be particularly described in such notice. Said notice shall set forth that plans and specifications of the work to be done can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public; and as convenient thereafter the board shall let said work either in portions or as a whole, to the lowest responsible bidder; or it may reject any or all bids and readvertise for proposals or may proceed to construct the work under its own superintendency; *provided*, that in case of emergency or urgent necessity the board of directors, by unanimous vote of those present at any regular or special meeting, may award contracts without advertising for bids, but the amount of any contract so awarded shall not exceed ten thousand dollars. Contracts for the purchase of materials only shall be awarded to the lowest responsible bidder; *provided, however*, that the board may reject any or all bids and thereafter either readvertise for bids, or solicit offers from not less than three responsible persons to furnish materials, and upon receipt of an offer or offers for a less price than that specified in the lowest rejected bid enter into a contract for the furnishing of the materials with the person who so offers to furnish the same at the lowest price. Any person or persons, to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for twenty-five per cent of the amount of the contract price, conditioned for the full and faithful performance of said contract. The work shall be done under the direction and to the satisfaction of, and be approved by the board.

Contractor's
bond

Stats. 1921,
p 1754,
amended.
Progress
reports.

SEC. 19. Section 29 of said act is hereby amended to read as follows:

Sec. 29. During the construction of any works in carrying out the project of any water storage district the board of directors of such district shall, within one week after each regular meeting of said board, forward to the state engineer a report of the progress of such construction together with a statement of the amount, or amounts, paid for the doing of such work. The board of directors at their regular monthly meeting in January of each year shall render and immediately thereafter cause to be published in the county where the office of said board is situated at least once a week for two successive weeks a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Immediately after the publication of said statement the board of directors shall cause a copy thereof accompanied by a report stating the progress of the work under construction and the general condition of the project and whether or not the same

Financial
statements

is being successfully and satisfactorily carried out, and any other matter which the board may deem proper, to be filed with the state engineer, who shall examine said statement and report and make to the board of directors such recommendations and comments as he may deem proper and may publish said recommendations and comments in such manner as may be deemed advisable. Said state engineer may at any time make or cause to be made an examination of the affairs of any water storage district within the state or call upon the board of directors of such district for such information as he may desire, and may make and publish such report thereon as he may deem advisable.

The state engineer may prescribe the form of all reports and accounts in this section provided for and may require such methods of accounting and itemization as shall in his judgment tend to the uniformity of reports and accounting. Such requirements of the state engineer may from time to time be changed by him. The records of the board including copies of the project, copies of assessment rolls and reports to the state engineer shall be deemed to be public records and shall be kept in the office of the board and open to inspection during office hours.

SEC. 19½. Section 32 of said act is hereby amended to read as follows:

Sec. 32. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any construction or supply contract awarded or to be awarded by the board, or in the profits to be derived therefrom, but no other character of contract shall be invalid because of interest on the part of a director or officer, unless such director or officer participate in or influence the making or authorization of such contract on behalf of the district; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SEC. 20. Section 34 of said act is hereby amended to read as follows:

Sec. 34. The board of directors shall have the power and it shall be its duty to establish equitable by-laws, rules and regulations for the distribution and use of water among the owners of lands within the district, which by-laws, rules and regulations shall recognize and shall be subject to such priorities in the right to water between the different consumers of the water as may legally exist. In the event that the volume of water under the control of any water storage district is in any season so diminished below normal, by reason of water shortage or otherwise, as to make it probable that all the lands within such district can not receive the full amount of water which they may need and to which they would otherwise be entitled, such deficiency shall be borne ratably by all the lands

within such district except in so far as priorities in the right to water as between different lands may prevent, and the board of directors shall have the power to make rules and regulations to provide for so distributing the burden of such deficiency and also for the most economical and efficient use of the water which is or probably will be available.

Stats 1921,
p. 1756,
amended.
Notice of
election.

SEC. 21. Section 38 of said act is hereby amended to read as follows:

SEC. 38. Not less than twenty-four days before a general election held under this act, the secretary of the board of directors shall give notice of such election by causing a notice thereof to be published once a week for three successive weeks in each county in which any land in the district is situated and by causing notices thereof to be posted in the office of the board and in three public places in each election precinct, such notices stating the time of holding the election, and the polling place of each precinct. Affidavits of the publication and posting of such notices must be filed with the county clerk of each county in the district, together with a copy of the order calling the election, certified by the president of the board of directors, and duplicates filed with the board of directors. Prior to the election, the board must appoint for each precinct, from the voters thereof, one inspector and two judges, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the voters of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The board of directors must by order made more than twenty-four days before the time for election designate a convenient place within each precinct as the polling places of such precinct.

Election
boards.

Polling
places.

Stats. 1921,
p. 1757,
amended.
Ballots.

SEC. 22. Section 41 of said act is hereby amended to read as follows:

SEC. 41. The ballots used at the election shall be provided by the board of directors, and one of the judges of the election shall deliver to each of the qualified voters the number of ballots to which he is entitled as provided in this act. Each ballot shall have a perforated tab which shall be marked with the initials of a member of the board of election of the precinct immediately before being handed to the voter. The perforated tab shall be torn from the ballot by the inspector immediately before the voted ballot is placed in the ballot box, and shall be preserved by him and sent with the ballots to the secretary of the board of directors.

The ballots shall have printed on them the names of all candidates whose names have been filed as provided in this act, with a voting square behind each name; *provided*, that the ballots in each division of the district shall have on them names of persons to be voted for as director to represent that division only, and no director shall be elected by the district

at large. The names shall be arranged in groups alphabetically, under the designation of the office for which each person named is a candidate. Each voter shall be supplied with one ballot for each one hundred votes or fraction thereof to which he is entitled; and each ballot cast shall contain the number of votes it represents, in accordance with the provisions of this act which number shall be written or stamped upon it by an election officer and initialed by him when handed to the voter. A list shall be kept by the election board, containing the names of each voter (and if the ballot be cast by proxy also the name of the person casting it) who has voted at such election and the number of votes cast by such voter.

SEC. 23. Section 44 of said act is hereby amended to read as follows:

Stats. 1921,
p. 1758,
amended
Statement
of results.

Sec. 44. The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show: (a) the whole number of votes cast in the district, and in each division of the district; (b) the names of the persons voted for; (c) the office to fill which each person was voted for; (d) the number of votes given in each precinct to each of such persons; (e) the number of votes given in each division for the office of director. The board of directors must declare elected as director the person having the highest number of votes for that office in each division. The secretary must immediately make out and deliver to such persons certificates of election, signed by him, and authenticated with the seal of the district.

Certificates
of election.

In case of a vacancy in the office of director, the vacancy shall be filled by appointment by the state engineer for the division in which the vacancy occurred. An officer appointed as above provided shall hold his office for the remainder of the unexpired term to fill which he is appointed, and until his successor is elected and qualified.

Vacancies

SEC. 24. Section 45 of said act is hereby amended to read as follows:

Stats. 1923,
p. 962,
amended

Sec. 45. Within ten days after receiving their certificates of election herein provided for, said officers shall take and subscribe the official oath, and file the same in the office of the board of directors, and execute the bond hereinafter provided for. The treasurer of the district shall execute an official bond in the sum of fifty thousand dollars to be approved by the board of directors; *provided*, that the board may, if it shall be deemed advisable, fix the bond of the treasurer to suit the conditions of the district, the maximum amount thereof not to exceed fifty thousand dollars, and the minimum amount thereof not to be less than ten thousand dollars. Each member of the board of directors shall execute an official bond in the sum of five thousand dollars, which said bonds shall be approved by a judge of the superior court and shall be recorded in the office of the county recorder of the county in which the office of the board is situated, and filed with

Oaths and
bonds of
officers.

Oaths and
bonds of
officers
(cont'd).

the secretary of said board; *provided, however*, that the official bonds of the first directors of any district may be approved by a judge of the superior court of any county in which any of the lands in the district are situated and may be recorded in the office of the county recorder of such county. All official bonds herein provided for shall be made payable to the proper water storage district and shall be in the form prescribed by law for the official bonds of county officers and the premiums thereon may be paid by the district; *provided*, that in case any district organized under this act is appointed fiscal agent of the United States or by the United States in connection with any federal reclamation project, each of said officers shall execute a further and additional official bond in such sum as the secretary of the interior may require, conditioned for the faithful discharge of the duties of his office and the faithful discharge of the district of its duties as fiscal or other agent of the United States under any such appointment or authorization, and any such bond may be sued upon by the United States or any person injured by the failure of such officers of the district to fully, promptly, and completely perform their respective duties.

Stats. 1921,
p. 1760,
amended.

Time of
taking
office.

SEC. 25. Section 47 of said act is hereby amended to read as follows:

Sec. 47. At noon of the first Tuesday in March next following their election, except as provided in section 12 of this act, the officers who shall have been elected at the preceding general district election shall enter upon the duties of their respective offices. On the first Tuesday in March next following each election, the directors shall meet and organize as a board, elect a president and appoint a secretary and a treasurer, who shall each hold office during the pleasure of the board.

Stats. 1921,
p. 1762,
amended.

Notice and
conduct of
special
election.

SEC. 26. Section 49 of said act is hereby amended to read as follows:

Sec. 49. Notice of any special election to be held pursuant to the provisions of this act must be given by posting notices in three public places in each election precinct in the water storage district for at least twenty days, and also by publication of said notice once a week for three successive weeks in each county in which any land in said district is located. Such notice must specify the time and place of holding the election and the purpose thereof. Unless otherwise in this act expressly specified said election shall be held and the result thereof determined and declared as nearly as may be in accordance with the provisions of this act relating to general water storage district elections; *provided*, that no informalities in conducting such election shall invalidate the same if the election shall have been otherwise fairly conducted.

SEC. 27. Section 60 of said act is hereby amended to read as follows:

Sec. 60. Unless some other time therefor is elsewhere in this act expressly provided, no action, proceeding or contest whatsoever shall be brought or maintained before any court, board or other tribunal unless such action, proceeding or contest be brought within the times hereinafter specified.

(1) Attacking the organization of any water storage district, within six months of the date of the organization thereof.

(2) Attacking the inclusion of land within or the exclusion of land from any such district, within six months of the date of such inclusion or exclusion.

(3) Attacking any assessment of any such district, within ninety days of the date upon which the assessment roll is filed with the county treasurer.

(4) Attacking any toll or charge of any such district, within ninety days of the date upon which such toll or charge becomes payable.

(5) Attacking the validity of any bonds issued by the district, within ninety days of the date of issuance of such bonds.

(6) Attacking any other proceeding or action taken or thing done by said district or by the board of directors thereof under the provisions of this act, within six months of the date of such proceeding, action or thing.

The court, board or other tribunal before which any action, proceeding or contest whatsoever is brought in anywise involving the regularity, legality, validity, or correctness of any proceeding taken or thing done pursuant to any of the provisions of this act, shall disregard any error, irregularity or omission which does not affect the substantial rights of the parties concerned. In all actions, proceedings or contests the rules of pleading and practice provided by the Code of Civil Procedure of California, in so far as they are not inconsistent with the provisions of this act, shall apply. The costs of any action, proceeding or contest may be allowed and apportioned between the parties or taxed to the defeated party, in the discretion of the court, board or other tribunal before which the same is heard. No action, proceeding or contest whatsoever shall be commenced other than within the time and manner in this act specified and in the determination thereof all findings of fact or conclusions of the state engineer or the board of directors upon all matters shall be conclusive, unless the action, proceeding or contest is instituted within six months after such findings or conclusions are made.

SEC. 28. Section 64 of said act is hereby amended to read as follows:

Sec. 64. In the event that any land within a water storage district is omitted from any assessment roll, or if appearing in such roll is neither assessed nor stated to be not assessed, it shall be taken that such land was, by oversight, omitted from consideration for assessment purposes, and upon discovery

Stats. 1921,
p. 1767,
amended,
Actions,
proceedings
and con-
tests.

Stats 1921,
p. 1768,
amended.
Amendatory
assessments

Amendatory
assessments
(cont'd).

that any land was so omitted from consideration for assessment purposes, or upon final adjudication by a court of competent jurisdiction that any assessment is invalid as to the part of the lands assessed, it shall be the duty of the board of directors in case the original assessment was one spread in the manner provided by section 19 to certify the fact of such omission or invalidity to the state engineer and thereupon proceedings for the making of an amendatory assessment shall be had in the manner provided in said section 19 for original assessments, such amendatory assessment to be made upon the basis of determining, as nearly as may be, what the original assessment upon such land would have been except for such omission or invalidity. In case the original assessment was not one made under section 19, the board of directors shall cause an amendatory assessment as to such land to be made upon the basis and in the manner in which the original assessment to be amended was made; *provided*, such amendatory assessment be made within two years after the making of the original assessment. The proceedings for making, levying and collecting such amendatory assessment shall be the same as those provided in this act for the making, levying and collecting the assessment of which such assessment is amendatory.

Stats 1921,
p. 1768,
amended.
Change of
boundaries.

SEC. 29. A new section is hereby added to said act, to be numbered 64*a*, and to read as follows:

Sec. 64*a*. The boundaries of any water storage district now or hereafter organized under the provisions of this act may, after organization, be changed in the manner hereinafter provided, by the inclusion of lands therein or the exclusion of lands therefrom; *provided, however*, that no such change of boundaries shall impair or affect the organization of such district or its right in or to property or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which said district was liable or chargeable had such change in its boundaries not been made.

Stats. 1921,
p. 1768,
amended.
Petition for
exclusion
of land.

SEC. 30. A new section is hereby added to said act, to be numbered 64*b*, and to read as follows:

Sec. 64*b*. The holder or holders of title or evidence of title to one or more tracts of land which constitute a portion of a water storage district may jointly or severally file with the board of directors of the district, a petition, praying that such tract or tracts, and any other tracts contiguous thereto, may be excluded and taken from the district. The petition shall state the grounds and reasons upon which it is claimed that such lands should be excluded and shall describe the boundaries thereof, and also the lands of such petitioner or petitioners which are included within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county assessor. Such petition must be acknowledged in the same manner and form as is required in

the case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance.

SEC. 31. A new section is hereby added to said act, to be numbered 64c, and to read as follows:

Stats. 1921,
p. 1768,
amended.

Sec. 64c. The secretary of the board of directors shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district, and in case of the posting of said notices, one of said notices must be so posted on the lands proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or who may be affected by such change of the boundaries of the district, to appear at the office of the said board at a time named in said notice, and show cause, in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

Notice of
filing of
petition and
of hearing.

SEC. 32. A new section is hereby added to said act, to be numbered 64d, and to read as follows:

Stats. 1921,
p. 1768,
amended.

Sec. 64d. The board of directors at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all evidence or proofs that may or shall be introduced by or on behalf of the petitioner or petitioners, and all objections to such petition that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. The failure of any person interested in said district, other than the holders of bonds thereof outstanding at the time of the filing of said petition with said board, to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from said district; and the filing of such petition with said board as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof. The expenses of giving said notice and of the aforesaid proceeding shall be paid by the person or persons filing such petition.

Hearing on
petition.

Stats. 1921,
p. 1768,
amended
Action on
petition.

SEC. 33. A new section is hereby added to said act, to be numbered 64e, and to read as follows:

Sec. 64e. If upon the hearing of any such petition it appears that the lands sought to be excluded will not be benefited by irrigation from water supplied from said district or by reclamation or drainage of the land not made necessary by the irrigation of other lands the land shall be excluded from the district, but if no evidence or proofs in support thereof be introduced, or if the evidence fail to sustain said petition, or if the board deem it not for the best interest of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that said petition be denied as to such lands; but if the said board deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if no person interested in the district show cause in writing why the said petition should be denied in whole or in part, or if, having shown cause, withdraws his objections, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of said board to, and it shall forthwith, make an order that the lands mentioned, and described in the petition, or some defined portion thereof, be excluded from said district.

Stats. 1921,
p. 1768,
amended.
Waiver of
bondholders'
liens.

SEC. 34. A new section is hereby added to said act, to be numbered 64f, and to read as follows:

Sec. 64f. If there be outstanding bonds of the district at the time of the filing of said petition, the holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the lands mentioned in the petition, or such portion thereof as may be excluded from said district by order of said board, may be excluded from the district, and if said lands or any portion thereof be thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstanding bonds. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance. The assent shall be filed with the board, and must be recorded in the minutes of the board; and said minutes, or a copy thereof, certified by the secretary of said board, shall be admissible in evidence, with the same effect as the said assent, and such certified copy thereof may be recorded in the office of the county recorder of the county wherein said lands are situated.

Stats. 1921,
p. 1768,
amended
Record of
order ex-
cluding
lands.

SEC. 35. A new section is hereby added to said act, to be numbered 64g, and to read as follows:

Sec. 64g. In the event the said board of directors shall exclude any lands from said district upon petition therefor, it shall be the duty of the board of directors to make an entry in the minutes of the board, describing the boundaries of the district, should the exclusion of said lands from said district

change the boundaries of said district, and for that purpose the board may cause a survey to be made of such portions of the district as the board may deem necessary; and a certified copy of the entry in the minutes of the board excluding any land, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district; but said district, notwithstanding such exclusion, shall be and remain a water storage district as fully, to every intent and purpose as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

SEC. 36. A new section is hereby added to said act, to be numbered 64*h*, and to read as follows:

Stats. 1921,
p. 1768,
amended.

Sec. 64*h*. In case land is excluded from any district, the board of directors thereof, if they deem it desirable, but not less than thirty days before any election in such district, may reestablish the boundaries of the divisions and election precincts within such district.

New division
and precinct
boundaries.

SEC. 37. A new section is hereby added to said act, to be numbered 64*i*, and to read as follows:

Stats. 1921,
p. 1768,
amended.

Sec. 64*i*. Nothing in this act provided shall, in any manner, operate to release any of the lands so excluded from the district from any obligation to pay, or any lien thereon, of any valid outstanding bonds or other indebtedness of said district at the time of the filing of said petition for the exclusion of said lands, but upon the contrary, said lands shall be held subject to said lien, and answerable and chargeable for and with the payment and discharge of all of said outstanding obligations at the time of the filing of the petition for the exclusion of said lands, as fully as though said petition for such exclusion were never filed and said order of exclusion never made; and for the purpose of discharging such outstanding indebtedness, said lands so excluded shall be deemed and considered as a part of said water storage district the same as though said petition for their exclusion had never been filed or said order of exclusion never made; and all provisions which might be resorted to to compel the payment by said lands of their quota or portion of said outstanding obligations, had said exclusion never been accomplished, may, notwithstanding said exclusion, be resorted to to compel and enforce the payment on the part of said lands of their quota and portion of said outstanding obligations of said district for which they are liable as herein provided. But said lands so excluded shall not be held answerable or chargeable for any obligation of any nature or kind whatever, incurred after the exclusion of said lands from the said district; *provided*, that the provisions of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from said district, as hereinbefore provided.

Liability
for out-
standing in-
debtedness.

Stats. 1921,
p. 1768,
amended
Petition for
inclusion
of land.

SEC. 38. A new section is hereby added to said act, to be numbered 64j, and to read as follows:

Sec. 64j. The holder or holders of title, or evidence of title, representing one-half or more of any body of lands adjacent to the boundary of a water storage district may file with the state engineer a petition, in writing, praying that the boundaries of said district may be so changed as to include therein said lands. A copy of said petition shall forthwith be filed with the board of directors of said district. The petition shall describe the boundaries of said parcel or tract of land, and shall also describe the boundaries of the several parcels owned by the petitioners, if the petitioners be the owners, respectively, of distinct parcels, but such descriptions need not be more particular than they are required to be when such lands are entered by the county assessor in the assessment book. Such petition must contain the assent of the petitioners to the inclusion within said district of the parcels or tracts of land described in the petition and of which said petition alleges they are, respectively, the owners; and it must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

Stats. 1921,
p. 1768,
amended
Notice of
filing of
petition
and of
hearing.

SEC. 39. A new section is hereby added to said act, to be numbered 64k, and to read as follows:

Sec. 64k. The state engineer shall cause a notice of the filing of such petition to be given and published in the same manner and for the same time that notices of special elections for the issue of bonds, are required by this act to be published. Such notices shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or that may be affected by such change of the boundaries of the district, to appear at a time and place fixed by the state engineer and stated in said notices, which place shall be the office of the board of directors of the said district, and show cause in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The petitioners shall advance to the state engineer sufficient money to pay the estimated costs of all proceedings upon said petition.

Stats. 1921,
p. 1768,
amended.
Hearing on
petition.

SEC. 40. A new section is hereby added to said act, to be numbered 64l, and to read as follows:

Sec. 64l. The state engineer, at the time and place mentioned in the said notices, or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all the objections thereto presented in writing by any person showing cause, as aforesaid, why said proposed change of the boundaries of the district should not be made. The failure of any person interested in said district, or in the matter of the proposed

change of its boundaries, to show cause in writing, as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to any such change thereof as will include a part of said lands.

SEC. 41. A new section is hereby added to said act, to be numbered 64*m*, and to read as follows:

Stats. 1921,
p. 1768,
amended.
Assessments
upon in-
cluded lands.

Sec. 64*m*. Upon the inclusion of any lands within a district an assessment shall be levied upon such lands, the amount of the assessment against each tract or parcel to be the amount, as nearly as can be determined, of all assessments, other than those for the maintenance, repair or operation of the works of the district or the management and conduct thereof, levied under the authority of section 22 of this act, which would have been levied against such tract or parcel if the same had been included in the district from its organization. The state engineer shall appoint commissioners to make such assessment in the number and manner provided by section 19 of this act and the same shall be made in the same manner and with the same incidents as an original assessment under said section, and all of the provisions of said section and all general provisions of this act as to assessments shall, so far as they are applicable, apply to such assessment.

SEC. 42. A new section is hereby added to said act, to be numbered 64*n*, and to read as follows:

Stats. 1921,
p. 1768,
amended.
Action on
petition.

Sec. 64*n*. If the state engineer shall determine that it is feasible and practicable to irrigate the lands described in said petition, or any portion of them, by the system of storage and irrigation works of the district, and if he shall deem it for the best interest of the district that the boundaries thereof be changed by including said lands, or any thereof, within said district, and if no protest against such change is made to him in writing by the board of directors of such district, or if such protest be made if the same be withdrawn, and if no protest against such change is made as provided in section 64*o* of this act, or if such protest be made and enough signatures be withdrawn therefrom so that said protest is no longer sufficient, the said state engineer shall order that the boundaries of the district be changed so as to include therein the lands described in said petition, or such portion thereof as he shall have found it to be feasible and practicable to irrigate by the system of storage and irrigation works of the district and which he shall deem it for the best interests of the district to include therein. The order shall describe the boundaries as changed, and shall also describe the entire boundaries of the district as they will be after the change thereof as aforesaid is made, and for that purpose the state engineer may cause a survey to be made of such portions of such boundaries as he deems necessary. A certified copy of the order including such lands shall be recorded in the office of the county recorder of each county wherein the lands are situated, and thereupon said lands shall become a part of the district.

If the state engineer determines that it is not feasible and practicable to irrigate any of the lands described in the petition or that it is not for the best interest of the district that any of such land be included in it, he shall make an order denying the petition.

Stats. 1921,
p. 1763,
amended.

Protests
against
inclusion of
land.

SEC. 43. A new section is hereby added to said act, to be numbered, 64o, and to read as follows:

Sec. 64o. If the board of directors of the district shall protest in writing against the inclusion of such lands, or if a protest against the inclusion of such lands signed by not less than three per cent of the holders of title or evidence of title to lands within the district and holding the title or evidence of title to not less than three per cent in value of the lands within the district according to the last equalized county tax assessment roll shall have been presented to the state engineer, and upon the hearing of said matter all of said protests shall not be withdrawn, or in the case of a protest by landowners such protest after deducting all withdrawals is still signed by not less than three per cent of the holders of title or evidence of title to land within the district, but the state engineer shall nevertheless conclude that it is feasible and practicable to irrigate the said land described in said petition or some of them by the system of storage and irrigation works of the district and that it is for the best interest of the district to include therein such lands or some of them, the state engineer shall make a finding in writing in accordance with such conclusion describing the boundary or boundaries of the lands which he finds it is feasible and practicable so to irrigate and should be included in the district for its best interest. A copy of such finding shall be transmitted to the board of directors.

Stats. 1921,
p. 1768,
amended.

Election on
inclusion of
land.

SEC. 44. A new section is hereby added to said act, to be numbered 64p, and to read as follows:

Sec. 64p. Upon the making of a finding by the state engineer as provided in section 64o, he shall order that an election be held within said district to determine whether the boundaries of the district shall be changed to include the lands specified in such finding, and shall fix the time at which such election shall be held and cause notice thereof to be given and published. Such notice shall be given and published and such election shall be held and conducted, returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manner prescribed by this act in the case of a special election to determine whether bonds of a water storage district shall be issued. The ballots cast at such election shall contain the words "For change of boundary—Yes" or "For change of boundary—No." The notice of election shall state that the election is for the purpose of determining whether certain lands, describing their boundary or boundaries, shall or shall not be included in the district.

SEC. 45. A new section is hereby added to said act, to be numbered 64*g*, and to read as follows:

Sec. 64*g*. If at such election a majority of all the votes cast thereat shall be against such change of the boundaries of the district said petition shall be deemed denied, but if a majority of such votes be in favor of such change of boundaries, the state engineer shall make his order, as provided in section 64*n* hereof, that the boundaries of the district be changed so as to include such lands therein. A certified copy of such order shall be recorded in the office of the county recorder of each county wherein the lands are situated and thereupon such lands shall become a part of the district.

Stats 1921,
p. 1768,
amended
Result of
election

SEC. 46. A new section is hereby added to said act, to be numbered 64*r*, and to read as follows:

Sec. 64*r*. In case land is included within any district as aforesaid, the board of directors thereof shall reestablish the boundaries of the divisions within such district so as to include such land therein, and so as to segregate into separate divisions lands possessing the same general character of water rights or interests in and to the waters of the common source of supply of such district. Said board shall also reestablish the boundaries of the election precincts within said district; *provided*, *however*, that in the case of the inclusion of any land within less than thirty days before an election within the district, the election precincts shall not be reestablished until after such election, and the owners of such newly included land shall not be entitled to vote at such election.

Stats. 1921.
p. 1768,
amended.
New divi-
sion and
precinct
boundaries.

SEC. 47. A new section is hereby added to said act, to be numbered 64*s*, and to read as follows:

Sec. 64*s*. As to any lands belonging to a person under guardianship or comprised in the undistributed estate of a decedent, the guardian of such person or the executor or administrator of such estate shall be deemed the holder of title or of evidence of title to such lands for the purpose of representing the same in all proceedings under this act, and in particular shall, as such, have the right to sign all petitions or protests herein provided for, and to vote at all district elections, all without any order of court authorizing him so to do.

Stats 1921.
p. 1768,
amended
Guardians,
executors
and admin-
istrators.

SEC. 48. A new section to be numbered 20*a* is hereby added to said act to read as follows:

Sec. 20*a*. The county treasurer of any county in which any of the lands contained in the district are located during the time for the collection of the taxes or assessments of the district may require the board of directors of such district to provide and pay for such additional help as may be required to care for the matters relating to the collection of the said taxes of the district.

Stats. 1921,
p. 1740,
amended.
Additional
help for
county
treasurer.

CHAPTER 708.

An act to amend an act entitled "An act to provide for the organization of junior college districts and for the maintenance of junior colleges therein."

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1921,
p. 756,
amended.

SECTION 1. An act to provide for the organization of junior college districts and for the maintenance of junior colleges therein is hereby amended to read as follows:

Establish-
ment of
junior
colleges

Section 1. Junior colleges may be established as a part of the secondary school system of this state and junior college districts formed and organized in accordance with the provisions of this act. Whenever any junior college district is so formed and organized, the governing body thereof shall establish and maintain one or more junior colleges therein.

Types of
colleges.

Sec. 2. The types of junior colleges authorized under this act shall be as follows:

District

(1) The district junior college organized in any high school district having a total average daily attendance of four hundred pupils or more in the high schools of such district as shown by the principals' reports of the preceding school year, and an assessed valuation of at least ten million dollars as shown by the last equalized assessment roll. A district maintaining a junior college of this type shall be known as a junior college district. Such district shall bear the name of the high school district in which it is organized.

Union.

(2) The union junior college maintained in a junior college district organized so as to include two or more contiguous high school districts in the same county having a total average daily attendance of four hundred pupils or more in the high schools of such districts as shown by the principals' reports of the preceding school year, and an assessed valuation of at least ten million dollars as shown by the last equalized assessment roll. A district maintaining a junior college of this type shall be known as a union junior college district. The name of such union junior college district shall be specified in the petition for its organization.

Joint
union

(3) The joint union junior college maintained in a junior college district organized so as to include two or more contiguous high school districts in two or more contiguous counties having a total average daily attendance of four hundred pupils or more in the high schools of such district as shown by the principals' reports of the preceding school year, and an assessed valuation of at least ten million dollars as shown by the last equalized assessment roll. A district maintaining a junior college of this type shall be known as a joint union junior college district. The name of such joint union junior

college district shall be specified in the petition for its organization.

(4) The county junior college maintained in a junior college district embracing all territory of the county not included in any other type of junior college district and having a total average daily attendance of four hundred pupils or more in the high schools of such district as shown by the principals' reports of the preceding school year and an assessed valuation of at least ten million dollars as shown by the last equalized assessment roll. A district maintaining a junior college of this type shall be known as a county junior college district and shall bear the name of the county in which it is organized. County

(5) The joint county junior college maintained in a junior college district comprising contiguous territory in all of two or more counties, and having a total average daily attendance of four hundred pupils or more in the high schools of such district as shown by the principals' reports of the preceding school year, and an assessed valuation of at least ten million dollars as shown by the last equalized assessment roll. A district maintaining a junior college of this type shall be known as a joint county junior college district and shall bear the name specified in the petition for its organization. Joint
county.

Sec. 3. A petition for the formation of a junior college district shall be as follows: Petition for
formation
and action
thereon.

(1) Whenever five hundred or more qualified electors residing in any proposed district, union, or county junior college district shall unite in a petition to the superintendent of schools of the county asking for the formation of a junior college district of the type and name specified in the petition, and whenever such petition shall be accompanied by a separate petition signed by a majority of the high school board of each high school district proposed to be included in such junior college district, such superintendent of schools, after verifying the signatures to said petitions and satisfying himself that the signatures are sufficient shall transmit the same to the state board of education for approval. If the state board of education shall approve the petition, he shall submit the question for determination at an election as hereinafter provided.

(2) Whenever five hundred or more qualified electors residing in any proposed joint union or joint county junior college district shall unite in a petition to the superintendents of the counties in which such proposed joint college district is to be located asking for the formation of a joint junior college district of the type and name specified in the petition, and whenever such petition shall be accompanied by a separate petition signed by a majority of the high school board in each high school district proposed to be included in such junior college district, such superintendents of schools, after verifying the signatures to said petitions, each for his county, and satisfying himself that the signatures are sufficient shall transmit the same to the state board of education for approval. If the state board of education shall approve the petition, the

Petition for
formation
and action
thereon
(cont'd).

superintendents of schools shall submit the question for determination at an election as hereinafter provided.

In case the proposed district is a county junior college district or a joint county junior college district the petition shall be transmitted by the superintendent of schools in each county in which such proposed district lies to the board of supervisors of said county. Upon receipt of such petition, the board of supervisors of each county in which such proposed district is to be located in whole or in part must submit the question of establishing such junior college district to the qualified electors of the county at the next general election held therein or at a special election to be called for that purpose by the board of supervisors; *provided*, that where an election for the formation of a joint county junior college is called, said election shall be held simultaneously in each of the counties. If a special election is called, notice thereof must be given in each county in which such proposed district lies by publication in some newspaper of general circulation published in the county, for at least two weeks before the election. The ballots used at such election shall contain the words "County junior college district—Yes," and "County junior college district—No," or "Joint county junior college district—Yes" and "Joint county junior college district—No," as the case may be, and voters shall express their choice by marking a cross with pencil, ink or rubber stamp after the answer they desire to give. Said special election shall be conducted in the manner prescribed by this code for conducting special elections. The electors of any junior college district of whatsoever type existing in such county at the time of the submission of said proposition, shall be excluded from voting upon said proposition, unless, in addition to the petition above mentioned, there was also presented to said board or boards of supervisors the petition of two-thirds of the qualified electors residing in such junior college, union junior college or joint union junior college district; in which case the electors of the junior college, union junior college or joint union college district or districts from which such petitions are presented, shall also be entitled to vote upon said proposition. If a majority of all votes cast upon the question of establishing a county junior college district or a joint county junior college district are in the affirmative, the board or boards of supervisors shall make an order declaring the county junior college district or the joint county junior college district established and shall also declare the junior college, union junior college or joint union junior college district or districts which participated in such election, upon the petitions hereinbefore required, to be lapsed, and the property of such lapsed junior college, union junior college or joint union college district or districts shall be held or sold by the board or boards of supervisors for the benefit of the county or joint county junior college district. The order of the board or boards of supervisors in regard to such lapsed districts shall be entered by

the county clerk of each county concerned in his record of school districts.

In case the proposed district is a union junior college district, a joint union junior college district, or a junior college district coterminous with a high school district, the superintendent of schools having authority over the territory to be included in such proposed junior college district shall call an election to be held in every elementary district in the proposed junior college district at the same time that the next annual election for school trustee is held, and the officers of the election for school trustee shall conduct the election herein provided for. In city school districts where school trustees are not elected on the last Friday in March, the county superintendent of schools shall divide such city school district into precincts and appoint three qualified electors in each precinct to conduct the election therein. Said election shall be held separately and simultaneously at a public schoolhouse in each elementary school district or in each precinct and shall be called by posting notices thereof in three public places in each district, one of which places shall be a public schoolhouse thereof, at least two weeks before the election, and by publishing such notice at least once a week for two successive weeks in a newspaper of general circulation published at least as often as once a week in said proposed junior college, union junior college, or joint union junior college district, the first publication to be not less than two weeks before the election. Said notice shall specify the polling places, and in cities, the precinct lines. The expenses of printing notices and ballots shall be paid by the board of supervisors out of the county general fund. Said election shall be conducted in the manner provided by law for conducting elections of school trustees. The ballots used at such election in each district shall contain the words "Junior college district—Yes," and "Junior college district—No," or in case of a union junior college district, "Union junior college district—Yes," and "Union junior college district—No," or in case of a joint union junior college district, "Joint union junior college district—Yes," and "Joint union junior college district—No," and electors voting at such election shall make a cross with pencil, ink or rubber stamp, after the answer they desire to give. It shall be the duty of the said election officers in each district or precinct to canvass the vote of said election as soon as the polls are closed, and report the result to the superintendent of schools within five days subsequent to the holding of said election. Within ten days after receiving the returns of said election, the superintendent of schools shall combine the votes "for" and "against" the formation of the junior college, union junior college, or joint union junior college district and declare and record the result, with the details of the vote in each district, in a book kept by him for that purpose. If a majority of the votes cast at the election are in favor of the formation of the junior college, union junior

Petition for
formation
and action
thereon
(cont'd).

college or joint union junior college district, he shall also file, with the county clerk of the county, a certificate showing the total number of votes cast in each district in favor of the junior college, union junior college, or joint union junior college district, the total number of votes in each district against the junior college, union junior college, or joint union junior college district, the aggregate result of said election and the boundaries of said proposed district. If it shall appear from such certificate that a majority of the votes cast at such election were in favor of the formation of such district, such junior college, union junior college, or joint union junior college district shall be deemed to be formed from the time of the filing thereof, and the county clerk shall record said certificate in full in his record of school districts.

Junior
college
board.

Sec. 4. In every junior college district coterminous with a single high school district, of any type, the high school board of such high school district shall constitute the junior college board and after organizing as a junior college board shall have the management and control of the junior college in said district. In every union, joint union, county or joint county junior college district, the junior college board shall be composed of five members elected at large from the district for a term of three years except as hereinafter provided.

Election.

When any union, joint union, county or joint county junior college district is formed, the county superintendent of schools having jurisdiction as hereinafter set forth shall, on the first Friday in May, call an election in said union, joint union, county or joint county junior college district for the purpose of electing a junior college board. Such election shall be held at the schoolhouse of each school district in the junior college district, and such superintendent of schools shall appoint the same number of officers of election for each school district, and give the same notices of election as are required for the election of school trustees, and the election shall be held in the same manner as are elections of school trustees, except that the returns shall be at once sent to such superintendent of schools, and he shall canvass the same and issue certificates of election to the persons elected. One member shall be elected to hold office from the day of receiving his certificate of election until the first day of May, next succeeding; two members shall be elected to hold office from the day of receiving their certificates of election until the first day of the second succeeding May; and two members shall be elected to hold office from the day of receiving their certificates of election until the first day of the third succeeding May. Thereafter their successors shall be elected as provided for in section 5 of this act. Within twenty days after said election the superintendent of schools shall call a meeting of the junior college board, by giving at least ten days' notice by registered mail to each member thereof, for the purpose of organizing the junior college board. At such meeting the

Terms.

Organization
of board.

junior college board shall organize by electing a president from their own number and a secretary, and may transact any other business relating to the affairs of the junior college district.

Sec. 5. The regular annual election of members of the junior college board in union, joint union, county and joint county junior college districts shall be held at the same time as the regular annual election of school trustees. Said election shall be called by the junior college board, who shall for that purpose designate a polling place in each of the school districts composing the junior college district, at one of the schoolhouses thereof, at which the electors of such school district shall vote. The junior college board shall give the same notice of said election and appoint the same number of election officers in each school district, as are required for the election of school trustees, and said election shall be held in the same manner as are elections of school trustees, except that the returns thereof shall be at once sent to the junior college board, who shall meet at the junior college building on the seventh day thereafter at two o'clock p.m., and canvass said returns and issue certificates of election to the persons elected and file duplicates thereof with the superintendent of schools having jurisdiction over such junior college district. As each member's term expires his successor shall be elected in like manner for the term of three years and until his successor shall be elected or appointed and qualified. Vacancies on the board shall be filled by appointment by the superintendent of schools having jurisdiction over the junior college district, the appointee to hold office for the remainder of the unexpired term.

Annual
election of
members.

Sec. 6. When the average daily attendance of students in any junior college district during the whole of any school year after the second school year shall be seventy-five, or less than seventy-five, the superintendent of schools having jurisdiction over such junior college district shall suspend the junior college in said junior college district, and shall report the fact to the board of supervisors of his county. Upon receiving such report from the superintendent of schools, the board of supervisors shall declare the junior college district lapsed, and shall cause the property thereof to be sold. All moneys received from the sale of the property of the junior college district, and all moneys in the treasury to the credit of said junior college district, shall be distributed by the superintendent of schools to the high school districts composing the junior college districts in proportion to the assessed valuation of property in said districts, according to the last completed county assessment rolls.

Suspension
of junior
college.

Sec. 7. Junior college boards shall meet on the first Saturday in May of each year at eleven o'clock, a.m., and organize by electing a president from their own number, and a secretary. Every junior college board shall hold regular monthly

Meetings
of board.

meetings at such times as may be provided in the rules and regulations adopted by them for their own government; *provided*, that in union, joint union, county or joint county college districts the regular meetings as above provided may be quarterly. Special meetings may be held at the call of the president of the board or upon a call issued in writing and signed by a majority of the members of the board. The date set for special meetings shall be at least two full days subsequent to the completion of the call; and no business shall be transacted other than that specified in said call; *provided*, that by unanimous consent a special meeting may be convened at any time and by unanimous consent, any business matter may be transacted at any special meeting. All meetings of the junior college board shall be held at the junior college building; *provided*, that if no junior college building exists in the junior college district, or if the junior college consists of a single high school district, the junior college board may meet at such place in the junior college district as it may by resolution determine.

Powers of board.

Sec. 8. Except as otherwise provided in this act, the powers and duties of the junior college board shall be such as are now or may hereafter be assigned by law to high school boards.

Courses of study and students.

Sec. 9. The junior college board may prescribe junior college courses of study, including not more than two years of work, and admit thereto the graduates of any high school of California, the graduates of other high schools and such other candidates over eighteen years of age as may be recommended for admission by the principal of the junior college. Junior colleges may provide courses of instruction designed to prepare for higher institutions of learning; courses of instruction designed to prepare persons for agricultural, industrial, commercial, homemaking, and other vocations; and such courses of instruction as may be deemed necessary to provide for the civic and liberal education of the citizens of the community.

The junior college board shall adopt regulations governing the organization of such courses of study and shall prescribe requirements for graduation from such courses; *provided*, that the minimum requirement for graduation from junior college courses of study shall be at least sixty credit-hours of work. A credit-hour is hereby defined as approximately three hours of recitation, study and laboratory work per week carried through one half-year.

Approval by state board.

All courses of study prescribed in accordance with this section shall be subject to approval by the state board of education, and no state funds shall be apportioned to any junior college district on account of the attendance of students enrolled in junior college courses, unless such courses have been approved by the state board of education.

Attendance record

Sec. 10. The attendance of students enrolled in the junior college shall be kept according to regulations prescribed by the state board of education.

The principal of every junior college shall annually, at the close of the term and prior to receiving his last month's salary and as a prerequisite for such salary, make out under oath and deliver to the superintendent of schools of the county a full and complete report of said junior college for the entire term or school year. Such report shall show the total number of students enrolled during the year, the average daily attendance, the number of teachers regularly employed, the total number of new pupils enrolled during the year, the names of all pupils residing in school districts not embraced in any junior college district and attending such junior college, such names being segregated according to the districts in which such pupils reside, and such other information as may be required by the superintendent of public instruction or the county superintendent of schools.

Principal's
annual
report.

The said report shall be made upon blanks furnished by said superintendent of public instruction, as other school report blanks are furnished.

Every superintendent of schools, who has jurisdiction over a junior college district shall annually, at the time required for making reports of high schools, make report under oath to the superintendent of public instruction, showing the number of students enrolled, average daily attendance, number of teachers regularly employed, and such other information regarding the junior colleges of his county as he may deem proper, or as may be required by the superintendent of public instruction; said report to be made upon blanks furnished by the superintendent of public instruction.

Annual
report of
supt of
schools.

Sec. 11. It shall be the duty of every junior college board to make and file with each board of supervisors having complete or partial jurisdiction over the same, on or before the twentieth day of July next succeeding the formation of said district, an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications and erecting a suitable building, of supplying the same with furniture and necessary apparatus, and of fencing and ornamenting the grounds, for the accommodation of the junior college, unless such junior college board shall have secured or leased temporary quarters or made other satisfactory arrangements for quarters for the use of such junior college, or unless bonds shall have been voted for said purposes. If such junior college board shall have secured or leased such temporary quarters or made other satisfactory arrangements for quarters, they shall, on or before the fifteenth day of July next before the termination of such lease or arrangement, either make another arrangement for temporary quarters, or make and file with the board, or boards of supervisors and the county auditor as aforesaid, an estimate of the cost of purchasing a suitable lot, of procuring plans and specifications, and of erecting a suitable building, of supplying the same with furniture and necessary apparatus, and of fencing and ornamenting the grounds for the accommodation of the junior college, or for making additions or improvements to such

Estimate
of cost of
buildings
and
grounds

buildings when once erected, or for buying new or additional furniture, or for the purchase of additional school grounds, or for providing any other school facilities, unless bonds shall have been voted for said purposes. Should the junior college board, of any junior college district, fail to make the estimate provided for in this section, it shall be the duty of the superintendent of schools having jurisdiction over such junior college district to make and file such estimate on or before the fifteenth day of July.

Maintenance
and improve-
ment
estimate.

Sec. 12. It shall be the duty of every junior college board to make and file with the county superintendent of schools having jurisdiction over such junior college district at least fifteen days before the twentieth day of July of each year, an estimate of the amount of money required for maintaining the junior college in said district for the current school year, including rent or construction of temporary quarters, if any, or additions to the plant already constructed. Such estimate shall be itemized according to items required in the annual report to the superintendent of public instruction. Whenever the amount estimated for any item exceeds by ten per cent or more the amount expended for said item during the preceding school year, a written statement showing the reason for such increase must be submitted with said estimate. The first such estimate after the formation of any junior college district shall also include, if temporary quarters have been secured for the junior college, the amount of money required to provide the necessary furniture and apparatus for such temporary quarters. Should any junior college board fail to make the estimate provided for in this section, it shall be the duty of the superintendent of schools having jurisdiction over such junior college district to make such estimate.

Approval
by county
supt. of
schools.

Whenever such estimate has been submitted to the county superintendent of schools, he shall have power to revise said estimate or any item thereof. Said estimate as revised and approved by the county superintendent of schools, shall thereupon become the estimate of said junior college district and shall be submitted to the board of supervisors as a basis for levying the special tax for maintenance of said junior college, as provided in section 13 of this act. It is hereby made the duty of the county superintendent of schools to submit said estimate to the board of supervisors and to the county auditor at the time he submits to them his estimate for the county school tax for the ensuing school year and he shall submit therewith a statement showing the amount expended by such junior college district for each item of said estimate, during the preceding school year.

Levy
of tax.

Sec. 13. The board of supervisors with whom any estimate is filed under the provision of section 11 or section 12 of this act, must at the time of making the tax levy for the year for county purposes, levy a special tax on all the taxable property in such junior college district under its jurisdiction, sufficient

in amount to carry out the purposes legally specified in the said estimate or such proportion as the assessed valuation in its county bears to the entire assessed valuation of the district. Said tax shall be entered upon the assessment roll, and collected, in the same manner as other school taxes are entered, and collected, and when collected shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over the junior college district in behalf of which the same were levied.

Should any board of supervisors with whom such estimate is filed fail to levy the tax as required by this section, it shall be the duty of the auditor of their county to make such levy.

Sec. 14. All taxes levied and collected under the provisions of section 13 of this act shall be placed by the county treasurer receiving same in a special fund to the credit of the junior college district for which the same were levied, and used only for the purposes for which the same were levied; and all moneys apportioned to any junior college district from the state shall be placed by the county treasurer receiving the same in the special fund of the junior college district to which the same is apportioned. Junior college district funds shall be paid out upon the order of the junior college board, or of the executive committee when such committee is authorized to draw the same, signed by the president and clerk of the junior college board. Such orders shall be drawn and itemized, and presented to, and acted upon by the superintendent of schools having jurisdiction over such junior college district and the auditor of his county, in the same manner as the orders of boards of school trustees of school districts. State moneys apportioned to any junior college district shall be used only for the payment of teachers' salaries.

Sec. 15. Not later than the twentieth day of July of each year the superintendent of schools of each county in which there is not a county junior college shall certify to the board of supervisors and to the county auditor of such county, the total cost, less state aid for educating during the next preceding school year all junior college pupils residing in such county and not in any junior college district, and the estimated amount needed for that purpose for the current year.

The board of supervisors with whom such certificate is filed must, at the time of making the tax levy for that year for county purposes, levy a special tax upon all taxable property in the county not situated in any junior college district, sufficient in amount to defray the cost, for the current year, of educating all junior college students residing in such county and not in any junior college district. If it shall appear by the report of the superintendent of schools that students residing in one county are attending junior colleges in another county, the supervisors of the county in which said students live shall levy a tax as is provided by this section to pay the cost of educating such students. If the board of supervisors fail to make such tax levy the auditor of the

county must make the same. Said tax when collected shall be paid into the county treasury and placed in a fund to be known as the junior college tuition fund. The auditor shall not later than the last Monday in December and the last Monday in May of each year notify the superintendent of schools of the amount in such funds, and the superintendent of schools shall thereupon apportion the same to the several junior college districts in his county or in other counties as provided above, in proportion to the total cost to each of said districts of educating junior college students who reside in his county but not in any junior college district, as shown in his report for the preceding school year compiled as directed by law, and certify such apportionment to the auditor. The amount so apportioned to each junior college district shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over such junior college district, to the credit of the special fund thereof, and shall be used to maintain the junior college, and paid out in the same manner as other junior college funds.

Payments
by other
counties.

The superintendent of schools of a county having junior college pupils attending junior college in another county shall draw his order on the county auditor in favor of the superintendent of schools of the county in which such students attend junior college for any money belonging to any junior college outside of his county as provided in this section. The county auditor of said county shall draw his warrant as directed by the superintendent of schools and the county treasurer shall pay the same. A superintendent of schools in whose favor such order is drawn shall pay the amount of said money into the county treasury to the credit of the junior colleges educating the students from the county paying such money.

Standards
for state
aid.

Sec. 16. The state board of education shall have power and it shall be its duty to adopt rules and regulations fixing the minimum standards entitling junior colleges to state aid, and shall annually investigate each junior college to determine whether it has met such standards.

State aid,
etc

Sec. 17. Nothing in this act shall be construed as repealing section 1750*b* of the Political Code.

Affiliation
with
university

Sec. 18. The governing board of any junior college or of the junior college department of any high school or of any teachers' college, may enter into an arrangement of affiliation with the University of California to provide that the courses in such junior college whose purpose is to prepare for advanced university standing shall be visited, inspected and accredited by said university, and that the qualifications of teachers in such courses shall be as recommended by said university. Such arrangement of affiliation may include such other matters as may be mutually advantageous and as may be approved by the state board of education.

Sec. 19. Whenever a majority of the heads of families, or a majority of the electors residing in any high school district contiguous to a junior college district, in the same or adjoining counties, as shown by the affidavits of one or more of the petitioners, shall present to the superintendent of schools who has jurisdiction over said junior college district, a petition for the annexation of such high school district to such junior college district, accompanied by an agreement signed by a majority of the members of the junior college board of the junior college district to which annexation is desired, and by a majority of the trustees of such high school district, consenting to such annexation and setting forth the terms thereof, such superintendent of schools shall, after verifying the signatures thereon and finding them sufficient, transmit such petition and agreement to the board of supervisors of his county with his recommendations thereon. Such board may thereupon, in their discretion, make an order annexing such high school district to such junior college district upon the terms agreed on.

Annexation
and exclu-
sion of high
school
districts.

Whenever it appears that the terms agreed upon by the trustees of the high school district seeking to be annexed and the junior college board include the assumption by the high school district to be annexed of its pro rata portion of any bonded indebtedness existing against the junior college district, the board of supervisors shall call an election in the high school district so proposing to assume such indebtedness for the purpose of determining whether such indebtedness shall be authorized and assumed. Such election shall be held as provided in section 1745 of the Political Code, except that the returns shall be made to the board of supervisors. If it shall appear from the returns of such election that two-thirds of the votes cast at such election were cast in favor of the assumption by the district seeking to be annexed of its pro rata portion of such bonds, then and not until then shall such high school district be annexed to such junior college district. If such bonded indebtedness is assumed by the annexed high school district then all levies of taxes made for the payment of the same and interest thereon, shall be upon the property of such annexed high school district at the same rate as levied upon the property of the original junior college district.

Whenever a majority of the heads of families, or a majority of the electors residing in any union, joint union, county or joint county junior college district, and two-thirds of the heads of families or of the electors residing in any high school district which is a part thereof, as shown by the affidavit of one or more of the petitioners, shall present to the superintendent of schools who has jurisdiction over said junior college district petitions asking for the exclusion of such high school district from such junior college district, accompanied by an agreement signed by a majority of the junior college board of such junior college district and a majority of the trustees of such

high school district, consenting to such exclusion and setting forth the terms thereof, such superintendent of schools shall after verifying the signatures thereto and finding them sufficient, transmit such petitions and agreement to the board of supervisors of his county, with his recommendations thereon. Such board may thereupon, in their discretion, make an order excluding such high school district from the junior college district upon the terms agreed on; *provided, however*, that no high school district shall be excluded from a junior college district having an outstanding bonded indebtedness, where such exclusion would so reduce the amount of taxable property in such junior college district that said outstanding bonded indebtedness would exceed five per cent of the taxable property of such junior college district, after the exclusion, as shown by the last equalized assessment of the county or counties in which such junior college district is located. The order of the board of supervisors annexing a high school district to, or excluding it from, a junior college district shall be entered by their clerk in his record of junior college districts, and he shall also send a copy thereof to the county clerk of each county in which any part of such junior college district is situated, who shall enter it in his record of junior college districts.

Jurisdiction
of supt.
of schools.

Sec. 20. In each joint union and joint county junior college district the superintendent of schools of the county in which the junior college buildings are located shall have jurisdiction over all matters in which his office is concerned as hereinbefore provided.

CHAPTER 709.

An act to amend sections five and twelve of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," approved May 21, 1915, as amended, relating to the practice of dentistry.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats 1915,
p. 700,
amended.

SECTION 1. Section 5 of an act entitled "An act to insure the better education of dental surgeons and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof," is hereby amended to read as follows:

Compensa-
tion and
employees.

Sec. 5. Each member of the board shall receive a per diem of ten dollars as compensation for each day spent in actual attendance at meetings of the board and at committee meetings of the members of the board, when such meetings shall be specially authorized by the board, and for each day actually

spent performing necessary work, in connection with the enforcement of this act, together with his necessary traveling expenses. The board shall have full power to employ all necessary clerical, legal and other assistants.

SEC. 2. Section 12 of said act is hereby amended to read as follows:

Sec. 12. Any person, company or association shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not less than ten days nor more than one year or by a fine of not less than one hundred dollars nor more than one thousand five hundred dollars, or by both such fine and imprisonment, who shall (1) assume the degree of "doctor of dental surgery," "doctor of dental science" or "doctor of dental medicine" or shall append the letters "D. D. S.," "D. D. Sc." or "D. M. D." to his name, not having had conferred upon him by diploma from a recognized dental college or school legally empowered to confer the same, the right to assume said title; or shall assume any title, or append any letters to his name, with the intent to represent falsely that he has received a dental degree or license; or (2) shall engage in the practice of dentistry without causing to be displayed in a conspicuous place in his office the name of each and every person employed in the practice of dentistry, together with the name of each unlicensed person employed; or (3) shall within ten days after demand made by the secretary of the board fail to furnish to said board the name and address of all persons practicing or assisting in the practice of dentistry in the office of said person, company or association, at any time within sixty days prior to said notice, together with a sworn statement showing under and by what license or authority said person, company or association and any employees are or have been practicing dentistry, but such affidavit shall not be used in any prosecution under this section.

Any person who (1) shall sell or barter or offer to sell or barter any dental degree or any license or transcript, made or purporting to be made pursuant to the laws regulating the license and registration of dentists; or (2) shall purchase or procure by barter, any such diploma, license or transcript with intent that the same shall be used in evidence of the holder's qualification to practice dentistry, or in fraud of the laws regulating such practice; or (3) shall with fraudulent intent make or attempt to make, counterfeit or alter in a material regard any such diploma, certificate or transcript; or (4) shall use, attempt or cause to be used any such diploma, certificate or transcript which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license to practice dentistry, or in order to procure registration as a dentist, or (5) shall in an affidavit, required of an applicant for examination, license or registration under this act, wilfully make a false statement in a material regard; or (6) is practicing dentistry, in the state without license, or whose license has been revoked or suspended, or (7) shall under any false, assumed or fictitious

Stats. 1915,
p. 705,
amended.
Unlawful
practices.

name, either as an individual, firm, corporation or otherwise or any name other than the name under which he is licensed, practice, advertise or in any other manner indicate that he is practicing or will practice dentistry, shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not less than one thousand dollars nor more than three thousand dollars, or by imprisonment in the state prison for a term of not less than one year nor more than three years, or by both such fine and imprisonment. Nothing in this section shall be held to prohibit the conferring of degrees and the bestowing of diplomas by reputable dental colleges of this state which have been approved by the board of dental examiners of California.

CHAPTER 710.

An act to amend section three hundred fifty-nine of the Civil Code, relating to the issuance of stock or bonds, creating or increasing bonded indebtedness, and increasing or diminishing the capital stock of corporations.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats 1923,
p. 1015,
amended
Increasing
and dimin-
ishing
capital
stock.

SECTION 1. Section 359 of the Civil Code is hereby amended to read as follows:

359. No corporation shall issue stock or bonds except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void.

By complying with the following provisions, any corporation formed under the laws of this state whose shares have a par value may increase its capital stock, or diminish the same to an amount which is not less than its outstanding indebtedness, or create or increase its bonded indebtedness, and any corporation formed under the laws of this state whose shares are without nominal or par value, or any corporation formed under the laws of this state and having no capital stock, except a corporation formed pursuant to the provisions of title XII, part IV, division I of this code, may create a bonded indebtedness or increase the same, and two or more corporations formed under the laws of this state may create or increase a consolidated bonded indebtedness:

Procedure.

(1) A resolution authorizing such increase or reduction in capital stock or such creation or increase of bonded indebtedness and stating among other things the amount to which the capital stock is to be increased or diminished and the number of shares into which the capital stock as increased or diminished is to be divided and the par value thereof or the amount of the bonded indebtedness to be created, or the amount to which the bonded indebtedness is to be increased, shall be adopted by the affirmative vote of at least a majority

of the directors or trustees of such corporation, at a regular or special meeting, which resolution must be approved by the vote or written assent or assents of stockholders representing at least two-thirds of the subscribed shares of each class of stock of the corporation, or of a majority of the members if the corporation has no capital stock; if approved by the vote of stockholders or members, such vote may be had at a regular or a special meeting, and a resolution, containing a copy of the resolution adopted by the board of directors and setting forth the fact of the approval thereof by the stockholders or members, must be adopted by the votes of stockholders either present in person or represented by proxy at said meeting and representing at least two-thirds of the subscribed shares of each class of stock of the corporation, or by the votes of a majority of the members, if the corporation has no capital stock; in lieu of the approval of such resolution at a meeting of stockholders or members, such resolution may be approved by the written assent or assents of stockholders representing at least two-thirds of the subscribed shares of each class of stock of the corporation or by the written assent or assents of a majority of the members, if the corporation has no capital stock, which assent or assents shall contain a copy of such resolution and shall state the fact of the approval thereof by the stockholders or members and shall be filed with the secretary of the corporation; *provided*, that such assent may be executed and filed by the attorney-in-fact of any stockholder or member with the same effect as if executed and filed by his principal; *provided, further*, that where the articles of incorporation or amended articles of incorporation provide for two or more kinds or classes of capital stock, the resolution of the board of directors shall identify the particular class or classes of stock to be increased or diminished and the amount by which the particular class or classes of stock is increased or diminished.

(2) After such approval of such increase or diminution of the capital stock or creation or increase of the bonded indebtedness being made in accordance with the provisions hereinabove set forth, there shall be made a certificate under the corporate seal and signed by the persons who, at the time of such execution, are, respectively, the president or vice president and secretary or assistant secretary of the corporation and by a majority of the directors or trustees holding office at the time such certificate is signed, showing a compliance with the requirements of said provisions and containing a copy of such resolution of the board of directors or trustees, and stating, if the resolution of the directors or trustees was approved at a meeting of the stockholders or members, the number of shares of each class of stock represented or the number of members present at the meeting and the total vote in the affirmative by which such approval was accomplished, or if such resolution was approved by the written assent or assents of stockholders or members, the total number of shares of each class of

Certificate
of increase
or diminu-
tion.

stock represented by the said written assent or assents so filed with the secretary, or if the corporation has no capital stock, the number of members filing written assents thereto. The certificate shall state the total number of subscribed shares of each class of stock of the corporation, or the total number of members, if the corporation has no capital stock, and shall be verified by the oath of the persons executing the same as president or vice president and secretary or assistant secretary, respectively; *provided*, that if, pursuant to the articles of incorporation or amended articles of incorporation of any corporation having no capital stock, the respective members thereof have unequal voting power, the affirmative vote or written assent of members representing a majority of the votes in such corporation shall be sufficient to approve the resolution passed by the directors or trustees, and the certificate hereinabove provided for shall state the total number of votes in such corporation and the total number of votes cast in favor of such resolution or represented by written assents thereto, filed with the secretary of the corporation, in lieu of stating the total number of members of the corporation and the number of members thereof voting in favor of such resolution or filing written assents thereto.

Consolidated
indebtedness.

(3) Any two or more corporations formed under the laws of this state may, by complying separately with the provisions of this section relating to the creation or increase of bonded indebtedness and by filing separate certificates, made and signed and sealed and verified as herein provided, create or increase a consolidated bonded indebtedness which shall be binding jointly and severally on such corporations, and which may be secured by a consolidated mortgage or deed of trust executed by all such corporations, mortgaging or conveying in trust all or any of the properties of all such corporations acquired or to be acquired.

Filing of
certificate.

(4) In each and every case the certificate must be filed in the office of the secretary of state, and thereupon the capital stock shall be so increased or diminished, or the bonded indebtedness or consolidated bonded indebtedness shall be created or increased accordingly. The secretary of state shall forthwith issue a certified copy of said certificate and transmit said copy to the county clerk of the county in which the principal place of business of the corporation was situated at the time said corporation was incorporated, which copy shall be filed by said county clerk upon payment of the fee prescribed by law; and such certificate or certificates so filed shall be, when said certified copy or copies are so filed, conclusive proof of such increase or diminution of capital stock or such creation or increase of bonded or consolidated bonded indebtedness and the validity of each thereof. A copy of such certificate, certified by the secretary of state, shall be filed by such corporation in the office of the county clerk of every county in which said corporation has or holds real property. Any corporation

which shall fail to comply with the requirements of the preceding sentence shall be subject to the penalties and liabilities provided in section 299 of this code for a failure of corporations to file copies of their articles of incorporation with the county clerks of the counties in which they shall purchase, hold or locate real property.

CHAPTER 711.

An act to reserve from sale certain state lands, being the northeast quarter of the southwest quarter of section thirty-two, township eight north, range four west, and the west fifty-four and twenty-four hundredths acres of lot two of northwest quarter of section five, township five north, range twelve east, San Bernardino base and meridian, in San Bernardino county, and providing for the use thereof.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. The northeast quarter of the southwest quarter of section thirty-two, township eight north, range four west, and the west fifty-four and twenty-four hundredths acres of lot two of northwest quarter of section five, township five north, range twelve east, San Bernardino base and meridian, in San Bernardino county, said land being the property of the State of California, is hereby reserved from sale and set aside for the use of the California highway commission for such purposes as said California highway commission may desire to use the same.

Reservation of land in San Bernardino county

CHAPTER 712.

An act to amend section one thousand five hundred forty-three of the Political Code, relating to the duties of the county superintendent of schools.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 1543 of the Political Code is hereby amended to read as follows:

Stats. 1921, p. 701, amended, Duties of Supt. of schools.

1543. It is the duty of the superintendent of schools of each county:

First—To superintend the schools of his county.

Second—To apportion the school moneys to each school district as provided in section 1858 of this code, at least four times a year. For this purpose he may require of the county

Apportion school money.

auditor a report of the amount of all school moneys on hand to the credit of the several school funds of the county not already apportioned; and it is hereby made the duty of the auditor to furnish such report when so required. If at the beginning of any school year any school district shall have an unincumbered balance in its maintenance funds which combined with its total estimated income to be received for maintenance purposes from all sources other than district taxes during the current year shall exceed a sum of money sufficient to maintain and conduct the schools of the district during the current year, then the county superintendent of schools shall in the month of August of that school year transfer a sum of money from the maintenance funds of that district to the unapportioned school funds of the county, or city and county, equal to eighty per cent of the excess estimated as herein provided.

Requisitions
upon county
auditor.

Third—(a) On the order of the board of school trustees, or board of education of any city having a board of education, to draw his requisition upon the county auditor for all necessary expenses against the school fund of any district. The requisitions must be drawn in the order in which the orders therefor are filed in his office. Each requisition must specify the purpose for which it is drawn, but no requisition shall be drawn upon the order of the board of school trustees or board of education against the funds of any district except the teachers' or janitors' or other employees' salaries, unless such order is accompanied by an itemized bill showing the separate items, and the price of each, in payment for which the order is drawn; nor shall any requisition for teachers' or janitors' or other employees' salaries be drawn unless the order shall state the monthly or daily or hourly salary of teacher or janitor or other employee, and name the months for which such salary is due. Upon the receipt of such requisition the auditor shall draw his warrant upon the county treasurer in favor of the parties for the amount stated in such requisition. The order of the board of school trustees, or board of education, shall be made only on the form of blank prescribed by the county superintendent of schools and approved by the superintendent of public instruction; *provided*, that said blanks shall be printed and furnished to the school districts by the board of supervisors of the respective counties of the state, and when signed by at least two members of the board of trustees, or the officials authorized to sign orders for the board of education, shall be transmitted to the superintendent, who shall, in case he approve such demand, indorse upon it, "examined and approved," together with the number and date when approved, and shall, in attestation thereof, affix his signature thereto, and deliver the same to the claimant, or his order, who shall transmit the same to the auditor, who shall, in case he allows said demand, indorse upon it "allowed," together with the number and date when allowed, and shall, in attestation thereof, affix his

signature thereto, and deliver the same to the claimant and make a proper record thereof and charge against the particular fund of the particular district against which such demand was allowed; and said demand when so approved and signed by the superintendent, and when so allowed and signed by the auditor, shall constitute the requisition on the auditor, and the warrant on the treasury within the meaning of this act; *and provided, further*, that the county superintendent of schools, after examining and approving any demand, may transmit the same directly to the county auditor, who after allowing such demand shall return the same to the county superintendent of schools, who shall thereupon return said demand to the governing board of the school district, which shall issue said demand to the claimant or to his order.

When the auditor allows any demand which has a bill attached, he shall give the bill the same number that he gives the warrant and shall detach and file the bill.

Instead of issuing a single warrant to each employee for salary or wages, the district may use a pay roll form of warrant making payment to two or more employees on one pay roll warrant. The name of each employee shall be listed and in case of an attachment of the salary or wages of any employee said attachment shall affect only the salary or wages of that employee.

When the pay roll form of warrant is used the approved and allowed pay roll warrant shall be deposited with the county treasurer who shall make payment to the employee or his order.

(b) On the order of the board of trustees or board of education of any elementary school district located within, or having the same boundaries as, a high school district which has established a junior high school as provided for in section 1750a of the Political Code, to transfer from the school funds of such elementary school district to the fund of the board having control of such junior high school, such sum as may be agreed upon, as provided in section 1617 of the Political Code, by said board of trustees or board of education and said board having control of such junior high school for the tuition of pupils residing in such elementary school district and attending such junior high school; *provided*, that all of the funds so transferred shall be applied exclusively to the support of the grades of such junior high school corresponding to the seventh and eighth grades of the regular elementary schools. Junior high school funds.

Fourth—To keep, open to the inspection of the public, a register of warrants, showing the fund upon which the requisitions have been drawn, the number thereof, in whose favor, and for what purpose they were drawn, and also a receipt from the person to whom the requisition was delivered. Register of warrants.

Fifth—To visit and examine each school in his county at least once in each year. For every school not so visited the Examine schools.

board of supervisors must, on proof thereof, deduct ten dollars from his salary.

Teachers' institute.

Sixth—To preside over teachers institutes held in his county, and to secure the attendance thereof of lecturers competent to instruct in the art of teaching, and to report to the county board of education the names of all teachers in the county who fail to attend regularly the sessions of the institute; to enforce the course of study, the use of state textbooks, and of high school textbooks regularly adopted by proper authority, and the rules and regulations for the examination of teachers prescribed by the proper authority.

Temporary certificates.

Seventh—When he finds that the service makes it necessary and desirable, to issue temporary certificates (1) to the holders of credentials issued by the state board of education, (2) to the holders of credentials or recommendations approved by the state board of education, (3) to the holders of valid school certificates issued in accordance with law by any county, or city and county, board of education in this state. Said certificates will authorize the same kind of service in the same grades, classes, or types of schools as that authorized in the credential, recommendation, or certificate upon which any such certificate is issued.

A temporary certificate issued between July first and December first shall expire on the January first following, and a temporary certificate issued between December first and June twenty-ninth shall expire on the July first following; *provided*, that no person shall be entitled to receive a temporary certificate of the same type and grade more than once in the same county.

Preliminary certificates.

Eighth—To issue to persons in training for the teaching service "preliminary certificates" of a temporary character. A preliminary certificate shall be issued to the holder of a recommendation from a California institution authorized by the state board of education to train teachers and shall authorize the holder thereof to do cadet-teaching without salary; *provided*, that such cadet-teaching shall be of the same kind in the same grades, classes, or types of schools as specified in the recommendation.

No such preliminary certificate shall be granted for a period exceeding two years, nor shall the superintendent of schools collect a fee therefor.

Distribute laws, etc.

Ninth—To distribute all laws, reports, circulars, instructions, and blanks which he may receive for the use of school officers.

Keep reports.

Tenth—To keep in his office the reports of the superintendent of public instruction.

Record of acts, etc.

Eleventh—To keep a record of his official acts, and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants examined, which shall be open to the inspection of any applicant or his authorized agent.

Twelfth—Except in incorporated cities having boards of education, to pass upon and approve or reject all plans for schoolhouses. To enable him to do so, all boards of trustees, before adopting any plans for school buildings, must submit the same to the county superintendent for his approval.

Schoolhouse plans.

Thirteenth—To appoint trustees to fill all vacancies in elementary school districts as provided in section 1593 of the Political Code or as may be otherwise provided by law; to appoint trustees to fill all vacancies in high school districts as provided in section 1731 of the Political Code or as may be otherwise provided by law; to appoint trustees in new elementary school districts to hold office until the first day of May next succeeding their appointment. In case of the failure of the board of school trustees to appoint a clerk of the district on the proper date or in case of a vacancy in the position of clerk of the district, the superintendent shall appoint a member of the board of school trustees clerk of the district. In case of the failure of the trustees to employ a janitor, as provided in section 1617, subdivision seventh, of this code, he shall appoint a janitor, who shall be paid out of the school fund of the district. Should the board of school trustees of any district fail or refuse to issue an order for the compensation of such service, the superintendent is hereby authorized to issue, without such order, his requisition upon the county school fund apportioned to such district.

Appointment of trustees, etc.

Fourteenth—To make reports, when directed by the superintendent of public instruction, showing such matters relating to the public schools in his county as may be required of him.

Make reports.

Fifteenth—To preserve carefully all reports of school officers and teachers, and, at the close of his official term, deliver to his successor all records, books, documents, and papers belonging to the office, taking a receipt for the same, which will be filed in the office of the county clerk.

Preserve reports.

Sixteenth—The county superintendent shall, unless otherwise provided by law, in the month of July of each year grade each school, and a record thereof shall be made in a book to be kept by the county superintendent in his office for this purpose. And no teacher holding a certificate below the grade of said school shall be employed to teach the same.

Grade schools.

Seventeenth—On the recommendation of the county superintendent of schools, boards of school trustees and city boards of education are hereby empowered to enter into contract with the national government to receive money from said national government for the Indian children in attendance in the schools under the jurisdiction of said boards, in addition to any money that may be appropriated for such schools by the state and the county. Any money received on such contract shall be transmitted to the county superintendent of schools to be by him paid into the county treasury to the credit of the special school fund of such school district. Any required amount of money so received may be used to provide

Money for Indian children.

suitable housing quarters for the teacher or teachers and to meet the necessary expenses of erecting, equipping and caring for the school property; and also for the purpose of purchasing food or clothing or both for pupils in cases of absolute necessity and want. On the receipt of such money the superintendent shall notify the clerk of the board of school trustees of the receipt of the money.

Emergency
and super-
vision fund

Eighteenth—The superintendent of schools of the county, or city and county, shall use the money allowed and apportioned under section 1858, third, of this code, as an emergency and supervision fund, for the employment of duly qualified teachers to supervise the work of teaching in the school districts of the county, or city and county, which had less than three hundred pupils in average daily attendance during the next preceding school year, for the payment of the salaries of teachers employed by him to visit, at least twice a month, and to instruct pupils and to direct the education of pupils who live more than five miles from the nearest public school in the district of which they are residents, and such other pupils residing in the school district as may not be able to attend the public school for reasons which are deemed good and sufficient by the superintendent of schools of the county, or city and county in which such pupils reside; and for employing and paying the salary of teachers when unexpected emergencies arise, requiring the services of teachers and no other means of supplying teachers are available.

CHAPTER 713.

An act to authorize the creation of county adjustment schools for the care of minors under eighteen years of age; to provide for the maintenance and management of same, and the making of commitments and transfer of said minors thereto, and the support of said minors therein.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Establish-
ment of
adjustment
schools.

SECTION 1. Power and authority are hereby vested in the boards of supervisors or other governing bodies of the counties and consolidated cities and counties throughout the State of California to organize, establish, equip and maintain, including the purchase of a suitable site or sites and the construction of suitable buildings therefor, one or more adjustment schools in each such county or consolidated city and county for the purpose of furnishing to certain minors under the age of eighteen years and in the manner prescribed by this act, care, custody, education, training and adjustment to good citizenship which shall be continuous and uninterrupted during the period that such minors shall remain in such school. The boards of supervisors

of two or more counties may if they so elect, and evidence their election by duly and regularly adopted resolutions or ordinances duly entered on the minutes or proceedings of their respective boards by the clerks thereof, unite in the organization, establishment, equipment and maintenance of one or more such schools for all of such respective counties, and in that event such school or schools shall be located in one or more of said counties as such locations shall be mutually agreed upon and designated in said resolutions or ordinances.

SEC. 2. If such adjustment school or schools shall be organized, established, equipped and maintained by only one such county, or city and county, then the entire expense thereof shall be borne thereby, and the board of supervisors, or other governing body of such county or city and county, shall make due and annual appropriation therefor, the necessary items of which shall be set forth in the annual budget of such county or city and county.

Expense of
establishing
and main-
taining.

If an adjustment school or schools shall be organized, established, equipped and maintained by two or more such counties, as provided in section 1 of this act, the initial expense of organizing, establishing and equipping the same shall be apportioned between each of such counties on a pro rata basis in the ratio that the total number of children of school age residing in each such county bears to the aggregate total number of all children of school age residing in all of such counties.

Thereafter the annual expense of maintaining each such school by two or more such counties, shall be apportioned between such counties on a pro rata basis in the ratio that the average daily enrollment of minors placed in such school from each such county during the preceding year bears to the total average daily enrollment in such school from all of such counties during such year.

SEC. 3. In case such adjustment school or schools shall be organized by only one such county or city and county, the government and management thereof shall be vested in a governing board which shall either be the board of education (or similar school governing body) or the county probation committee of the juvenile court or a board of trustees composed of seven members selected from both such board of education and such probation committee, as may be determined or chosen in the exercise of a sound discretion by the board of supervisors or other governing body of such county or city and county.

Government
and manage-
ment.

In case such adjustment school or schools shall be organized by the joint action of two or more such counties, the boards of supervisors of such counties may by concerted action evidenced by duly adopted joint resolutions entrust the government and management thereof to a governing board which shall be either,

(1) The board of education of the county wherein at least one such adjustment school is located, or

(2) The probation committee of the juvenile court of the county wherein at least one such adjustment school is located, or

(3) A board of trustees composed of seven members who shall represent all of said counties and each of whom may be selected from either the county board of education or the probation committee of the juvenile court of his respective county, as shall be determined in said joint resolutions of said board of supervisors.

If a board of trustees shall be chosen to govern and manage such adjustment school or schools under any of the provisions of this section, the term of office of such trustees shall be six years; *provided*, that of the seven trustees first selected, two shall hold office for two years, two shall hold office for four years, and three shall hold office for six years, and each of the two, four and six year terms shall be assigned by lot to each of said seven trustees.

Superintendent and other employees.

SEC. 4. The governing board of such adjustment school or schools shall appoint a superintendent not of their own number who shall be a man or woman qualified by training and experience for the character of work to be done at such adjustment school or schools, as hereinafter defined, and who shall hold office at the pleasure of said governing board. Such board shall determine the number, title, duties and terms of office of all other officers and employees and shall fix the salaries thereof, and of such superintendent.

Duties of governing board.

SEC. 5. Such governing board shall make all needful rules and regulations for the transaction of business and for the management and government of said school or schools under its jurisdiction, and it shall see that proper care, custody, education and training are provided to and for the minors under their care with the object and to the end that such minors shall be adjusted to good citizenship and shall be prepared to become honorable, self-supporting members of society.

Powers of governing board.

SEC. 6. Such governing board is authorized and required to make all contracts for the organization, establishment (including the purchase of a suitable site or sites and the construction of suitable buildings therefor) equipment, operation and maintenance of such adjustment school or schools that may be necessary or advisable; *provided, however*, that in no event shall the amount of money appropriated for any such purpose or any other limitation prescribed by law, or by order of such governing board, be exceeded or violated. No member of such governing board nor officer nor employee of any such school or schools shall be interested personally directly or indirectly in any contract, purchase or sale made, or in any business carried on in behalf of such school and any money so paid on such contracts or sales may be recovered by a civil suit and it shall be the duty of the governing board upon the proof of the fact of such interest to remove from office immediately such member, officer or employee.

SEC. 7. The superintendent of said adjustment school or schools, shall, before entering upon the discharge of his duties, make and file with the governing board thereof an oath that he will faithfully and impartially discharge the same, and he shall also file with such board a bond running to the State of California in such sum as said board may determine, and with sureties to be approved by said board, conditioned upon the faithful performance of said duties. He shall thereupon, subject to the direction of the said governing board, be invested with the custody of the lands, buildings and all other property pertaining to or under the control of said school or schools, and shall account to such governing board in such manner as it may require for all property entrusted to him and for all money received by him as such superintendent for said school or schools or for any of the minors entrusted to its care.

Superintendent's duties and powers.

He shall also, subject to said direction, appoint all officers and employees of said school or schools, who shall hold office at his pleasure, and he shall exercise such supervisory, executive and managing powers as may be conferred upon him by such governing board. The premium of such bond shall be a part of the cost of maintaining such school or schools.

SEC. 8. The governing board shall require such officers as may be entrusted with money belonging to any such school or to any of the minors entrusted to its care or such officers as may be placed in a position of trust and responsibility in the custody of property or in the handling of supplies belonging to such school, to file with such board a bond with sureties approved thereby and in such sum as it may determine, conditioned upon the faithful performance of the duties required, and upon the faithful accounting for all money and property coming into their hands or under their control by virtue of such office. The premiums on such bonds shall be a part of the cost of maintaining such school or schools.

Surety bonds.

SEC. 9. The governing board of any such school or schools shall cause the same to be conducted as may seem best calculated to carry out the intentions of this act. There shall be organized a course of study corresponding as far as practicable with the course of study in the public schools of the state. There shall also be provided in said school or schools the proper facilities and equipment for vocational and trade training in addition to such other public school education or training as may be determined upon by said board and some such vocational or trade training or education shall be given to each and every minor while under the care, of said adjustment school or schools to the end that every such minor may upon discharge be qualified for honorable and self-supporting employment.

Conduct of school.

SEC. 10. The superintendent shall reside in the adjustment school or one of the adjustment schools under his jurisdiction and he shall be furnished suitable quarters, furniture, food supplies and laundry for himself and his family. The governing board may make similar provision for such other

Quarters for employees.

officers and employees as the interests of such school or schools may in its judgment require to reside on the premises.

Pupils.

SEC. 11. The said adjustment school or schools shall receive into their care, custody and control all boys and girls under eighteen (18) years of age who are committed thereto by order of the juvenile court of the county or city and county maintaining or contributing to the maintenance of said adjustment school or schools, as more fully provided by section 8 of the juvenile court law of the State of California (statutes 1915, page 1225), as now or hereafter amended.

Length of
time pupils
shall re-
main.

SEC. 12. Any minor who shall have been committed to the care, custody and control of any such adjustment school or schools shall remain therein for the duration of the period provided in said order of commitment, or until further order of said juvenile court; *provided, however*, that in any event said court shall review such order of commitment at intervals of at least once each year following such commitment, and upon such review said court may continue, terminate or modify such order of commitment.

Provided, further, however, that if at any time in the opinion of the superintendent of such adjustment school the further detention therein of said minor shall be detrimental to the interests of said school, then said minor may immediately, upon order of such superintendent, be returned to the committing court and said court may thereupon revoke its previous order and proceedings may thereupon be resumed where the same were suspended when such commitment was made.

Support and
maintenance
of pupils.

SEC. 13. Any order of the juvenile court committing a minor to the care, custody and control of an adjustment school may make provision for the expense of the support and maintenance of said minor by directing that such expense be paid in whole or in part by the parent, parents, guardian of said minor, or other person liable for his support and maintenance, all as more fully provided by section 11 of the juvenile court law, the terms and provisions of which shall, so far as applicable, govern and control proceedings under this act.

Construction
of act.

SEC. 14. This act shall be construed in conformity with the intent as well as the express provisions thereof and shall confer upon the governing board of any adjustment school or schools that may be created under the provisions of this act, authority to do all those lawful acts which it or they may deem necessary to promote the prosperity of such school or schools, or to promote the well-being and education of all minors entrusted to their charge. In construing this act the singular shall include the plural and the plural the singular, and the masculine shall include the feminine.

Constitu-
tionality.

If any section or portion of this act shall at any time be declared unconstitutional or contrary to law, the balance of this act shall not be affected thereby, the intent of the Legislature in enacting this law being to make all parts thereof separable and independent so that the validity of any one part or portion shall not be affected or impaired by the invalidity of any other part or portion.

CHAPTER 714.

An act to amend sections two hundred ninety b, two hundred ninety c, two hundred ninety d, two hundred ninety e and two hundred ninety f of the Civil Code, relating to corporations.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 290b of the Civil Code is hereby amended to read as follows:

290b. Any private corporation created and existing or authorized to be created under the provisions of title I, part IV, division I of the Civil Code may, if so provided in its articles of incorporation, issue shares of stock without any nominal or par value by stating in the articles of incorporation in lieu of the matters and things required by subdivision 6 of section 290 of the Civil Code:

Stats 1923,
p. 621,
amended
Issuance of
non-par
value stock.

(a) The number of shares without nominal or par value that may be issued by the corporation and if there be more than one class of stock, then the number of shares of common stock or of the several classes of common stock, and the number of shares of preferred stock or of the several classes of preferred stock; *provided*, that in the event the articles of incorporation provide for such classification they shall state in a clear and succinct manner the nature and extent of the preference granted, and except as to the matters and things so stated, no distinction shall exist between said classes of stock or the owners thereof; *provided, however*, that no preference shall be granted nor shall any distinction be made between the classes of stock either as to voting power or as to the statutory or constitutional liability of the holders thereof to the creditors of the corporation.

Statement
in articles

(b) The amount of stated capital with which the corporation will begin business, which in no event shall be less than five hundred dollars; and that the corporation will carry on business with a stated capital consisting of the aggregate of the amounts received by it as consideration for the issuance of its shares without nominal or par value and of such additional amounts as from time to time may by resolution of the board of directors of the corporation be transferred to its stated capital.

2. Subject to the preferences, rights, limitations, privileges and restrictions lawfully granted or imposed in respect of any stock without nominal or par value or class thereof, each share of such stock without nominal or par value shall be equal to every other share of such stock. Every certificate for such

Stock
certificates

shares without nominal or par value shall have plainly written or printed upon its face the number of such shares which it represents, and no such certificate shall express any nominal or par value of such shares or express any rate of dividend in terms of percentage of any nominal or par value. The certificates for preferred shares shall state the amount, if any, which the holders of each of such preferred shares shall be entitled to receive on account of principal from the assets of the corporation in preference to the holders of other shares, and shall state briefly any other rights or preferences given to the holders of such shares. Any and all shares issued as permitted by this section shall be deemed fully paid, and the holder of such shares shall not be liable to the corporation in respect thereof.

Stats 1923,
p 622,
amended.
Capital to
be fully
paid.

SEC. 2. Section 290c of the Civil Code is hereby amended to read as follows:

290c. No corporation authorized to issue shares without nominal or par value shall begin business until the amount of stated capital with which it will begin business, as stated in its articles of incorporation or in its articles of incorporation as amended, shall have been fully paid in, nor shall any such corporation, until the capital with which it will carry on business, as stated in its articles of incorporation or its articles of incorporation as amended, shall have been fully paid in, incur any debts in excess of the amount of stated capital paid in at the time such debts are contracted. The directors of the corporation assenting to the creation of any debt in violation of this section shall be liable jointly and severally for the debts of such corporation in excess of the amount of stated capital paid in at the time such debts were created; but no action shall be brought under the foregoing provision of this section unless within one year after the debt shall have been incurred the creditors shall have served upon the director written notice of intention to hold him personally liable for such debt. Any director who, because of any such liability under this section, shall pay any debt of the corporation shall be subrogated to all rights of the creditor in respect thereof against the corporation and its property and also shall be entitled to contribution from all other directors of the corporation similarly liable for the same debt and from the personal representatives of any such director who shall have died before making such contribution.

Directors'
liability

Dividends
reducing
capital

Unless it shall have been first permitted or authorized so to do by the commissioner of corporations, no such corporation shall declare or pay any dividend which shall reduce the amount of its stated capital. In case any such dividend shall be declared, the directors in whose administration the same shall have been declared, except those who may have caused their dissent therefrom to be entered upon the minutes of any meeting of the directors at which such action was taken or who were not present when such action was taken, shall be liable jointly and severally to such corporation and to the creditors

thereof to the full amount of any loss sustained by such corporation or by its creditors by reason of such dividend.

SEC. 3. Section 290*d* of the Civil Code is hereby amended to read as follows:

Stats. 1923,
p. 623,
amended.

290*d*. For the purpose of fixing the fee prescribed by section 409 of the Political Code, for filing articles of incorporation of any corporation having shares of stock without nominal or par value, as provided in section 290*b* of this code, there shall be taken as the basis for such fee an amount which shall equal the number of shares that may be issued multiplied by ten dollars.

Fee for
filing
articles.

SEC. 4. Section 290*e* of the Civil Code is hereby amended to read as follows:

Stats 1923,
p 623,
amended.

290*e*. Any private corporation heretofore or hereafter formed under the laws of this state and having shares without nominal or par value, may increase or diminish the number of shares which may be issued by amending its articles of incorporation in accordance with section 362 of this code. The provision of section 362 of this code prohibiting a corporation from increasing or diminishing its capital stock by amending its articles of incorporation shall not apply to an increase or diminution, in accordance with this section, of the number of shares which may be issued by a corporation having shares without nominal or par value, and such shares shall be considered as capital stock within the meaning of the provisions of section 362 prescribing the procedure for amending articles of incorporation.

Changing
number
of shares.

SEC. 5. Section 290*f* of the Civil Code is hereby amended to read as follows:

Stats. 1923,
p. 624,
amended.

290*f*. Any private corporation heretofore or hereafter formed under the laws of this state and which is authorized to issue shares of capital stock having a par value may amend its articles of incorporation in the manner prescribed by section 362 of this code, for the purpose of providing for such number of shares of stock without any nominal or par value as it may desire to issue, by stating in its amended articles of incorporation the matters and things required by section 290*b* of this code, excepting the amount of stated capital with which the corporation will begin business.

Issuance of
other kind
of stock.

Any private corporation heretofore or hereafter formed under the laws of this state and which is authorized to issue shares without any nominal or par value may amend its articles of incorporation in the manner prescribed by section 362 of this code, for the purpose of providing for such number of shares of capital stock having a par value as it may desire to issue, by stating in its amended articles of incorporation the amount of its capital stock and the number of shares into which it is to be divided and the par value thereof.

In adopting amended articles, as authorized by this section, a corporation may also provide for any other amendments not contrary to law.

CHAPTER 715.

An act to amend section one thousand six hundred ninety-one of the Code of Civil Procedure, relating to the assignment for distribution of estate to nonresident persons.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1895,
p. 74,
amended
Possession
for absentees

SECTION 1. Section 1691 of the Code of Civil Procedure is hereby amended to read as follows:

1691. When any estate is assigned or distributed, by a judgment or decree of the court, as provided in this chapter, to any person residing out of, and having no agent in this state, and it is necessary that some person should be authorized to take possession and charge of the same for the benefit of such absent person, the court may appoint an agent for that purpose and authorize him to take charge of such estate, as well as to act for such absent person in the distribution.

Deposit
with county
treasurer.

Provided, that if such estate be in money when so assigned or distributed, the executor or administrator of such estate may deposit the share of each person, and in the name of said person, as far as known, as designated in said assignment or decree of distribution, with the county treasurer of the county in which said estate is being probated, who shall give a receipt for the same, and be liable upon his official bond therefor; and said receipt shall be deemed and received by the court, or judge thereof, as a voucher in favor of said executor or administrator, with the same force and effect as if executed by such assignee, legatee, or distributee; or if the assignee or distributee be a nonresident minor, insane or incompetent person who has a guardian of his estate legally appointed under the laws of any foreign jurisdiction, the distribution of such assignee's or distributee's share may be made to such legally appointed guardian, whose receipt therefor, together with the certificate provided for in section 1798 of this code, when filed with the clerk of the court in which such assignment or distribution shall have been ordered, shall be deemed and received by the court, or a judge thereof, as a voucher in favor of said executor or administrator; and said section as amended shall be applicable to any and all estates now pending in which a decree of final discharge has not been granted.

CHAPTER 716.

An act to amend sections ten, eleven and twelve of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and

disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended, relating to exemptions, refunds, appropriations for carrying out the provisions of said act, examination of records of distributors thereunder by the state board of equalization and correction of assessments of said distributors by said board.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 10 of an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended, is hereby amended to read as follows: Stats. 1925,
p. 660,
amended

Sec. 10. The provisions of this act requiring the payment of license fees shall not be held or construed to apply to motor vehicle fuel imported into this state in interstate or foreign commerce and intended to be sold in the original and unbroken tank cars or other original receptacles, containers or packages and so sold while the same are in interstate or foreign commerce nor to any motor vehicle fuel exported or sold for exportation and exported for use outside this state, nor to any motor vehicle fuel sold to the government of the United States or any department thereof for official use of said government but every distributor shall be required to report such exports and sales to the state board of equalization in such detail as that board may require. Sales not
to be taxed

SEC. 2. Section 11 of said act, approved May 30, 1923, as amended, is hereby amended to read as follows: Stats. 1925,
p. 660,
amended.

Sec. 11. Any person, firm, association or corporation who shall buy and use any motor vehicle fuel for purposes other than in motor vehicles operated, or intended to be operated upon the public highways of the State of California or export the same for use outside of this state; also any person, firm, association or corporation who shall buy any motor vehicle fuel and use the same exclusively in the transportation of rural free delivery mails, and who shall have paid any license tax for such motor vehicle fuel hereby required to be paid, either directly or to the vendor from whom it was purchased, or indirectly by the adding of the amount of such tax to the price of such fuel, shall be reimbursed and repaid the amount of such tax paid by him or it upon presenting to the state controller an affidavit accompanied by the original invoices showing such purchase, which affidavit shall be verified by the oath of the claimant and shall state the total amount of such fuel Refund of
tax on
certain sales

so purchased and the same has been used by said consumer for the transportation of rural free delivery mails or for uses other than in motor vehicles operated upon any of the public highways in the State of California. The said state controller, upon the presentation of such affidavits and such invoices or vouchers, shall cause to be paid to such consumer, from the license taxes collected in accordance with the provisions of this act, an amount equal to the license taxes collected hereunder on the motor vehicle fuel so purchased or so used. All such applications shall be filed with the state controller within twelve months from the date of the purchase of such motor vehicle fuel. Any application filed after such twelve months shall not be considered for any purpose by the state controller, the treasurer or the State of California.

Stats. 1923,
p. 575,
amended
Examinations
by board of
equalization

SEC. 3. Section 12 of said act, approved May 30, 1923, is hereby amended to read as follows:

Sec. 12. The state board of equalization shall have the power and it is hereby authorized to make any and all such examinations of the records of distributors as it may deem necessary in carrying out the provisions of this act. If such examinations made by said board shall disclose that any reports of distributors of motor vehicle fuel theretofore filed with said board by said distributors, pursuant to the requirements of this act, have shown incorrectly the amount of gallonage of motor vehicle fuel distributed or the tax accruing thereon, said board shall have the power and is hereby authorized to make such changes in subsequent assessments of said distributors under this act as it may deem necessary to correct the errors disclosed by its examination of the records of said distributors as hereinbefore authorized. The cost if any of such examination to be payable from the regular appropriation for clerical assistance of said board.

CHAPTER 717.

An act to amend chapter four of title one of part three of the Political Code by amending section seven hundred twenty-six thereof and adding thereto a new section to be known as seven hundred twenty-seven, to relate to the judicial council and the duty of county clerks and clerks of the various courts.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Original
chapter
amended.

SECTION 1. Chapter IV of title I of part III of the Political Code is hereby amended to read as follows:

CHAPTER IV.

Judicial Council.

Officers, em-
ployees and
expenses.

726. The judicial council shall have power and authority to appoint and employ, during its pleasure, such officers,

assistants, and other employees as it may deem necessary for the performance of the duties and exercise of the powers conferred by law upon said council and the members thereof, and to determine the duties and fix and provide for the compensation of all such officers, assistants, and other employees. All salaries and expenses incurred by said council pursuant to the provisions of this act, including the necessary expenses for travel, board and lodging of the members of the council and said officers, assistants, and other employees incurred in the performance of the duties and business of said council, shall be paid from the funds appropriated for the use of said council, when approved in such manner as the council shall direct, and audited by the state board of control.

SEC. 2. Chapter IV of title I of part III of the Political Code is hereby amended by adding a new section thereto to be known as section 727 and to read as follows: New section.

727. It shall be the duty of the county clerks, and clerks of all courts of record, and also of the clerks of such inferior courts as may have a clerk, to cooperate with the judicial council; also to keep such records and make such reports to the council, in such manner and at such times, as the chairman of the council shall require, respecting the condition and manner of disposal, of judicial business in their respective courts. Clerks to cooperate.

CHAPTER 718.

An act to amend sections eleven and twenty-two of an act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration districts under the superintendence of the state bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of state and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix penalties for violation of this act; to create the offices of state and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 11 of the act entitled "An act to provide a central bureau for the preservation of records of marriages, births and deaths, and to provide for the registration of all births and deaths, the establishment of registration dis-

Stats. 1915,
p. 581,
amended.

tricts under the superintendence of the state bureau of vital statistics; the issuance and registration of burial and disinterment permits and certificates of births and deaths; the appointment of state and local registrars of vital statistics; to prescribe the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and to fix the penalties for violation of this act; to create the offices of state and local registrars of vital statistics, to provide for the salary and fees of same; to repeal all acts and parts of acts in conflict herewith," approved May 19, 1915, as amended, is hereby amended to read as follows:

No burial
without
permit.

Sec. 11. No person in charge of any premises on which interments or cremations are made shall inter or permit the interment or cremate or permit the cremation or other disposition of any body unless it is accompanied by a burial or cremation permit, as herein provided. And such person shall indorse upon the permit the date of interment or cremation, over his signature, and shall return all permits so indorsed to the local registrar of his district within ten days from the date of interment or cremation. He shall not remove or permit the removal of any interred body or the cremated remains of a body, unless a permit therefor has been issued by the local registrar of the district in which the said premises are located, and delivered to him. Any person entitled by law to remove an interred dead body or to remove the cremated remains of a dead body may apply to the local registrar for a permit to remove such interred body or the cremated remains of such body, as the case may be, and the local registrar shall forthwith issue such permit, retaining a copy thereof, for which he shall receive a fee of fifty cents to be paid him by the applicant for the permit, such fee to be in addition to the compensation provided in section 20 of this act; and the collection of such fee by the local registrar shall not be construed as in conflict with the provisions of section 5 of this act. Every person in charge of any premises on which interments or cremations are made shall keep a record of all bodies interred or cremated or otherwise disposed of and of the interment or other disposition of the cremated remains of such bodies on the premises under his charge, in each case stating the name of each deceased person, place of death, date of burial or disposal, and name and address of the undertaker; which record shall at all times be open to official inspection; *provided*, that the undertaker or person acting as such, when burying a body or the cremated remains of a body in a cemetery or burial ground having no person in charge, shall sign the burial or removal permit, giving the date of burial, and shall write across the face of the permit the words "No person in charge," and file the burial or removal permit within ten days with the registrar of the district in which the cemetery is located.

Record of
bodies
interred

SEC. 2. Section 22 of said act is hereby amended to read as follows:

Stats 1921,
p. 827,
amended.
Penalties.

Sec. 22. Any person, who for himself or as an officer, agent, or employee of any other person, or of any corporation or partnership, (a) shall inter, cremate or otherwise finally dispose of the dead body of a human being, or permit the same to be done, or shall remove said body, from the primary registration district in which the death or cremation occurred or the body was found, except as provided in section 5 of this act, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or shall remove an interred human body or the interred cremated remains of a human body from the cemetery in which the interment occurred; or shall remove the cremated remains of a dead body from the premises on which the cremation occurred without the authority of a removal permit as provided in section 11 of this act; or (b) shall refuse or fail to furnish correctly any information in his possession, or shall furnish false information affecting any certificate or record, required by this act; or (c) shall wilfully alter, otherwise than is provided by section 18 of this act, or shall falsify any certificate of birth or death, or any record established by this act; or (d) being required by this act to fill out a certificate of birth or death and file the same with the local registrar, or deliver it, upon request, to any person charged with the duty of filing the same, shall fail, neglect, or refuse to perform such duty in the manner required by this act; or (e) being a local registrar, deputy registrar, or subregistrar, shall fail, neglect, or refuse to perform his duty as required by this act and by the instructions and direction of the state registrar thereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof shall for the first offense be fined not less than ten dollars; for each subsequent offense not less than fifty dollars, or be imprisoned in the county jail not more than sixty days, or both fine and imprisonment in the discretion of the court.

CHAPTER 719.

An act to amend section five of the act entitled "An act to provide for a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of

this act, and to make an appropriation therefor," approved June 16, 1913, as amended.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats 1923,
p. 659,
amended.

SECTION 1. Section 5 of the "act to provide for a general system, based upon investigation as to merit, efficiency and fitness, for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create a state civil service commission, to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," is hereby amended to read as follows:

Duties of
commission
Classify
and grade
positions

Sec. 5. The commission shall:

First—Classify positions to be held under state authority in accordance with the provisions of this act and in accordance with the duties attached to such positions. The commission shall grade all positions within each class with respect to salaries, to the end that like salaries shall be paid for like duties, and shall establish minimum and maximum salary limits for each grade in its classification of positions, and shall provide by rule for advancement of salary within each grade on the basis of efficiency and length of service. Such classes and grades may from time to time be amended, added to, consolidated, or abolished by the commission, but persons holding positions under the original classification or grade shall not be affected thereby. Any appointing power authorized by law to fix the compensation of any employee or employees, subject to the provisions of this act, must so fix said compensation in accordance with the classification and salary schedule herein provided, and subject to the approval of the commission."

Hold exam-
inations.

Second—Hold examinations to determine the merit, efficiency and fitness of applicants for positions, and prepare properly classified eligible lists from applicants so examined. All questions for examination shall be prepared under the supervision of the commission or chief examiner and delivered to the examining board or to the candidates by one of the commissioners or chief examiner or by an examiner specially designated to perform such service.

Enforce act.

Third—Enforce the provisions of this act and prescribe, and enforce suitable rules and regulations for carrying the same into effect and from time to time amend and repeal the same.

Keep
minutes.

Fourth—Keep minutes of its own proceedings and records of its examinations and other official actions.

Fifth—Records of individual efficiency of holders of positions in performing their duties shall be established in all offices and places of employment affected by this act. Such records shall be made by the appointing power, unless otherwise directed by the commission, and under and in accordance with such rules and regulations as the commission may prescribe, and a copy of such records shall be filed with the commission. The commission shall investigate all such efficiency records and may make its own records, and shall rate upon such records the item of "ascertained merit" in examinations for promotion. The commission shall establish and enforce rules and regulations under which records of unsatisfactory service may lead to reduction in grade and compensation of the person holding the position concerned, and shall further provide for the manner in which persons falling below the standards of efficiency fixed by its rules and regulations may be removed from their positions by the commission proceeding substantially as provided in this act and with the same effect as in case of removals by the appointing power.

Efficiency records.

Sixth—Make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this act and the rules and regulations prescribed thereunder; inspect all state institutions, offices, places of employment and services affected by this act, and ascertain whether this act and all such rules and regulations are obeyed. Such investigation may be made by any commissioner, or chief examiner, or by any other authorized agent of the commission. In the course of such investigation any commissioner, or chief examiner or such other authorized agent of the commission, or the secretary of the commission, shall have power to administer oaths, subpoena and require the attendance in this state of witnesses and the production thereby of books, papers, documents and accounts appertaining to the investigation but not requiring the attendance of witnesses either with or without books, papers, documents or accounts unless residing within the same county or within thirty miles of the place of attendance.

Investigations

Seventh—All hearings and investigations before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission shall be governed by this act and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor any commissioner, nor the chief examiner nor such other authorized agent of the commission shall be bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony before the commission or any commissioner, or the chief examiner or such other authorized agent of the commission shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission. The superior court in and for the county, or city and county, in which any inquiry, investigation, hearing or proceeding may be held by the commission,

Rules governing hearings.

Compelling attendance of witnesses.

or any commissioner, or the chief examiner or such other authorized agent of the commission shall have the power to compel the attendance of witnesses, the giving of testimony and the production of books, papers, documents and accounts, as required by any subpoena issued by the commission, or any commissioner, or such other authorized agent of the commission, or the secretary. The commission, or the commissioner, or the chief examiner or such other authorized agent of the commission before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the superior court in and for the county, or city and county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of such books, papers, documents or accounts, and that the witness has been summoned in the manner prescribed in this act, and that the witness has failed and refused to attend or produce such books or papers or documents or accounts required by the subpoena, before the commission, or the commissioner, or the chief examiner, or such other authorized agent of the commission, in the matter named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify or produce such books or papers or documents or accounts before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission. The court, upon the petition of the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission, or such commissioner, or the chief examiner or such other authorized agent of the commission. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission, or any commissioner, or the chief examiner or other authorized agent of the commission or the secretary, the court shall thereupon enter an order that said witness appear before the commission, or such commissioner, or the chief examiner or any other authorized agent of the commission at the time and place fixed in said order, and testify or produce the required books, papers, documents and accounts, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this section is cumulative, and shall not be construed to impair or interfere with the power of the commission, or a commissioner, or the chief examiner or any such other authorized agent of the commission to enforce the

Order directing witness to appear.

attendance of witnesses and the production of books, papers, documents and accounts.

The commission, or any commissioner, or the chief examiner or such other authorized agent of the commission may, in any investigation or hearing before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state and to that end may compel the attendance of witnesses and the production of books, papers, documents and accounts. Depositions

No person shall be excused from testifying or from producing any book, paper, document or account in any investigation or inquiry by or hearing before the commission, or any commissioner, or the chief examiner or such other authorized agent of the commission, when ordered to do so, upon the ground that the testimony or evidence, book, paper, document or account required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence; *provided*, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained shall be construed as in any manner giving to any person immunity of any kind otherwise than is herein expressly provided. Witnesses
not excused
from
testifying

Eighth—Make a biennial report to the governor for transmission to the Legislature, showing the action of the commission, including all the rules and regulations adopted by it during such period and those that are in force at the time of making such report, information as to exempted positions as required by this act and the effects of this act and of all proceedings under it and any suggestions the commission or any commissioner may deem practical for the more effectual accomplishment of the purposes of this act. Biennial
report.

Ninth—Meet at Sacramento as often as the needs of the public service may require, and at such other places as the commission may designate. A majority of the members of the commission shall constitute a quorum. Meetings.

CHAPTER 720.

An act revising and amending section fourteen of an act entitled "An act to promote drainage," approved March 18, 1885, as amended, providing for the collection by the county treasurer of assessments, for the paying in cash or warrants of such district, for the calling of assessments, for the service of notice thereof, for the payment of interest

thereon, for the publishing of notice of sale and the sale of the property for delinquent assessments, for the disposition of the proceeds of such sale, for the issuance of certificate and a period of redemption and for the issuance of a deed, and for subsequent sales thereof.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

State, 1909,
p. 28,
amended.

SECTION 1. Section 14 of an act entitled "An act to promote drainage," approved March 18, 1885, as amended, is hereby amended to read as follows:

Filing
of list.

Sec. 14. The list so made must be filed with the county treasurer of the county, or if the district is partly situated in different counties, then the original list must be filed in the county first in order in alphabetical arrangement, and copies thereof, certified by the commissioners must be filed with the treasurers of each of the other counties.

From and after the filing of the list, or certified copies thereof, the charges assessed upon any tract of land in the district constitute a lien thereon, and the list thus prepared must remain in the office of the treasurer thirty days, or longer if ordered by the board of trustees.

Payment of
assessments.

And during the time it remains in the office of said treasurer, any person may pay the amount of charges assessed against any of the tracts with the treasurer without cost, either in cash or in regularly issued warrants of the district, or if so ordered by the board of trustees said payments may be made by installments, which installments may be made either in cash or in regularly issued warrants of the district, and if, at the end of thirty days, or the longer period fixed by the trustees all the charges or all of any installments ordered by them have not been paid, the treasurer must return the list to the board of trustees of the district.

Unpaid
assessments.

And all unpaid assessments shall bear interest at the rate of seven per cent from the date of the return of the list to said board, and shall thereafter be collected and paid in separate installments, of such amounts, and at such times, respectively, as the said board, from time to time, in its discretion, may, by order entered in its minutes may direct. Upon making such order the secretary shall also enter in the minutes of the board, a notice in substantially the following form:

Notice of
installments.

(Name of drainage district, location or principal place of business.) Notice is hereby given that at a meeting of the board of trustees held on the (date), an installment of (amount) was ordered paid within sixty days from date thereof to the secretary of this board at (the place of business), or to the treasurer of the county of ----- Any installment which shall remain unpaid on the (day fixed) will be delinquent together with the accrued interest thereon,

The notice must be personally served upon each owner of land in said district, or in lieu of personal service, must be sent through the mail addressed to such owner at his place of residence, if known or entered upon the assessment roll of the county, and if not known, at the place where the principal office of the district is situated, or be published once a week for two weeks successively in some newspaper of general circulation and devoted to the publication of general news, within the district, and if no such newspaper be published within the district then publication may be made in some newspaper published in the county seat of the county where the greater portion of said district is situated.

If any such installment shall remain unpaid at the expiration of said sixty days, from the date of the order, then the whole remaining uncalled portion of said assessment shall become delinquent together with the accrued interest thereon and a penalty of ten per cent of the amount of said installment and interest shall be added thereto and collected for the use of the district.

Immediately after the said installment has become delinquent, the trustees of the district must publish in one notice a list of all of said delinquencies at least once a week for two weeks in some newspaper of general circulation published in the county where said district or the greater part thereof is situated, which notice shall contain a description of the property assessed, and name of the person to whom it is assessed, or a statement that it is assessed to unknown owners, if such is the fact; the amount then due on said property, and a notice that the property assessed will be sold on the date therein stated, in front of the courthouse of said county to pay the amount then due on said property. The date of said sale shall be not less than ten days after the date of the last publication of said notice. And at said time stated in said notice, or such other time to which said sale may have been postponed, the trustees must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the trustees must pay the amount due on said property as shown in said notice to the county treasurer who shall place the same in the proper funds of said district. The trustees must pay to the owner of said property any surplus remaining after such payment to the county treasurer. The trustees may postpone said sale from time to time for not less than ten or more than thirty days at any one time by a written notice posted at the place of sale.

If no bid is made for said property equal to the amount due thereon, the district shall become the purchaser, and the said property must be struck off to the district for said amount. A certificate of such sale shall be executed by the trustees to the purchaser, or to the district, if the property shall have been struck off to the district, and said certificate of sale shall be recorded in the office of the county recorder of said county. Any person interested in said property may redeem the same

Service
of notice.Delin-
quencies.Notice
of delin-
quencies.Sale for
nonpayment.Purchase
by district.Certificate
of sale.

Redemption.

at any time within one year after the date of said sale, by paying to the county treasurer the amount for which said property was sold, and interest on the said sums at the rate of two per cent per month from the date of said sale.

Deed.

If no redemption shall be made within said one year, the purchaser, or the district, if said property shall have been sold to the district, shall be entitled to a deed executed by said trustees, and the effect of such deed shall be to convey said property free of all liens and encumbrances, excepting state, county and municipal taxes, and any subsequent district assessment. The trustees may sell said property at any time at public auction after notice given for the said period and in the same manner as is herein provided for sales for delinquent assessments, but not for a sum less than the amount for which said property was sold, together with any subsequent assessment and the deed executed in pursuance of such sale shall convey said property free of all encumbrances, except state, county and other municipal taxes.

Assessments heretofore made in any drainage district shall be validated and collected in the manner provided by law at the time such assessments were made.

CHAPTER 721.

An act to amend section three hundred nine and one-half of the Civil Code, relating to the authorization of the distribution of the capital stock or capital assets of a corporation among its stockholders, or any of them, and the procedure therefor.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 318,
amended.
Distribution
of capital
stock or cap-
ital assets.

SECTION 1. Section 309½ of the Civil Code is hereby amended to read as follows:

Application.

309½. The directors of a corporation may apply to the commissioner of corporations for a permit to divide, withdraw, or pay or distribute among the stockholders or any of them, any part of the capital stock, or any property of the corporation other than dividends from the surplus profits arising from the business thereof. Any such application shall be in writing and shall set forth the amount of the authorized capital stock, the amount of the subscribed capital stock, the total value of the assets and the total amount of the existing indebtedness, and shall further state that after such creation of indebtedness, or division, withdrawal, payment, or distribution, the assets of the corporation taken at their reasonable value will be not less than the amount of the subscribed capital stock over and above the total indebtedness of the

corporation; *provided, however*, that in the case of a corporation in liquidation applying for a permit to distribute a portion of its assets in lieu of this last and further statement the application shall state that the corporation is in process of liquidation, that it is not engaged, and does not propose to engage in business other than such as is appropriate or incidental to such liquidation, and that after such distribution the assets of the corporation taken at their reasonable value will be at least sufficient to pay and discharge the existing indebtedness and all future anticipated indebtedness of the corporation. The application shall further state that the holders of at least two-thirds of the subscribed capital stock have consented thereto either by instrument in writing filed with the secretary of such corporation or by vote at a meeting of the stockholders called for that purpose. The application shall be in such form and contain such additional information as the commissioner shall prescribe and shall be signed by the president and secretary or a majority of the board of directors of the corporation and shall be verified in the same manner as a complaint in a civil action, and no permit shall be issued except upon an application so filed and payment of the fees therefor and the cost of the publication or posting of notice hereinafter provided. Upon the filing of the application the commissioner must give notice thereof once a week for two successive weeks by publication in some newspaper published in the county of the principal place of business of the corporation, or if there be no such newspaper by notices posted in three public places in the county. Any creditor of the corporation may file with the commissioner written objections to the granting of such permit, verified in the same manner as an answer in a civil action, and also state therein an address to which any notice provided hereby may be mailed. At the expiration of said two weeks, if no objection be so filed, the commissioner shall hear and determine said application, but if any objection be so filed and not withdrawn in writing the commissioner shall in writing notify the corporation thereof which may within thirty (30) days thereafter apply to the superior court of said county for a writ of mandate to compel the issuance of said permit, otherwise said application shall be deemed abandoned without prejudice to another or similar application upon like notice. In such mandate proceedings all such objecting creditors shall be joined with the commissioner as defendants and served with process and shall have the right to answer therein separately or jointly, but the commissioner need not file any pleading therein unless he so desires nor shall any judgment for damages or costs be rendered against him personally or against the state. If any defendant can not be served personally within the state service upon such defendant may be effected by service upon the commissioner who shall thereupon notify said defendant in writing of such service. In such mandate proceedings the burden shall be upon the corporation to establish its rights to

Notice.

Hearing.

Mandate proceedings.

Appeal

Judgment.

Permit to
corporation
in liqui-
dation.Filing of
copies of
permit.Purchase of
preferred
stock.

the issuance of such permit. If the court shall find that all the allegations required to be set forth in said application are true and that such permit may be issued without injury to any creditor it shall order the commissioner to issue such permit, otherwise it shall dismiss the proceedings; *provided*, that the court may upon a like finding order the issuance of a permit for a lesser amount than that applied for. Any party to said proceeding may appeal from the judgment therein as in other mandate proceedings except that notice of appeal shall be filed within ten days after notice of entry of judgment, and if not so filed said judgment shall become final. Upon the judgment becoming final a certified copy thereof shall be filed with the commissioner who shall proceed in accordance therewith; *provided*, that should anything occur between the filing of the application and the filing of said certified copy, affecting substantially the financial status of the corporation, and any creditor shall have filed with the commissioner written objections based thereon, and the commissioner shall find that such thing has so occurred and was not considered by the court he shall not issue his permit but shall refer the matter to said court which shall thereupon reopen said proceedings and render such judgment thereon as the circumstances and justice may require, from which judgment an appeal may be taken as in the case of the original judgment. Any permit granted to a corporation in liquidation shall state on its face the amount of the subscribed capital stock, the amount of the assets and indebtedness which will remain after such distribution is had thereof, and the amount of the capital stock which said corporation shall thereafter be deemed to have until changed by law, which said amount of capital stock shall be the total value of such remaining assets; *provided, however*, that in case the articles of incorporation of said corporation provided for shares of stock of different classes or preferences such provision therein shall be applied and be as effective as though there had been no reduction or change in the amount of the capital stock. Before any division, withdrawal, payment or distribution of assets of a corporation is made, under any permit of the commissioner obtained as herein provided or any dividend is made under any such permit other than from the surplus profits arising from the business of the corporation, the corporation shall file in the office of the secretary of state a copy of such permit duly certified by the commissioner and shall also file a copy of such permit so certified in the office of the county clerk of the county of the principal place of business of the corporation and in the office of the county clerk of every county in the state in which the corporation holds real property.

Nothing hereinabove appearing shall be construed to apply to the purchase of its own preferred stock by a corporation which is in actual liquidation and which has no unsecured indebtedness, and any such corporation may, with the written

assent of the holders of at least two-thirds of its issued and outstanding preferred stock, purchase and retire and cancel all or any part of such preferred stock, upon obtaining a permit therefor from the commissioner of corporations.

CHAPTER 722.

An act to add a new title to part four of division first of the Civil Code, to be known as title twenty-four, consisting of sections numbered six hundred fifty-three ab to six hundred fifty-three ag, inclusive, and relating to the formation of corporations to receive bequests, gifts, and donations and administer the same.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. A new title is hereby added to part IV of division I of the Civil Code to be known as title XXIV, consisting of sections numbered 653ab to 653ag, inclusive, and to read as follows:

653ab. 1. With the approval of the commissioner of corporations and the attorney general first had as hereinafter provided, any number of persons not less than three nor more than fifteen, who may desire to establish a library may incorporate themselves for any lawful purpose other than profit, and without capital stock as provided in this act.

2. Each corporation formed under this title must prepare and file articles of incorporation in writing, setting forth:

1. The name of the corporation.
2. The purpose for which it is formed.
3. The place where its principal business will be transacted.
4. The term for which it is to exist, not exceeding fifty years.
5. The number of trustees or directors thereof, which must not be less than three nor more than fifteen, and their names and residences.

6. Said articles of incorporation shall be subscribed by the original incorporators, a majority of whom shall be residents of this state, and acknowledged by each before an officer authorized by the law of this state to take and certify acknowledgments of deeds of conveyance of real property. Such articles so subscribed and acknowledged must be filed in the office of the secretary of state, who shall thereupon issue a certificate in the form and having the effect prescribed in section 296 of this code; *provided, however*, that no corporation shall be authorized to transact any business until it shall have filed in the office of the county clerk in the county in which its principal business is to be transacted, a copy of its articles of incorporation certified by the secretary of state. When so filed said articles of incorporation, or

New sections.

Incorporation of libraries.

certified copies thereof, shall be received in all the courts of this state and other places as prima facie evidence of the facts contained therein.

Gifts,
members,
officers,
vacancies
and charges

653*ac*. Such corporation shall not issue capital stock and its business shall not be carried on for profit. It shall have the capacity and right to receive and take any gift, bequest, devise or conveyance of property either as grantee for its own use or as trustee and to be or be made the beneficiary of a trust. The trustees or directors of any such corporation shall compose its members and shall have control and management of its affairs and property. Said trustees or directors shall elect officers of the corporation from their number, fill by election vacancies occurring in their own number by death, incapacity, retirement or otherwise, subject to the approval of the chief justice of the supreme court of the State of California, and may fix the charges to be paid by persons using the property and quarters of the corporation.

Powers.

653*ad*. Each corporation incorporated under the provisions of this title shall have the powers granted by the provisions of this code and other laws of California relating to private corporations, which are not inconsistent with those granted by this title, and shall also have the following powers:

1. To appoint such agents and officers as its business may require, which may be either persons or corporations, and to employ such persons as may be necessary in the conduct of its affairs.

2. To purchase, lease or otherwise acquire, hold, own and enjoy, to sell, lease, mortgage and otherwise encumber and dispose of any, all and every kind of real or personal property, including stock in other corporations, subject to the terms and conditions of bequests, donations and gifts whenever the same apply; also to carry on any and all operations necessary or convenient in connection with the transaction of any of its business; to make contracts, borrow money, issue bonds, debentures, promissory notes, or other obligations and secure the same. No such corporation shall sell, or offer for sale, negotiate for the sale of, or take subscriptions for any security of its own issue until it shall have first applied for and secured from the commissioner of corporations a permit authorizing it so to do, and complied with all the terms and conditions of the corporate securities act, approved May 18, 1917, as amended and as the same may be amended from time to time. All provisions of said corporate securities act are hereby made applicable to and binding upon corporations incorporated under this title.

By-laws.

653*ae*. Each corporation incorporated under this title, must, within one month after filing articles of incorporation, adopt a code of by-laws for its government and management not inconsistent with the provisions of this title. The vote or written assent of a majority of the trustees or directors shall be necessary to adopt such by-laws. The provisions of section 303 and section 304 of this code, which are not inconsistent

with the provisions of this title, shall apply to said by-laws. Each corporation organized hereunder may also provide in its by-laws for the following matters:

1. The manner of removal of any one or more of its trustees or directors, and of filling all vacancies in the board of trustees or directors.

2. The terms and conditions under which bequests, donations and gifts will be accepted, and the manner in which the same will be administered.

3. The method of fixing charges, if any, for the use of the property of the corporation, and the uses to which the same may be put.

653af. The right of a corporation claiming to be organized and incorporated and carrying on its business under this title, to do and continue its business, may be inquired into by quo warranto proceedings at the suit of the attorney general, and not otherwise.

653ag. The articles of incorporation shall not be accepted for filing by the secretary of state without the endorsement upon them of the approval of the commissioner of corporations and the attorney general. Such approval shall be given where it appears to the commissioner of corporations and the attorney general that it is sought to organize the proposed corporation in good faith and shall be refused where such does not appear.

CHAPTER 723.

An act to create a flood control district to be called "Orange county flood control district"; to provide for the control and conservation of flood and storm waters, and for the protection of harbors, waterways, public highways and property in said district from damage from such waters, and for the construction of works and the acquisition of property therefor; to authorize the incurring of indebtedness, and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district; to provide for the government and control of said district, and to define the powers and duties of the officers thereof.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. A flood control district is hereby created, to be called "Orange county flood control district" and the boundaries and territory of said district shall be as follows: All that portion of the county of Orange, lying within the exterior boundaries thereof.

SEC. 2. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district, and the flood and storm waters of streams that have

their source outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining and causing to percolate into the soil within said district, or without such district, such waters, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters, the harbors, waterways, public highways, and property in said district.

Powers of district.

Said Orange county flood control district is hereby declared to be a body corporate and politic and as such shall have power:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise or lease, and to hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.
5. To acquire or contract to acquire lands, rights of way, easements, privileges and property of every kind, and to construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements acquired by it as herein authorized.
6. To have and exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes, of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and may condemn any existing works or improvements in said district now used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters.
7. To incur indebtedness, and to issue bonds in the manner herein provided.
8. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner hereinafter provided.
9. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.

Supervisors.

SEC. 3. The board of supervisors of Orange county shall be, and they are hereby designated as, and empowered to act as, ex officio the board of supervisors of said Orange county flood control district, and said board of supervisors is hereby vested with the same powers, and shall perform the

same duties for and on behalf of said district, and the government thereof, to carry out the objects and purposes of this act that the board of supervisors of Orange county now have or may hereafter have by law for said Orange county, and shall also have such other or additional powers for said district as may be necessary to carry out any of the objects or purposes of this act above mentioned, or to exercise any of the said powers of said district; *provided*, that such powers and duties are not in conflict with the express terms of this act.

The district attorney, county clerk, county assessor, county tax collector, county auditor and county treasurer of the county of Orange, and their successors in office, and all their assistants, deputies, clerks and employees, and all other officers of said Orange county, their assistants, deputies, clerks and employees, shall be *ex officio* officers, assistants, deputies, clerks and employees respectively of said Orange county flood control district, and shall respectively perform, unless otherwise provided by said board of supervisors, the same various duties for said district as for said Orange county without additional compensation in order to carry out the provisions of this act. Officers.

Said board of supervisors may in their discretion employ special counsel and appoint such other officers for said district as in their judgment may be deemed necessary, and prescribe their duties and fix their compensation, which said officers shall hold office during the pleasure of said board.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the county of Orange. Ordinances.

SEC. 4. Said board of supervisors shall have jurisdiction and power, and it shall be their duty to employ by resolution a competent engineer or engineers to investigate carefully the best plan to control the flood and storm waters of said district, and the flood and storm waters of streams that have their source outside of said district but which stream and the flood waters thereof flow into said district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within or without said district, or to save or conserve in any manner, any or all of such waters, and to protect the harbors, waterways, public highways and property in said district from damage from such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act, and such resolution shall direct such engineer or engineers to make and file a report with said board of supervisors which shall show: Engineer to investigate and report.

1. A general description of the work to be done.

2. General plans, profiles, cross-sections and general specifications of the work to be done.

3. A general description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work.

4. A map which shall show the location of the proposed work and improvements, and lands, rights of way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.

5. An estimate of the cost of such work, including an estimate of the cost of lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work, and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds necessary to be issued to pay for the same.

Such engineer or engineers, employed by said resolution shall have power and authority, subject to the control and direction of said board of supervisors, to employ such engineers, surveyors and others as may be required for making all surveys or doing any other work necessary for the making of such report.

The said board of supervisors may at any time remove any or all of the engineers or employees appointed or employed under this act, and may fill any vacancies occurring among them from any cause.

SEC. 5. After the report of the engineer or engineers provided for in the next preceding action has been filed with the said board of supervisors, said board shall consider the same, and may by resolution either adopt the same as filed, or may refer such report to such engineer or engineers, or to any other engineer or engineers, to be modified or changed, and when a report satisfactory to said board of supervisors has been filed with said board by any such engineer or engineers employed as aforesaid, the said board shall by resolution adopt said report, and state the amount of the entire estimated cost for which bonds are to be voted, and a finding in said resolution adopted by said board of supervisors as to the sufficiency of said report, and that the same complies with all the requirements of this act in relation thereto, shall be final and conclusive against all persons except the State of California upon suit commenced by the attorney general.

SEC. 6. After the adoption of the report by said board of supervisors, as above provided, said board shall without delay call a special election and submit to the qualified electors of said district the proposition of incurring a bonded debt in the amount and for the purposes stated in said report.

Said board of supervisors shall call such special election by ordinance, and shall recite therein the objects and purposes

Consider-
ation and
adoption
of report

Bond
election.

for which the indebtedness is proposed to be incurred; *provided*, that it shall be sufficient to give a brief general description of such objects and purposes, and refer to the report adopted by said board of supervisors, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, and which shall be not less than one-fortieth of the whole amount of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, the manner of holding the same, and the manner of voting for or against incurring such indebtedness. The rate of interest to be paid on such indebtedness shall not exceed six per centum per annum.

For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint one inspector, one judge and two clerks for each of such precincts.

In all particulars not recited in such ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board of supervisors shall cause so much of said report as covers a general description of the work to be done, and the map showing the location of the proposed work and improvements, to be printed at least thirty days before the date fixed for such election, and a copy thereof furnished to every qualified elector of said district who shall apply for the same.

Said ordinance calling such election shall, prior to the date set for such election, be published ten times in one or more daily or four times in a weekly, newspaper of general circulation, printed and published in said district, and designated by said board of supervisors for said purpose. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds.

If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district for the amount stated in such proceedings shall be issued and sold as in this act provided.

SEC. 7. The said board of supervisors shall, subject to the Bond Issue. provisions of this act, prescribe by ordinance the form of said bonds, and of the interest coupons attached thereto. Said bonds shall be payable substantially in the following manner: A part to be determined by said board, and which shall not be less than one-fortieth part of the whole amount of such indebtedness shall be payable each and every year on a day

and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denomination as the said board of supervisors may determine, except that no bonds shall be of a less denomination than one hundred (\$100.00) dollars, nor of a greater denomination than one thousand (\$1000.00) dollars, and shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six per centum per annum, and shall be payable semi-annually, and said bonds shall be signed by the chairman of the board of supervisors, and countersigned by the auditor of said Orange county, and the seal of said district shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of Orange county by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Sale of
bonds.

SEC. 8. The said board of supervisors may issue and sell the bonds of such district authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds be placed in the treasury of the county of Orange to the credit of said district, and the proper record of such transactions shall be placed upon the books of said county treasury, and said district fund shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said district fund shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the county of Orange.

Bonds
a lien.

SEC. 9. Any bonds issued under the provisions of this act shall be a lien upon all the taxable property of the district, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax upon all the taxable property within said district and all the taxable property in the district shall be and remain liable to be taxed for such payments as hereinafter provided.

Tax levies.

SEC. 10. The board of supervisors shall levy a tax each year upon all the taxable property in such district sufficient to pay the interest upon said bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy. Such tax shall be levied and collected at the time and in the same manner as the general tax levy for county purposes, and

when collected shall be paid into the county treasury of said Orange county to the credit of said district fund, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasury of said Orange county in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 11. The provisions of the Political Code of this state, Assessment and collection of tax prescribing the manner of levying, assessing, equalizing and collecting taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

SEC. 12. The bonds of said Orange county flood control district issued pursuant to this act, shall be legal investments Bonds as legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, such bonds of said district may be so used.

This section of this act is intended to be and shall be considered the latest enactment of the matters herein contained, and any and all acts or parts of acts in conflict with the provisions hereof are hereby repealed.

SEC. 13. All bonds issued by said district under the provisions of this act are hereby given the same force, value and use Force and tax exemption. as bonds issued by any municipality in this state, and shall be free and exempt from all taxation within the State of California.

SEC. 14. The board of supervisors of said district shall have power, in any year, to levy a tax upon all taxable property in said district, to carry out any of the objects or purposes of this act, and to pay the cost and expenses of maintaining, operating, extending and repairing any work or improvements of said district for the ensuing fiscal year, and said tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenues derived from said tax shall be paid into the county treasury to the credit of the maintenance fund of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said Maintenance tax

purposes; *provided, however*, that such tax levied under this section for any one fiscal year shall not exceed ten cents on each one hundred dollars of the assessed valuation of the taxable property in said district, exclusive of any tax levied to meet the bonded indebtedness of said district, and the interest thereon.

Contracts
for labor,
materials
and supplies

SEC. 15. All contracts for furnishing the labor, materials or supplies required for any improvement or work, or any portion thereof, to carry out this act, shall be let to the lowest responsible bidder. The said board of supervisors of said district shall advertise by five or more insertions in a daily newspaper of general circulation, or by two or more insertions in a weekly newspaper of general circulation, printed and published in said district, inviting sealed proposals for furnishing the labor, materials and supplies for the proposed improvement or work before any contract shall be made therefor, and may let by contract separately, any part of said work or improvement. The said board shall have the right to require such bonds as it may deem best from the successful bidder, to insure the faithful performance of the contract, and shall also have the right to require such bonds as it may deem best from the successful bidder for the security of materialmen and laborers, who furnish materials or perform labor in the performance of the contract and shall also have the right to reject any and all bids; *provided, however*, that in the event bids are rejected or no bids are received pursuant to the advertising therefor, then nothing herein contained shall be construed as prohibiting said district itself, from doing any of the proposed work under the provisions of this act by force account when deemed advisable, and the said district shall have power to purchase in the open market, without advertising for bids therefor, materials and supplies for use in any work being done by it, either under contract or by force account, whenever the costs of such materials or supplies do not exceed the sum of one thousand five hundred dollars (\$1,500); *and provided, further*, that any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or be rendered contrary to the best interests of said district by some change of conditions in relation thereto, in which event said board of supervisors may, by a vote of four-fifths of all the members thereof, order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

Work along
highways.

Any work or improvement provided for in this act may be located, constructed and maintained in, along or across any public road or highway in the county of Orange, in such manner as to afford security for life and property, but the said board of supervisors of said district shall restore or

cause to be restored such road or highway to its former state as near as may be, so as not to impair its usefulness.

The plans and specifications for any work proposed to be done, or improvements to be made, under this act, in any municipality in said district shall first be approved by the legislative body of such municipality before the commencement of such work or improvements, and before any contract shall be let therefor; *provided*, that in the event such legislative body shall refuse or neglect to approve the said plans and specifications for such work or improvement within thirty days after being requested by said board of supervisors so to do, then said board of supervisors shall omit the doing of such work or making of such improvements within such municipality, and such omission shall not affect the validity of its proceedings under this act, and the funds which were to be expended for such proposed work or improvement in said municipality may be expended elsewhere by said board of supervisors for carrying out the purposes of this act.

SEC. 16. The said board of supervisors of said district shall have power to make and enforce all needful rules and regulations for the administration and government of said district, and to appoint or employ all needful agents, superintendents and engineers to properly look after the performance of any work provided for in this act, and to perform all other acts necessary or proper to accomplish the purposes of this act.

Said board of supervisors shall have power to do all work and to construct and acquire all improvements necessary or useful for carrying out any of the purposes of this act; and said board of supervisors shall have power to acquire either within or without the boundaries of said district, by purchase, condemnation, donation or by other lawful means in the name of said district, from private persons, corporations, reclamation districts, swamp land districts, protection districts, drainage districts, irrigation districts, or other public corporations or agencies or districts, all lands, rights of way, easements, property or materials necessary or useful for carrying out any of the purposes of this act; to make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the exercise of the powers conferred by this act, or arising out of the use, taking or damage of any property, rights of way or easements, for any such purposes; to compensate any reclamation district, protection district, drainage district, irrigation district or other district, public corporation or agency or district, for any right of way, easement or property taken over or acquired by said Orange county flood control district as a part of its work of flood control or conservation or protection provided for in this act, and any such reclamation district, protection district, drainage district, irrigation district or other district or public corporation or agency is hereby given power and authority to distribute such compensation in any manner that may be now or hereafter allowed by law;

to maintain actions to restrain the doing of any act or thing that may be injurious to carrying out any of the purposes of this act by said district, or that may interfere with the successful execution of said work, or for damages for injury thereto; to do any and all things necessary or incident to the powers hereby granted, or to carry out any of the objects and purposes of this act; to compel by injunction the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal, so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose.

In case of condemnation proceedings, the said board of supervisors shall proceed in the name of said district, under the provisions of title VII, part III, of the Code of Civil Procedure of the State of California, which such provisions are hereby made applicable for that purpose, and it is hereby declared that the use of the property, lands, rights of way, easements, or materials which may be condemned, taken or appropriated under the provision of this act is a public use subject to the regulation and control of the state in the manner prescribed by law, and said board of supervisors of said district is hereby vested with full power to do all other acts or things necessary or useful for the promotion of the work of the control of the flood and storm waters of said district, and to conserve such waters for beneficial and useful purposes, and to protect from damage from such storm or flood waters the harbors, waterways, public highways and property in said district; *provided, however*, that nothing in this act contained shall be deemed to authorize said district, or any person or persons, to divert the waters of any river, creek, stream, irrigation system, canal or ditch, from its channel, to the detriment of any person or persons having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless, previous compensation be first ascertained and paid therefor, under the laws of this state authorizing the taking of private property for public uses; *but provided, further*, no right to take by condemnation any of the properties in this proviso enumerated shall exist on behalf of said district at a greater distance than fifteen miles outside the exterior boundaries thereof; *and provided further*, that nothing in this act contained shall be construed as in any way affecting the plenary power of any incorporated city, city and county, or town, or municipal or county water district, to provide for a water supply of such public corporation, or as affecting the absolute control of any properties of such public corporations necessary for such water supply, and nothing herein contained shall be construed as vesting any power of control

over such properties in said Orange county flood control district, or in any officer thereof, or in any person referred to in this act; *and provided, further*, that nothing in this act contained shall be deemed to authorize said board of supervisors to raise money for said district by any method or system other than that by the issuing of bonds, or the levying of a tax upon the assessed value of all the taxable property in said district in the manner in this act provided.

SEC. 17. Said board of supervisors of said district shall have full power and authority to cooperate with and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or for the protection of property, or of any of the harbors, channels, waterways, roads or highways in said district, or for the purpose of conserving said waters for beneficial use and to adopt a definite plan or system of work for any such purpose, and when so adopted, no substantial change affecting their interest shall thereafter be made in the same without the express consent of the officer, board, commission, department or agency of the state or federal government or public or private corporation in conjunction with which the same was originally adopted.

Cooperation
with U. S.,
State and
others.

SEC. 18. Whenever bonds have been issued by said district and the proceeds of the sale thereof have been expended as in this act authorized, and said board of supervisors shall by resolution passed by a vote of four-fifths of all its members determine that the public interest or necessity of said district demands the issuance of additional bonds for carrying out the work of flood control, or for any of the purposes of this act by said district, said board of supervisors may again proceed as in this act provided, and have a report made and submit to the qualified voters of said district the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

SEC. 19. Should the proposition of issuing bonds submitted at any election under this act fail to receive the requisite number of votes of the qualified voters voting at such election to incur the indebtedness for the purpose specified, the said board of supervisors of said district shall have power and authority at the expiration of six months after such election, to call or order another election for incurring indebtedness and issuing bonds under the terms of this act, either for the same objects and purposes, or for any of the objects and purposes of this act.

Additional
bond
elections.

Effect of
repeal or
amendment

SEC. 20. No repeal or amendment of this act which shall in any way affect or release any of the property in said district from the obligations of any outstanding bonds or indebtedness of said district, shall go into effect or be valid or become operative until all such bonds and outstanding indebtedness have been fully paid and discharged.

Construction
of act.

SEC. 21. This act, and every part thereof, shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

Constitutionality

SEC. 22. In case any section or sections, or part of any section, of this act, shall be found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

Short title.

SEC. 23. This act may be designated and referred to as the "Orange county flood control act" and any reference thereto by such designation shall be deemed sufficient for all purposes.

CHAPTER 724.

An act to amend section one thousand six hundred eight of the Political Code, relating to the sale of the personal property belonging to school districts.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats 1925,
p. 727,
amended
Powers and
duties of
school
boards
Manage and
control
property.

SECTION 1. Section 1608 of the Political Code is hereby amended to read as follows:

1608. Boards of school trustees and city boards of education shall have power, and it shall be their duty:

First—To manage and control school property within their districts, and to pay all moneys received by them or collected by them from any source whatever, and all moneys apportioned to them from taxes levied and collected under the authority of city councils for school purposes, into the county treasury to be placed to the credit of the proper fund of their districts.

Purchase
furniture,
etc.

Second—Except as otherwise provided in this code, to purchase school furniture, including musical instruments, and apparatus, and such other articles as may be necessary for the use of schools; *provided*, that, except in city school districts governed by boards of education, they shall purchase such books and apparatus only as have been adopted by the county board of education.

Furnish and
repair
quarters

Third—To furnish, repair and insure and, in their discretion rent, the school property of their respective districts, such insurance to be written in any solvent insurance company doing business in this state, or in any mutual insurance company organized under the laws of this state. When the school

enrollment of any school is such as to cause overcrowded schoolrooms, then boards of school trustees and city boards of education shall have power to make arrangements for the location of schools in temporary quarters. These quarters may be procured for a consideration, or at a rental, or by the construction of temporary buildings on school property. The boards of school trustees and city boards of education shall also have power to rent suitable quarters for administrative offices for a period not to exceed five years.

Fourth—When directed by a vote of their districts to build schoolhouses or to purchase or sell school lots. Build schoolhouses.

Fifth—To receive in the name of the district conveyances for all property received and purchased by them, and to make in the name of the district conveyances of all property belonging to the district and sold by them. Conveyances.

Sixth—Boards of school trustees and city boards of education shall have power to, and may in their discretion, sell to the highest bidder for cash any personal property belonging to their respective districts not required for school purposes, or which should be disposed of for the purpose of replacement, or because unsatisfactory, or not suitable for school use, after notice given by publication in a newspaper of general circulation published in the county for a period of not less than two weeks, or by posting such notice in at least three public places in the district for not less than two weeks; *provided, however*, that if in the unanimous judgment of the board the property does not exceed in value the sum of two hundred dollars the same may be sold at private sale without advertising, by any member of the board empowered for that purpose by the majority vote thereof. All money received from such sale shall be placed to the credit of the fund from which the original expenditure for the purchase of such property was made. Sale of personal property.

Seventh—Boards of school trustees and city boards of education shall have power to, and may in their discretion, grade, pave, sewer, or otherwise improve streets and other public places in front of real property owned or controlled by them, and appropriate money to pay the cost and expense of such improvements whether made by said boards, under contracts executed by said boards, or under contracts made in pursuance of any of the general laws of the state respecting street improvements, or under contracts made in pursuance of the charter of any municipality; and said boards shall have power to, and may in their discretion, appropriate money to pay assessments, for the improvement of streets or other public places, levied against any real property owned by, or under the control of said boards, when said property is included within an assessment district formed in pursuance of any general law of the state or under the charter of any municipality. Improvement of streets.

CHAPTER 725.

An act to approve, confirm, ratify and validate sales and conveyances of real property made by school districts or high school districts or by boards of education or boards of trustees or other governing bodies thereof, or by the board of education of any city, and to approve, confirm, ratify and validate instruments executed or delivered in connection with or as a part of any such sales.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Sales of
school
property
validated.

SECTION 1. Any sale and conveyance of real property made after July 30, 1917, and before the passage of this act by any school district or high school district of whatever kind or class, or any board of education or board of trustees or other governing body thereof, or by the board of education of any city (such boards or bodies being hereinafter designated "school authorities"), is hereby approved, confirmed, ratified and validated to all intents and purposes and the power of the district or school authorities selling and conveying such real property to sell and convey the same is hereby acknowledged, granted, ratified, confirmed and declared, and all deeds and other instruments given by any district or school authorities in connection with or as a part of any such sale and conveyance, and all payments, purchase money obligations and instruments, including mortgages and deeds of trust, given by the purchaser of any such real property in connection with or as a part of any such sale and conveyance are hereby ratified, approved, confirmed and declared to be legal and binding notwithstanding any want of power of the district or school authorities selling and conveying such real property to sell and convey the same, or any invalidity or irregularity in or affecting the proceedings for any such sale and conveyance; *provided*, that such property was sold at public sale or competition following notice, fixing a time and place within the district for such sale and describing or identifying the property sold, given by the district or school authorities and either posted in a public place within the district at least five days before the sale, or published at least once at least five days before the sale in a newspaper of general circulation published in the district wherein said property was situated.

CHAPTER 726.

An act to amend section six hundred two of the Penal Code, relating to trespass.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 602 of the Penal Code is hereby amended to read as follows:

Stats 1917,
p. 319,
amended.

602. Every person who wilfully commits any trespass by either:

Malicious
injury to
real
property.

(a) Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another;

(b) Carrying away any kind of wood or timber lying on such lands;

(c) Maliciously injuring or severing from the freehold of another anything attached thereto, or the produce thereof;

(d) Digging, taking, or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, or stone;

(e) Digging, taking, or carrying away from land in any city or town, laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue, or park, without the license of the proper authorities, any earth, soil or stone;

(f) Maliciously tearing down, damaging, mutilating or destroying any sign, signboard or notice placed upon, or affixed to, any property belonging to the state, or to any city, county, city and county, town or village, by the state or by an automobile association, which sign, signboard or notice is intended to indicate or designate a road or roads, or a highway or highways, or is intended to direct travelers from one point to another; or putting up, affixing, fastening, printing, or painting upon any property belonging to the state, or to any city, county, town, or village, or dedicated to the public, or upon any property of any person, without license from the owner, any notice, advertisement, or designation of, or any name for any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention thereto;

(g) Entering upon any lands owned by any other person whereon oysters or other shellfish are planted or growing; or injuring, gathering, or carrying away any oysters or other shellfish planted, growing, or being on any such lands, whether covered by water or not, without the license of the owner or legal occupant thereof; or destroying or removing or causing to be removed or destroyed, any stakes, marks, fences, or signs intended to designate the boundaries and limits of any such lands;

Malicious
injury to
real property
(cont'd).

(h) Wilfully opening, tearing down, or otherwise destroying any fence on the inclosed land of another, or opening any gate, bar, or fence of another and wilfully leaving it open without the permission of the owner, or maliciously tearing down, mutilating, or destroying any sign, signboard, or other notice forbidding shooting on private property; or

(i) Building fires upon any lands owned by another where signs forbidding trespass are displayed at intervals not greater than one-third mile along the exterior boundaries or along roads and trails passing through such lands, without first having obtained permission from the owner of such lands or his agent, or the person in lawful possession thereof; or

(j) Entering any inclosure belonging to, or occupied by another, for the purpose of hunting, shooting, killing, or destroying any kind of game within such inclosure, without having first obtained permission from the owner of such inclosure;

Is guilty of a misdemeanor.

CHAPTER 727.

An act to amend title Xa of the Code of Civil Procedure, relating to civil proceedings in municipal courts.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 944,
amended.

SECTION 1. The new title Xa added to the Code of Civil Procedure by the Legislature at its forty-sixth session is hereby amended to read as follows:

TITLE Xa

CIVIL PROCEEDINGS IN MUNICIPAL COURTS.

Chapter I.

Place of Trial of Civil Actions.

Change
of venue

831. The municipal court must, on motion, based upon a demand of the defendant therefor in writing, accompanied by an affidavit of merits, made and filed at the time he answers, change the place of trial of an action commenced in such court to another court in which such action is cognizable, as follows:

1. For the recovery of possession of real property, and for injuries thereto; to the municipal court or justice's court, if the action be cognizable in such justice's court, established in the city or township, respectively, where the real property is situated.

Where the real property is situated partly within and partly without a city in which there is established a municipal court,

the plaintiff may elect whether to sue in the municipal court or the appropriate justice's court, or in the superior court, and the court so selected in the proper court for the trial of such action; *provided*, that all such actions must be tried in a court in which such action is cognizable, established in the county in which such real property or some part thereof is situated.

Change
of venue
(cont'd).

2. For the recovery of the penalty or forfeiture imposed by statute; to the municipal court or justice's court, if the action be cognizable therein, established in the city or township, respectively, where the cause of action, or some part thereof, arose; *provided*, said cause, or some part thereof, arose within the county in which the municipal court, in which such action is commenced, is situated; otherwise, to the court in which said action is cognizable, situated in the county where said cause of action arose; *and provided*, that when such penalty or forfeiture is imposed for an offense committed on a lake, river, or other stream of water, situated partly within and partly without the city in which there is established a municipal court, the plaintiff may elect whether to sue in the municipal court of such city, or in the appropriate justice's or superior court, and the court so selected is the proper court for the trial of such action.

3. Against a public officer, or person especially appointed to execute his duties, for an act done by him in virtue of his office; or against a person who, by his command or in his aid, does anything touching the duties of such officer; to the municipal or justice's court, if the action be cognizable therein, established in the city or township, respectively, where the cause, or some part thereof, arose; *provided*, said cause, or some part thereof, arose within the county in which the municipal court, in which such action is commenced, is situated; otherwise, to the court in which such action is cognizable, situated in the county where the cause of action arose.

4. In all other cases; to the municipal or justice's court, if the action be cognizable therein, established in the city or township, respectively, in which the defendants, or some of them, reside at the commencement of the action, if within the county in which the municipal court, in which the action is commenced, is situated; *provided*, that none of the defendants reside in the city where the action is commenced; and cases in which none of the defendants reside in the county in which such action is commenced, to the municipal or justice's court, if cognizable therein, situated in the city or township, as the case may be, where the defendants, or some of them reside; otherwise to the superior court of such county.

When the action is for injury to person or personal property, or for death from wrongful act or negligence, the plaintiff may elect whether to sue in the municipal court or the appropriate justice's or superior court, having jurisdiction over the territory where the injury occurs, or the injury causing death occurs, or in which the defendants, or some of

them, reside at the commencement of the action, and the court so selected is the proper court for the trial of such action.

If any person is improperly joined as a defendant, or has been made a defendant solely for the purpose of having the action tried in the municipal court established in the city where he resides, his residence must not be considered in determining the demand for change of place of trial of the action.

If none of the defendants reside in the state, or, if residing in the state and the place in which they reside is unknown to the plaintiff, the plaintiff may elect to sue in any municipal court, and the court so selected is the proper court for the trial thereof.

If the defendant is about to depart from the state, the plaintiff may elect to sue in the municipal court established in the city in which either of the parties reside, and the court so selected is the proper court for the trial thereof.

No limitation upon power of court.

831a. Nothing contained in this chapter shall be construed to limit the power of the court to hear and determine any of the actions herein enumerated, arising, or where any of the defendants reside, within the jurisdictional limits of the court as established by law, and any such action may, notwithstanding any of the provisions of this chapter, be tried in the municipal court where commenced, subject to the power of the court to change the place of trial for cause as provided in sections 831b and 398 of this code, unless demand for change of place of trial is made as provided in this chapter.

Additional grounds for change of venue.

831b. At the time of hearing of a motion for change of place of trial made under the provisions of the preceding sections of this chapter, the court may, on plaintiff's counter motion, order the action retained for trial therein, notwithstanding defendant's right to a change of place of trial; *provided, however*, if the city in which the action is commenced is not the proper place for the trial thereof, the action may, notwithstanding, be tried therein, unless the defendant, at the time he answers or demurs, files an affidavit of merits, and demands, in writing that the trial be had in the proper city or county; *and provided, further*, at any time before actual trial of issues of fact in any action pending therein, the court may, on motion of either party, change the place of trial for the following causes:

1. When there is reason to believe that an impartial trial cannot be had in the court to which such action is, by the provisions of this chapter, required to be transferred for trial, or in which it is then pending, as the case may be.

2. When the convenience of witnesses and the ends of justice would be promoted by retaining said action for trial where commenced, or by the change to another court, as the case may be.

3. When, from any cause, there is no judge of the court to which such action is, by the provisions of this chapter,

required to be transferred for trial, or of the court in which it is pending, as the case may be, qualified to act.

Chapter II.

CIVIL PROCEEDINGS IN MUNICIPAL COURTS.

831c. Civil actions in the municipal courts shall be commenced and prosecuted in the manner provided by law for the commencement and prosecution of civil actions in the superior courts of this state, except: Commencement and prosecution

(1) The summons shall direct the defendant to appear and answer within five days after summons is served if served within the city within which the action is brought; within ten days if served out of a city but in the county in which the action is brought; and within twenty days if served elsewhere.

831d. The rules of pleading and practice applicable to the prosecution of civil actions and enforcement of judgments in the superior court of this state shall apply to and govern the prosecution and maintenance of civil actions and enforcement of judgments in the municipal courts of this state, except as follows: Procedure.

(1) In cases tried by the court without a jury, the court shall not be required to make any written findings of fact and conclusions of law where the matter involved is three hundred dollars (\$300) or less, exclusive of interest and costs, and in all other cases written findings of fact and conclusions of law shall be deemed to be waived unless they shall be expressly requested by one of the parties at the time of trial.

(2) Where the demand, exclusive of interest, or the value of the property in controversy does not exceed three hundred dollars, the defendant, at his option, in lieu of demurrer and other answer, may file a general written denial verified by his own oath and a brief statement similarly verified, of any new matter constituting a defense or counterclaim.

(3) At any time after issue of fact is joined, the court upon its own motion may, and upon the written demand of any party shall, cite all parties to appear before the court at a time and place certain for summary proceedings.

Such citation may be served upon the party personally or upon his attorney of record. It must be served not less than five days before the return day.

Each party must appear personally, or by person or persons having knowledge of the facts and authorized in writing by such party so to appear, and with or without counsel as he may desire. If a party is an assignee of a cause of action, counterclaim or cross-complaint, in addition to any other person he shall procure the presence of the first assignor thereof or its agent making the assignment, if he be available. For any person whose presence is herein required, subpoena shall be issued by the clerk at the request of any

Procedure
(cont'd).

party. If clear proof be made that no person having knowledge of the facts constituting the cause of action, defense, counterclaim or cross-complaint is available, the party may, by his counsel, make the statement herein provided, in which case any other party at his option may make his statement by counsel only.

At such time, or other time or times to which the proceeding may be continued, the judge shall require the parties, or the person or persons appearing respectively in their behalf, to state under oath the facts upon which the respective claims and defenses of the parties are based. If a party is authorized by the provisions hereof to appear by counsel only, his counsel shall state the facts upon which his claim or defense is based. The court shall regulate the order of making the statements as justice requires.

Such statements, together with all that occurs at such examination, shall be taken down by a court reporter, and the notes of the court reporter, or transcript of such notes, certified by the court reporter and the court and filed in the office of the clerk.

If, from such statements, it shall appear, without substantial conflict as to facts, that any party is entitled to judgment against any other party, the court shall cause such judgment to be entered forthwith.

If, although judgment cannot be so entered, it shall appear that there is no substantial conflict as to some of the facts and that upon them findings may be made, the court shall make and file such findings. If such judgment be not so entered, the court shall forthwith set the cause for trial.

Findings upon summary proceedings shall be deemed excepted to. They shall be determinative of the facts therein found, unless the court, for good cause, upon notice, set them aside.

If any party fail to appear for summary proceedings as herein provided, or fail to make statement of facts as herein required, the same judgment shall be entered against him as would be entered if he should fail to appear at trial of the action.

(4) The prevailing party in the municipal court, including the prevailing party on appeal therefrom, and the defendant upon dismissal of the action as to such defendant, is entitled to his costs and necessary disbursements in the action, or on appeal, as the case may be, and also of any proceedings taken by him in aid of an execution upon any judgment rendered therein.

The sections of the code numbered 895, 1033, 1034, 1035, 1036, 1037 are hereby made applicable to proceedings in municipal courts.

Provisions
made
applicable.

831e. The sections of this code numbered 478 to 504 (both inclusive), 509 to 521 (both inclusive), 537 to 561 (both inclusive), and 572 to 574 (both inclusive), 656 to 663a (both inclusive), and 926, are hereby made applicable to proceedings in

municipal courts; *provided*, that where the demand does not exceed fifty dollars the bond specified in section 539 shall be in the penal sum of fifty dollars and where the demand exceeds fifty dollars such bond will be in such penal sum as the clerk of the court or a judge may require not exceeding one thousand dollars.

831f. The clerk of the municipal court shall, with respect to proceedings therein, exercise all powers conferred by law upon the clerk of the superior court with respect to proceedings in the superior court. Powers
of clerk.

831g. Any constable in the county, the marshal of any municipal court and the sheriff shall, with respect to proceedings in municipal courts, exercise all powers and perform all duties imposed by law upon the sheriff with respect to proceedings in the superior court. Constables,
marshal
and sheriff.

CHAPTER 728.

An act to amend section one thousand seven hundred seventy-five of the Political Code, relating to certification of teachers.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 1775 of the Political Code is hereby amended to read as follows: Stats 1921,
p. 949,
amended.

1775. (a) Each county or city and county board of education may, without examination, grant certificates (1) to the holders of credentials issued by the state board of education, (2) to the holders of credentials or recommendations approved by the state board of education, (3) to the holders of valid school certificates issued in accordance with law by any county, or city and county, board of education in this state. Said certificates will authorize the same kind of service in the same grades, classes, or types of schools as that authorized in the credential, recommendation, or certificate upon which any such certificate is issued. Certificates
granted
without
examination.

(b) No teacher shall be employed to teach in any way in any school if the certificate held by the teacher is of a grade below that of the school or class to be taught, nor shall a teacher holding a special certificate be employed to teach any subject not authorized in such certificate; *provided*, that the holders of existing primary certificates, or of the same when hereafter renewed, shall be eligible to teach in any grades of the day or evening elementary schools below the sixth year, and not including the kindergarten grades. Teaching
other grades,
etc.

(c) No person shall be eligible to hold a position as city superintendent, district superintendent, deputy superintendent, or assistant superintendent of schools unless he is the holder of both a valid school administration certificate and a Superin-
tendents and
principals.

valid teacher's certificate; *provided*, that any person employed as a deputy or assistant superintendent in a purely clerical capacity shall not be required to hold an administration certificate. No person shall be employed as principal of a school of more than five teachers unless he is the holder of a valid teacher's certificate and a valid school administration certificate of the same grade as the school to be administered; *provided*, that a substitute principal holding a valid teacher's certificate of the same grade as the school to be administered, may be employed without an administration certificate to meet an emergency for not more than five months of any school year. No one shall be employed to supervise the work of teachers for more than half time during any school week unless he is the holder of a valid teacher's certificate authorizing him to teach in the schools and classes in which he is to supervise instruction and a valid supervision certificate; *provided*, that the holder of a valid school administration certificate may supervise general instruction in all subjects.

High school
librarians.

(d) No librarian shall be employed for more than two hours a day in any high school, unless such librarian holds a valid high school certificate or a special teacher's certificate in library craft of secondary grade, granted in accordance with the provisions of this code. Such librarians shall rank as teachers, and shall be subject to the burdens and entitled to the benefits of the public school teachers' retirement salary fund law on the same basis as other teachers.

Renewals
and
extensions.

(e) All certificates and diplomas now valid in California shall continue in force and effect for the full term for which they were granted. County boards of education may renew any certificate legally issued by them prior to the adoption of this law, and now in force; *provided*, that no certificate granted upon a credential issued by the state board of education for a limited period, or upon an approved recommendation issued for a limited period, shall be renewed or extended unless the credential or the recommendation upon which such certificate was issued has been renewed or extended, and then only for the period of such renewal or extension of the credential or the recommendation; *and provided, further*, that no certificate shall be renewed after the same has expired. Except as otherwise provided, renewed certificates shall be valid for a period of six years.

Teaching
five years.

(f) When the holder of any certificate shall have taught successfully in the same county, or city and county, for five years, the board of education of said county, or city and county, may, in addition to or in the place of the renewal of such certificate, grant a permanent certificate of the kind and grade of the certificate on which said applicant has been teaching, valid in the county, or city and county, in which issued during the life of the holder or until revoked for any of the causes set forth in section 1771 of this code; *provided*, that no certificate granted upon a credential issued by the state board of education for a limited period, or upon an approved

recommendation issued for a limited period, shall be made permanent. Permanent certificates shall be issued without fee.

CHAPTER 729.

An act to amend sections one thousand seven hundred twenty, one thousand seven hundred fifty a and one thousand six hundred seventeen of the Political Code, relating to schools.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

*SECTION 1. Section 1662 of the Political Code is hereby amended to read as follows: Stats. 1921,
p. 879,
amended.

SECTION 1. Section 1720 of the Political Code is hereby amended to read as follows:

1720. First—The secondary schools of the state shall be designated as high schools, technical schools and junior colleges. Secondary
schools

Second—The high schools of the state shall be designated as four-year high schools, junior high schools, senior high schools and evening high schools.

Third—High school districts may be formed, organized and maintained, and secondary schools may be established and maintained in conformity with the provisions of this article.

Fourth—Each high school district may, in accordance with the provisions of law, establish and maintain any of the secondary schools mentioned in subdivision first of this section; and each high school district must establish and maintain for the convenience of the day pupils of the district at least one four-year high school, or in lieu thereof at least one junior high school and at least one senior high school.

SEC. 2. Section 1750a of the Political Code is hereby amended to read as follows: Stats. 1921,
p. 880,
amended.

1750a. First—In any high school district governed by a city or a city and county board of education, one or more junior high schools may be established at any time by resolution of said board duly adopted in accordance with law. Junior high
schools

Second—The governing board of a county, a union or a joint union high school district may establish a junior high school or a system of junior high schools only when a majority of the boards of trustees of the elementary school districts comprising such high school district shall approve the organization of such course in writing, and shall file a statement of such approval with the high school board, or when at an election called for that purpose in the same manner as the election for the formation of the high school district, a majority of the qualified electors voting thereat shall vote in favor of such junior high school. The ballots used at such

* Section 1662 is amended by chapter 162, ante p. 307.

election shall contain the words "Junior high school—Yes" and "Junior high school—No." The result of said election shall be determined and certified to the superintendent of schools as provided in case of the election for the formation of the district. All minors who have completed the work of the sixth grade and such other minors thirteen years of age or over as are, in the judgment of the principal of the junior high school and of the superintendent having immediate jurisdiction thereof, capable of doing the required work may be admitted to a junior high school.

Third—Whenever the average daily attendance of pupils enrolled in the first two years of the junior high school of a district is less than twenty-five for any school year, such junior high school shall be deemed to have lapsed.

Stats. 1921,
p. 879,
amended.
Junior high
school
tuition.

SEC. 3. Section 1617 of the Political Code is hereby amended to read as follows:

1617. First—The board of education of any city, or of any city and county, or the board of school trustees of any school district situated within a high school district maintaining a junior high school shall permit pupils who have completed the sixth year of the elementary school to attend a junior high school established as provided by section 1750a, of the Political Code, and shall pay to such high school district for the education of such pupils, a tuition charge which shall be agreed upon by said board of education, or board of school trustees, and the high school board maintaining such junior high school; *provided*, that if such agreement be not reached before the time fixed for the county superintendent of schools to submit the budgets of such districts to the board of supervisors, the county superintendent shall compute the amount of said tuition and shall incorporate said amount in the budgets of the districts concerned; *and provided, further*, that should the trustees of any school district fail to draw warrants for such tuition due to a high school district the county superintendent of schools shall draw his warrant therefor; *and provided, further*, that such board of education or board of school trustees shall not pay to any such high school board for educating a pupil residing in such elementary school district and attending such junior high school, a tuition charge greater than the average net cost per pupil for educating pupils in the first six years of the elementary school in said elementary school district; *and provided, further*, that such tuition charge shall cease to be paid after the pupil has completed two years of work in such junior high school.

Second—The board of school trustees of any school district not situated in a high school district maintaining a junior high school, may permit pupils of their district who have completed the sixth year of the elementary school, to attend any junior high school in any high school district, and may pay to such high school district for the education of such pupils, by order on the county superintendent of schools, a tuition charge which shall be agreed upon by such board of school trustees

and the high school board maintaining such junior high school; *provided*, that such board of school trustees shall not pay a tuition charge greater than the average net cost per pupil for educating pupils in the first six years of the elementary school district wherein they reside, as ascertained by the county superintendent of schools; *and provided, further*, that said tuition charge shall cease to be paid after the pupil has completed two years of work in such junior high school; *and provided, further*, that the average daily attendance of all pupils from a district paying such tuition enrolled in the first two years of such junior high school, shall be kept separate and shall be credited to the elementary school district in which said pupils reside.

CHAPTER 730.

An act to amend sections one, two, three and five of an act entitled "An act to regulate the conduct of canneries, to create a division of cannery inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the state board of health," approved May 23, 1925, relating to a division of cannery inspection.

[Approved by the Governor May 23, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of an act entitled "An act to regulate the conduct of canneries, to create a division of cannery inspection to carry on such regulation, to provide rules regulating the proper sanitation of canneries, under the state board of health," approved May 23, 1925, is hereby amended to read as follow:

Stats. 1925,
p. 931,
amended.

Section 1. It shall be unlawful for any person, firm, company, organization, association or corporation in the State of California, to engage in the commercial canning of any agricultural food products, fish or fish products, meat or meat products, which meat or meat products are not under the inspection of the bureau of animal industry, United States department of agriculture or the division of animal industry California state department of agriculture, the sterilization of which in the opinion of the California state board of health requires the use of a pressure cooker, or a retort, without first obtaining a license from the said state board of health.

Cannery
licenses
required

SEC. 2. Section 2 of said act, approved May 23, 1925, is hereby amended to read as follows:

Stats. 1925,
p. 931,
amended.

Sec. 2. The said state board of health shall issue to any person, firm, company, organization, association or corporation in the State of California, an annual license on the receipt of ten dollars per annum, per plant, and such evidence as the board may require to show that the said person, firm, company, organization, association or corporation is properly equipped

Fees to be
collected
and
disposition
thereof.

with a retort or retorts or pressure cooker which are properly equipped with recording thermometers, indicating thermometers and pressure gauges to carry out such rules and regulations as the state board of health may adopt for the sterilization of such agricultural food products, fish or fish products, meat or meat products, which meat or meat products are not under the inspection of the bureau of animal industry, United States department of agriculture or the division of animal industry California state department of agriculture. All moneys received by the state board of health for fees shall be deposited at least once each month in the state treasury to the credit of the cannery inspection fund, which fund is hereby created to be used exclusively for the payment of the expenses of enforcing the provisions of this act, and to be paid out only upon claims approved by the state board of health and the state board of control in the manner provided for by law. One thousand dollars of the cannery inspection fund may be used as a revolving fund for the purposes of carrying out the provisions of this act.

Permits.

No person, firm, company, organization, association or corporation in the State of California shall permit any person, employee, or individual to operate a steam controlled retort or retorts used in the commercial canning industry for the sterilization of agricultural food products, fish or fish products, meat or meat products, which meat or meat products are not under the inspection of the bureau of animal industry, United States department of agriculture or the division of animal industry California state department of agriculture, unless said person, employee or individual shall first obtain a permit from the state board of health which shall have power to pass upon and determine the qualifications of the applicant for the permit with a view to the preservation of the public health, and which permit when granted shall be revocable by the board whenever in its judgment the public health requires such action.

Stats. 1925,
p. 932,
amended.
Inspectors
and other
employees.

SEC. 3. Section 3 of said act, approved May 23, 1925, is hereby amended to read as follows:

SEC. 3: For the purpose of enforcing the rules and regulations of the state board of health and the provisions of the pure foods act relating to the canning of such agricultural food products, fish or fish products, meat or meat products, which meat or meat products are not under the inspection of the bureau of animal industry, United States department of agriculture or the division of animal industry California state department of agriculture, the state board of health shall appoint a chief cannery inspector, and such additional inspectors and clerical assistance as it may deem necessary for the enforcement of its rules and regulations.

Stats 1925,
p. 932,
amended.
Statements
on
containers.

SEC. 5. Section 5 of said act, approved May 23, 1925, is hereby amended to read as follows:

SEC. 5. It shall be unlawful for any person, firm, company, organization or association or corporation to place upon the

label of any bottle, can, jar, carton, case, box or barrel, or any receptacle, vessel or container of whatever material or nature which may be used by a packer, manufacturer, producer, jobber or dealer for enclosing any such canned agricultural food products, fish or fish products, meat or meat products, which meat or meat products are not under the inspection of the bureau of animal industry, United States department of agriculture or the division of animal industry California state department of agriculture, any statement relative to the product having been inspected, unless such statement has been approved, officially in writing, by the state board of health. Said approval shall be revocable at any time at the discretion of the state board of health upon official written notice.

NOTE.—There was no section 4 in this bill.

CHAPTER 731.

An act to provide for the formation of districts within municipalities for the acquisition or construction of public improvements, works and public utilities; for the issuance, sale and payment of bonds of such districts to meet the cost of such improvements; and for the acquisition or construction of such improvements.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Any portion of a municipality incorporated under the laws of this state may be formed into a municipal improvement district for the purpose of creating an indebtedness, to be represented by bonds of said district, the proceeds from the sale of which shall be used for the acquisition or construction of any public improvement, work or public utility which such municipality is authorized by law to acquire or construct. Such districts shall be formed and such bonds shall be issued and sold in the manner and under the proceedings hereinafter set forth.

SEC. 2. Whenever a petition, verified by one or more persons and signed by not less than ten per cent of the qualified electors residing in the territory which is proposed to be formed into a municipal improvement district, setting forth a general description of the improvement, work or public utility to be acquired or constructed and a general description of the exterior boundaries of such proposed district, shall have been filed in the office of the clerk of the legislative body of said city, and the genuineness of the signatures thereto shall have been certified to by the city clerk, said legislative body may adopt an ordinance declaring its intention to call an election in said proposed district, or as the same may have been modified as

Municipal improvement districts.

Petition and ordinance of intention

herein provided, for the purpose of submitting to the qualified electors of said district the proposition of authorizing the issuance and sale of bonds of such district in the manner and for the purpose set forth in said ordinance of intention. Said legislative body shall have power to change or modify the boundaries of said district and the nature, character or extent of such proposed public improvement, work or public utility. Said ordinance of intention shall also contain:

Contents of ordinance.

1. An accurate description of the exterior boundaries of the proposed municipal improvement district;

2. A general description of the improvement, work or public utility proposed to be acquired or constructed;

3. An estimate of the cost of the proposed improvement, work or public utility and an estimate of the incidental expense in connection therewith;

4. That upon a certain date fixed therein an election will be held in said district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of such district to pay the cost and expenses of the proposed improvement, work or public utility, and that a map showing the exterior boundaries of said district with relation to the territory immediately contiguous thereto, and a general description of the proposed improvement are on file in the office of the clerk of the legislative body of such city; which said map shall govern for all details as to the extent of the said district.

5. A date, hour and place fixed for the hearing of protests.

Publication of ordinance.

SEC. 3. Said ordinance shall be published once a day for at least six days in some newspaper of general circulation published at least six days a week in said city, or once a week for two weeks in some newspaper published less than six days per week in such municipality, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than six days per week. Such ordinance, unless otherwise provided by charter of the municipality, shall take effect upon the completion of said publication. In municipalities where no such newspaper is published such ordinance shall be posted in three public places therein, and in case of posting notice such ordinance shall take effect two weeks after date of such posting of notice.

Protests

SEC. 4. Any person interested, objecting to the formation of said district, or to the extent of said district, or to the proposed improvement, or work, or to the acquiring or construction of the proposed public utility, or to the inclusion of his property in said district, may file a written protest, setting forth such objection, with the clerk of the legislative body at or before the time set for the hearing of said petition. The clerk of said legislative body shall indorse on each such protest the date of its reception by him, and, at the time appointed for the hearing above provided for, shall present to said board all protests so filed with them. Said legislative body shall hear said protests at the time appointed or at any time to which the

Hearing.

hearing thereof may be adjourned, and pass upon the same, and its decision thereon shall be final and conclusive. If any of such protests against the proposed improvement or work, or against the acquisition or construction of the public utility be sustained, no further proceeding shall be had or taken pursuant to the petition, but a new petition for the same or a similar purpose may be filed at any time after the expiration of six months from the date such protest was sustained. If any of such protests be against the extent of said district, or against the inclusion of property in said district, then the legislative body shall have power to make such changes in the boundaries of the proposed district as it shall find to be proper and advisable, and shall define and establish such boundaries, but said legislative body shall not modify such boundaries so as to include any territory which will not in its judgment, be benefited by said improvement, work or public utility.

Said legislative body shall not modify such boundaries except after notice of its intention so to do, given by one insertion in said newspaper, describing the proposed modification, and specifying a time for hearing objections to such modification, which time shall be at least ten days after the publication of said notice. Written objections to said proposed modification may be filed with the clerk of said legislative body by any interested person at or before the time set for hearing the same. Said legislative body shall hear and pass upon such objections at the time appointed, or at any time to which the hearing thereof may be adjourned, and its decision thereon shall be final and conclusive. If such objections, or any of them, be sustained, no further proceedings pursuant to such petition shall be taken, but a new petition for the same or a similar purpose may be filed at any time after the expiration of six months from the date such protest was sustained.

Modification
of
boundaries.

At the expiration of the time within which protests may be filed, if none be filed, or if protests be filed and after hearing be denied, or at the expiration of the time within which objections to the modification of the boundaries of the district, in case such modification be proposed, may be filed, if none be filed, or if such objections be filed, and, after hearing, be overruled, as above provided, then said legislative body shall be deemed to have acquired jurisdiction to proceed further in accordance with the provisions of this act.

Jurisdiction
to proceed

SEC. 5. At any time after said legislative body shall have so acquired jurisdiction, it may call an election to be held within the district described in the ordinance or resolution calling the election, which description shall conform with any changes in boundaries that may have been made under section 4 hereof, and provide for the submission to the qualified voters thereof, the proposition of incurring a debt by the issuance of bonds of such district, for the purposes set forth in the ordinance of intention. The ordinance or resolution calling such election, shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the nature of the

Call for
bond
election.

improvement, work or public utility, contemplated thereby, the estimated cost thereof, the estimated cost of the incidental expense in connection therewith, the amount of the principal of the indebtedness to be incurred therefor and the rate of interest to be paid on such indebtedness; *provided, however*, that in its discretion said legislative body may recite in such ordinance or resolution a maximum rate of interest to be paid on such indebtedness, which rate when so recited, shall not be exceeded in the issuance of bonds for such indebtedness; and said ordinance or resolution shall fix the date on which such election shall be held, the manner of holding the same and the manner of voting for or against said proposition. The maximum rate of interest to be paid on such indebtedness shall be seven per centum per annum, payable semiannually.

Bond
election.

SEC. 6. For the purposes of said election said legislative body shall in said ordinance, or resolution, establish one or more precincts within the boundaries of said district, designate a polling place and appoint one inspector, one judge and one clerk for each such precinct. In all particulars not recited in such ordinance, or resolution, such election shall be held as provided by law for the holding of general municipal elections in such city. Said ordinance, or resolution, ordering the holding of said election shall, prior to the date fixed for such election be published five times in a daily, or twice in a weekly or semiweekly newspaper of general circulation, printed and published in said city and designated by said legislative body for said purpose. In cities where no such newspaper is published, such ordinance, or resolution, shall be posted in three public places therein two weeks preceding the date fixed for the holding of such election. No other notice of such election need be given. If at such election two-thirds of all the voters voting at said election, shall vote in favor of incurring such bonded indebtedness, then such legislative body shall thereupon be authorized and empowered to issue the bonds of said district for the amount provided for in such proceedings, payable out of funds of such district, to be provided as in this act prescribed.

Bonds.

SEC. 7. Said legislative body shall, subject to the provisions of this act, prescribe the form of said bonds, and of the interest coupons attached thereto. Said bonds shall be payable in the following manner:

A part, to be determined by said legislative body, and which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be payable each and every year, on a day and date, and at a place to be fixed by said legislative body and designated in such bonds, together with the interest on all sums unpaid on such date, until the whole of said indebtedness shall have been paid; *provided, however*, that said legislative body may in its discretion determine and fix a date for the earliest maturity of the principal of such bonds, not more than ten (10) years from the date of the issue of such bonds, but in this event the whole amount

of such indebtedness must be made payable in equal annual parts in not to exceed forty years from the time of contracting the same.

The bonds shall be issued in such denomination as said legislative body may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day and at the place fixed in such bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of seven per centum per annum, and shall be paid semiannually; and said bonds shall be signed by the chief executive of the municipality, or by such other officer thereof as the legislative body of the municipality shall, by resolution adopted by a two-thirds vote of all its members, authorize and designate for that purpose, and also signed by the treasurer thereof, and shall be countersigned by the clerk. The interest coupons on said bonds shall be numbered consecutively and signed by the treasurer of such municipality by his engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of the bonds.

SEC. 8. Said legislative body may issue and sell the bonds of such district, authorized as hereinabove provided, at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of such municipality to the credit of the proper district fund and shall be applied exclusively to the purposes and objects mentioned in the ordinance or resolution ordering the holding of the bond election as aforesaid and to the incidental expense in connection therewith.

SEC. 9. The legislative body of such city shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect a tax each year upon the taxable land in such district sufficient to pay the interest on such bonds for that year, and such portion of the principal thereof as is to become due before the time for making the next general tax levy; *provided, however*, that if the maturity of the indebtedness created by the issue of such bonds be made to begin more than one year after the date of such issue, such tax shall be levied and collected, at the time and in the manner aforesaid, each year sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. Such tax shall be in addition to all other taxes levied for municipal purposes and when collected shall be paid into the treasury of such city and be used for the payment of the principal and interest on such bonds, and for no other purpose. The principal and interest on such bonds shall be paid

Sale of
bonds.

Tax to pay
principal
and interest.

by the treasurer of such city in the manner provided by law for the payment of principal and interest on bonds of such city.

Contracts.

SEC. 10. All contracts for the construction or completion of any public work, or improvement or public utility, or for furnishing labor, materials or supplies therefor as herein provided, shall be let to the lowest responsible bidder. The legislative body of such city shall advertise for two or more days in a newspaper of general circulation printed and published in such city, inviting sealed proposals for furnishing labor, materials and supplies for the proposed improvement before any contract shall be made therefor. The said legislative body shall have the right to require such bonds as it may deem best from the successful bidder to insure the faithful performance of the contract, and shall also have the right to reject any and all bids; *provided, however*, that nothing herein contained shall be construed as prohibiting the municipality itself from constructing or completing such works, improvements or public utilities and employing the labor necessary therefor, without a contractor; *and provided, further*, that in municipalities operating under a charter heretofore or hereafter framed under the provisions of the constitution of the State of California, all acts required to be performed subsequent to the sale of such bonds by this act, shall be done and performed by the proper body, board, officer or commission of such municipality, as is required or authorized by such charter to perform such acts, and in case such charter also prescribes the manner of letting and entering into contracts for the furnishing of labor, materials or supplies for the constructing or completion of public works or improvements, the contracts therefor shall be let and entered into in conformity with such charter.

General powers.

SEC. 11. Said municipality shall, by and through its proper officers, have full power and authority to expend the proceeds acquired from the sale of such bonds for the acquisition or construction of the improvement, work or public utility set forth in the ordinance calling said election, and shall also have full power and authority to acquire or construct such improvements, works or public utilities, and such improvements, works or public utilities so acquired or constructed shall be the property of such municipality.

Use of bond money for other purposes.

SEC. 12. Whenever the legislative body of any municipality in which a municipal improvement district has been formed hereunder, shall by resolution declare that it is no longer necessary to expend the money raised by the sale of bonds of such municipal improvement district for the purpose for which said bonds were voted, by reason of the fact that such purpose has been accomplished by other means, said legislative body of said municipality may call a special election within said municipal improvement district to obtain the consent of the qualified voters thereof to use said money for some other specified purpose for which bonds of said municipal improvement district could lawfully be issued hereunder or to place said money into

a sinking fund for the purpose of paying off the principal of said bonds at any time the same may be presented for payment by the holders thereof. The ordinance calling such special election shall recite the new object and purpose for which the said money is proposed to be expended, and shall fix the date on which such special election will be held, the manner of holding such election and the manner of voting for or against the expenditure of such money for said purpose, and shall establish one or more precincts within the boundaries of said district, designate a polling place and appoint one inspector, one judge and one clerk for each such precinct, and in all particulars not recited in said ordinance such election shall be held as provided by law for the holding of general municipal elections in such municipality. Such ordinance shall be published five times in a daily, or twice in a weekly or semiweekly newspaper of general circulation, printed and published in said city and designated by said legislative body for said purpose. In municipalities where no such newspaper is published, such ordinance shall be posted in three public places within said municipal improvement district for two succeeding weeks. No other notice of such election need be given. It shall require the votes of two-thirds of all the voters at such special election to authorize the expenditure of the money for the purpose mentioned in the ordinance calling said special election.

SEC. 13. Any district formed under the provisions of this act shall be known as "Act of 1927 municipal improvement district No. ____ (insert number) of the city of _____ (inserting the name of the municipality in which such district is located)." Designation
of districts

SEC. 14. This act shall not affect any other act or acts relating to the same, or a similar subject, but it is intended to provide an alternative method of procedure governing the subject to which it relates. When proceeding under the provisions of this act, its provisions and none other shall apply. Alternative
method.

SEC. 15. The provisions of this act shall be liberally construed to effect the purpose thereof and no provision hereof shall be deemed or construed to prohibit the inclusion within the boundaries of any district formed under the provisions of this act, or any other act, of any territory which has heretofore or which may be hereafter included within any other district formed under the provisions of this act, or any other act. Construction
of act.

SEC. 16. This act shall be known as, and whenever cited, referred to, or amended, may be designated as the "Municipal improvement district act of 1927," and by such designation shall be sufficiently identified in any proceeding hereunder or in any court action or proceeding or legislative enactment in which this act is referred to. Short title

CHAPTER 732.

An act to amend sections three, four, five, seven, nine, eleven, thirty-one, thirty-five, thirty-nine, forty, forty-one and fifty of an act of the Legislature of the State of California known and designated as the "Acquisition and improvement act of 1925," approved May 23, 1925, relating to providing estimates of cost, definite time of notice, effect of attack for lack of dedication, date of accrual of obligation of public body to contribute, abandonment of proceedings, mode of assessing and levying special assessment taxes, filing copies of specifications, fixing time for receiving bids, employment of attorney to prepare proceedings, time within which bonds are to be paid, time of payment of interest and manner of fixing rate thereof, sale of bonds, signers of objections, the including in acquisitions of removals, relocations and structural changes, and definition of terms, and to add two new sections to said act, to be numbered sections twenty-eight and one-half and thirty-six and one-half, relating to the interest rates and sale of acquisition bonds and immediate possession bonds.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 854,
amended.

SECTION 1. Section 4 of the "Acquisition and improvement act of 1925," approved May 23, 1925, is hereby amended to read as follows:

Specifica-
tions.

Sec. 4. The legislative body desiring to initiate proceedings for the making of any acquisition or improvement, or both an acquisition and improvement, under the provisions of this act, may, by an order to be entered upon its minutes, designate some county officer, if the legislative body be that of a county, or some municipal officer, if it be that of a municipality, or some other competent person, in either case, and direct him to prepare and furnish specifications for the proposed acquisition or improvement, or both. The said specifications, in the case of an improvement, shall include all plans, profiles, cross-sections and specifications necessary therefor, together with a statement of the estimated cost of the improvement (inclusive of incidental expenses and costs of the proceeding), a description of the district to be benefited by the proposed improvement and a map or plat showing the same and also the different zones within said district (if any are necessary because of varying benefits) containing the lands to be benefited in like measure but in a different measure from those in other zones therein, with a statement as to what percentage of the sum to be raised each year for the payments on the principal and interest of the bonds should be raised from each zone, and shall show the grades to which the contemplated improvements are to be constructed. In the

case of an acquisition, the said specifications shall include descriptions of all property to be acquired, together with a map or plat showing the same, the total sum of the estimated expense of said acquisition (which expenses shall include the estimated amount of just compensation and damages, the estimated expenses chargeable to the plaintiff in the condemnation action, and the estimated incidental expenses of the proceeding) and a description of the district to be benefited by the proposed acquisition and a map or plat thereof; and the other matters relating to zones and percentages as above required in the case of improvements. In the event that the contemplated proceeding includes both an acquisition and improvement, all of the above requirements shall be included in the specifications; the district, zones and percentages set forth to comprehend both the contemplated acquisition and improvement. Said specifications shall be signed by the person designated and directed to prepare them and be presented to the legislative body ordering them. Said legislative body shall examine the said specifications and may approve them or order modifications or changes to be made therein. When approved by the legislative body they shall be filed with the clerk of said body. At any time before the adoption of a resolution of intention the specifications may be corrected or modified by the order of said body.

Any error or informality in the appointment of any officer or other person to prepare specifications, or the omission of a formal order of appointment altogether, shall not invalidate or in any way affect the proceedings. Errors and
Informalities.

In case the consent of any legislative body other than the one conducting the proceeding is required, as provided in section 2 of this act, then, after the specifications shall have been approved and filed, the legislative body conducting the proceeding shall, by resolution, request such consent (or consents, if more than one is necessary,) and a copy of the resolution requesting such consent, together with a copy of the specifications, shall be filed with the legislative body, or bodies, whose consent is requested. Such legislative body, or bodies, may consent by resolution. Consent.

SEC. 2. Section 5 of said "Acquisition and improvement act of 1925" is hereby amended to read as follows: Stats 1925,
p. 855,
amended.

Sec. 5. Before ordering any acquisition or any improvement authorized by this act, the legislative body which is to conduct the proceeding shall adopt a resolution of intention so to do, referring to the public way, in the case of a public way already acquired, by its lawful or official name, or the name by which it is commonly known, and, in the case of a public way to be acquired under the proceeding, by the name by which such public way is to be called upon its acquisition (which name shall thereby be fixed and established), and when the acquisition or improvement is of property or a right of way owned or to be acquired by the public, then by Resolution
of Intention

briefly describing the said property or right of way. No proceedings for any improvement taken or had under this act shall ever be held to be invalid on the ground that the public way or ways, or any portion thereof, upon which the work or improvement, or any part thereof, is to be or was done has not been dedicated or acquired; *provided*, the same is lawfully dedicated or acquired or an order of immediate possession and use thereof has been obtained at any time before judgment is entered in the suit involving such proceeding. In the case of an acquisition, the resolution shall briefly set forth that a public way or property or right of way (naming or otherwise briefly describing it) is to be acquired, state the purpose of such acquisition, and describe the property necessary or convenient to be taken therefor, and refer to the specifications on file for all details and for the estimated expense of the acquisition. It shall be determined in said resolution that the public interest and necessity require the acquisition therein set forth, and that said property to be taken is necessary therefor. Said resolution, in the case of an acquisition, shall be adopted by a vote of two-thirds of the members of said legislative body. In the case of an improvement, said resolution shall determine that the public interest and necessity require the improvement set forth in the resolution and shall briefly describe the improvement, it being sufficient to state in general terms the class or kind of work contemplated (such as grading, paving, sewerage, or other work or improvement), and to give in general the location of the proposed improvement and refer to the plans, profiles, detail drawings and specifications therefor, or such of them as may be suitable or proper (which shall be approved by said legislative body and be on file in the office of the clerk thereof at the time of the adoption of said resolution), for the estimated cost of the improvement (inclusive of incidental expenses and costs of the proceeding), for a full and detailed description and location of said proposed improvement, and of the grades to which said improvement is to be constructed. Said resolution shall contain the following statement: "The notice of all persons affected is directed to the grades for the proposed improvement and to the provisions of the acquisition and improvement act of 1925 relating to grades," and in cases where the construction of the proposed improvement will result in a substantial change (considered with reference to existing physical conditions) with respect to the relation of the elevation of any abutting property to that of the public way as it will exist upon being improved to the proposed grade, there shall be included in said statement the following: "Particular notice is directed to the fact that substantial changes in the relation of the elevation of abutting property to that of said public way (or ways), as it (or they) will exist after being improved, will result from the construction of the above mentioned improvements to the proposed

Acquisition.

Improvement.

Statements
required.

grades." If both an acquisition and improvement are contemplated in the same proceeding, one resolution of intention, containing the above requirements in the respective cases, shall be sufficient. Said resolution shall also contain a description of the district of the lands to be benefited by said proposed improvement or acquisition, or both, as the case may be, which shall be known thereafter and which will in this act hereafter be referred to as the "assessment district." Each proceeding under this act may, for convenience, be entitled, and such entitling shall be sufficient for all purposes: "In the matter of acquisition and improvement district No. ----- of the county (or city, as the case may be) of -----" (giving a different number to each district for which a proceeding is had) and a like designation of the district (omitting the words "in the matter of") shall be a sufficient designation of the district at all times and for all purposes. The said description of the assessment district may be in general terms, referring to a plat or map approved by the legislative body conducting the proceeding, which shall be on file in the office of the clerk of such legislative body at the time of the adoption of said resolution of intention, and which shall indicate by a boundary line the extent of the territory to be included in the proposed assessment district, which said plat or map shall govern for all details as to the extent of said assessment district. Said resolution shall also contain a statement that, for the expenses of the things therein proposed to be done bonds will be issued to the total amount of the same, excepting the amount, if any, to be contributed thereto by the county or municipality in money or by the furnishing of materials therefor, said bonds to bear interest at the rate of ----- (not to exceed eight) per cent per annum, payable semiannually, the first interest payment to be made on the second day of January or the second day of July (whichever month first succeeds the date of the bonds) next succeeding one year after the date of such bonds, and the aggregate principal of all bonds issued under the proceeding to be paid and discharged within ----- (not to exceed thirty) ----- years after the date of issuance, approximately one----- (not less than one-thirtieth) ----- part of such aggregate principal to be payable annually, all in gold coin, and that a special fund for the payment of said bonds will be constituted by the levy of special assessment taxes upon the lands within the assessment district, in accordance with the provisions of this act, according to the assessed value of said lands, exclusive of the improvements thereon, except as otherwise in this act provided. If the legislative body so determine, it shall include in said resolution a statement that the first payment on the aggregate principal of the bonds issued will be made ----- (not to exceed five) ----- years after the issuance thereof.

District.

Title of proceeding.

General description.

Bonds to cover expense.

Payment
of bonds.

The time within which the acquisition bonds and immediate possession bonds to be issued under the proceeding shall be paid and discharged may differ from the time within which the improvement bonds issued under the proceeding may be paid and discharged, in which case the resolution of intention shall state all matters as to the time within which the bonds issued under the proceeding will be paid and discharged as hereinbefore required, both for the improvement bonds and also for all acquisition bonds and immediate possession bonds, if any.

Interest
on bonds.

Said resolution of intention may provide that the interest rate to be paid on all acquisition bonds and immediate possession bonds, if any, which shall be issued under the proceedings shall not exceed a maximum rate to be stated in said resolution, which maximum rate shall not exceed eight per cent per annum, payable semiannually; and, if such maximum rate be provided for in the case of acquisition bonds and immediate possession bonds, without giving the final and exact interest rate at which such bonds will eventually be issued and sold, said resolution shall contain a statement thereof with respect to such bonds, in lieu of the statement hereinbefore in this section provided.

Lands to
be assessed

The lands upon which said special assessment taxes shall be levied shall be all those lying within the assessment district, including any lands which are the operative property of any public utility, except as otherwise provided in this section; *provided*, said lands shall not include any lands belonging to the United States government or the State of California, but shall include all lands belonging to a county, municipality, district, public agency, mandatory of the government, school board, educational, penal or reformatory institution, or institution for the feeble-minded or insane, included within the assessment district, whether being in use in the performance of any public function or otherwise; *provided, however*, that the legislative body conducting the proceedings may, in the resolution of intention, declare that any land or lands, describing the same, belonging to any county, municipality, district, public agency, mandatory of the government, school board, educational, penal or reformatory institution, or institution for the feeble-minded or insane, lying within the assessment district, or any of them, shall be omitted from the said district and from the levy and collection of the special assessment taxes thereafter to be levied and collected to cover the expenses of the acquisition or improvement, or both, as the case may be, and in the event that said lands or any of them shall by said resolution be so omitted then the total expenses of the things done in the proceeding shall be met by the levying and collection of such special assessment taxes upon and from the remaining lands within the assessment district, without regard to such omitted lands. In order that any such lands may be so omitted, however, it must be determined and

set forth in the resolution of intention that such lands are in use in the performance of a public function.

If, in the judgment of the legislative body conducting the proceeding, varying benefits to be derived by the different parcels of land lying within the assessment district so require, the said district may be divided into zones according to benefits. Said district may be divided into as many zones—up to the total number of parcels of land in the district—as may be deemed necessary, and each zone shall be composed of and include all the lands within the district which will be benefited in like measure. Said legislative body shall also determine the percentage of the sum to be raised each year by the levy and collection of said special assessment taxes in said district for the payments on the principal and interest of the bonds, which will be raised from the lands in each zone. When the district is divided into such zones the resolution of intention shall so state, giving said percentages to be raised from the lands in each zone. Each zone shall be designated by a different letter or number and shall be plainly shown upon the map or plat of the assessment district filed in the office of the clerk of said legislative body and referred to in the resolution of intention, either by separate boundaries, coloring, or other convenient and graphic method, so that all persons interested may with accuracy ascertain within which zone any parcel of land is located. It shall be sufficient in all cases where the assessment district is to be divided into such zones according to benefits if the resolution of intention states that fact and refers to said plat or map for the boundaries and all details concerning the said zones.

In those cases where the improvement consists entirely of a separation of grades at any crossing of a street railroad, interurban railroad or railroad by any public way, or vice versa, as provided in section 50 hereof, all operative property owned or operated by the public utility which owns or operates the said railroad shall be omitted from the district and from the levy and collection of special assessment taxes therefor where any part of the cost and expense of such construction is to be, or has been, under an order of the railroad commission of this state, or pursuant to the provisions of any franchise owned or operated by such public utility, borne or paid by such public utility; but where the work of constructing such grade separation, a part of the cost of which is so borne or paid by such public utility, constitutes only a part of the improvement or improvement and acquisition included in the proceeding, the operative property owned and operated by such public utility in the district shall be separately zoned to relieve such property from the levy and collection of any special assessment taxes to cover the expense, as estimated, of the construction of such grade separation, and the percentage assigned to such zone shall represent only the proportionate part of the benefits accruing to such property from the remainder of such improvement or improvement

Grades at
railroad
crossings.

and acquisition, exclusive of the estimated cost and expense of such grade separation.

Hearing of objections.

Said resolution shall contain a notice of a day, hour and place (to be fixed therein) when and where any and all persons having any objections to the proposed acquisition or improvement, or both (if both be included in the proceeding), to the proposed grades to which the improvement (if any) is to be constructed, to the extent of the assessment district, to the zones (if any) into which said district is to be divided, or to the percentages to be raised from each of said zones, or to any or all of the foregoing, may appear before the legislative body conducting the proceeding and be heard. Said time shall not be less than eighteen nor more than sixty days from the date of the adoption of said resolution. The clerk of said legislative body shall cause said resolution of intention to be published by at least two insertions. The date of the first publication shall not be less than fifteen days before the day fixed in said resolution for said hearing.

Stats. 1925,
p. 859,
amended.
Contribution
toward
expenses.

SEC. 3. Section 7 of said "Acquisition and improvement act of 1925" is hereby amended to read as follows:

Sec. 7. The legislative body of the county or municipality conducting the proceedings may determine that any part of the expenses of the acquisition or improvement, or both, as the case may be, shall be paid out of the treasury of the county or municipality, as the case may be, and such payment, or any part of the same, may be made from the general fund of such county or municipality, or from any other fund available to such county or municipality and from which the expenditures may be made for acquisitions or improvements of like character as those which may be made under this act. Said legislative body conducting the proceedings may also purchase all or any part of the materials to be used in constructing any of the improvements included in the contract therefor made under this act and furnish the same therefor, said purchase to be made from any of the funds above mentioned. If such county or municipality has a purchasing agent, said materials shall be purchased by him; otherwise said materials shall be purchased by the legislative body by contracts let to the lowest responsible bidder after notice calling for bids has been published by at least two insertions in a newspaper, or by any other method prescribed by law for the purchase of materials by a county or municipality. If the county or municipality is to furnish materials or make payment toward said expenses, the resolution of intention shall so provide and shall state the fund from which such materials are to be purchased or payments made. When such provision is made, the adoption of the resolution accepting the work done under the contract (in the case of an improvement), and the obtaining of an interlocutory judgment (in the case of an acquisition), shall create a liability on the part of the county or municipality, as the case may be, to make the payments provided for in the resolution of intention, and the obligation to furnish the

Purchase of supplies.

Provision in resolution.

materials, as provided in the resolution of intention, shall arise upon the execution of the contract. In the event that the acquisition or improvement, or both such acquisition and improvement under the proceeding, includes any acquisition or improvement, or both, within the territory of a county or any municipality or municipalities for which the legislative body conducting the proceeding does not function, the legislative body of such county or municipality may determine that any part of the expense of the acquisition or improvement, or both, in the proceeding, shall be paid out of its treasury, or materials therefor furnished, as above provided, from any of its funds above mentioned. Such determination shall be expressed by resolution of such legislative body which shall be transmitted to the legislative body conducting the proceeding and a liability of such county or municipality to furnish such portion of such expenses and materials, or expenses or materials, provided for shall be created as above provided. The resolution of intention shall set forth the fact that such portion of the expenses and materials, or expenses or materials, are to be paid and furnished, or paid or furnished, by such county, municipality or municipalities, or any combination or all thereof, as the case may be.

Proceedings
where
legislative
body does not
function.

SEC. 4. Section 9 of said "Acquisition and improvement act of 1925" is hereby amended to read as follows:

Stats. 1925,
p. 861,
amended.

Sec. 9. At any time not later than the hour set for hearing objections as provided in the preceding section, any owner of land within the boundaries of the assessment district as set forth in said resolution may, severally, or with other such owners, file with the clerk of the legislative body conducting the proceedings written objection to the thing or things proposed to be done, whether it be an improvement or acquisition, or both, or to the grade or grades to which the improvement is proposed to be constructed, or to the extent of the assessment district, or to the zones, if any, into which the said district is divided, or to the percentages proposed to be raised from each of said zones, or to any or all of the foregoing. Upon such hearing all objections and protests to the doing of the thing or things proposed to be done shall be heard and considered. If upon said hearing it appears that the owners of more than one-half of the area of the property included within the entire assessment district, as proposed, have in writing made objection to the doing of the thing or things proposed to be done, i.e., the improvement or acquisition, or both, as the case may be, in their entirety, and to the ordering of the same, the legislative body shall, by a resolution to be entered upon its minutes, so find and thereupon such legislative body shall have no power to proceed further under said resolution of intention nor to adopt any resolution for doing the same thing or things during a period of one year, next succeeding the time of such finding, unless the said objections be overruled by an affirmative vote of four-fifths of the members of such legislative body. In order that such objections

Filing and
hearing of
objections.

operate as a bar, as aforesaid, in the absence of such a four-fifths vote, they must specifically state that the objections are to the doing of the thing or things proposed in their entirety and not merely to some item, class, kind or part of the thing or things proposed to be done. If the fact be that the owners of more than one-half of the area of the property included within the entire district as proposed have not so in writing made objection going to the ordering of the thing or things proposed to be done, as an entirety, the legislative body shall so find, and may thereupon proceed with the hearing, but such finding need not be in writing and may, for the purpose of proceeding with the hearing, be a mere announcement of the body. Next shall be heard, in any order desired by such body, such objections as shall be made to the extent of the district and to the zones, if any, into which said district is divided and to the percentages to be raised therefrom as set forth in the resolution of intention, and objections to the grade or grades to which the improvement is proposed to be constructed.

Who may
object
and how

The hearing may be continued from time to time by the legislative body by an order to be entered upon its minutes.

Owners of land within the meaning of this section are those, and those only, who appear to be such upon the records in the recorder's office of the county in which the district is situated on the day before the day set for said hearing, and an executor or administrator shall be deemed representative of his decedent, and a trustee of an express trust in land, other than as security for the payment of money, of the land held in such trust, and a trustee in bankruptcy of the bankrupt, and a guardian of his ward. Owners of land within the meaning of this section shall also include any person who holds a valid contract to purchase land, which fact must either be shown to be such upon the records in said recorder's office or the owner signing the protest must exhibit his contract to purchase; *provided, however*, that if both the owner of record and the contract purchaser shall present protests for the same land, only one protest shall be counted. The objection of any owner may be made by the signature of his agent; *provided*, that there must be attached to the objection the affidavit of the agent that he is duly authorized to sign said objection. Every written objection must contain a description of the property in which each signer thereof is interested sufficient to identify it, and must set forth the nature of his interest therein and, if signed by more than one objector, must be accompanied by the affidavit of one of the signers thereto that each signature thereto is the genuine signature of the person whose name is thereto subscribed. Any written objection not complying with the foregoing requirements shall not be considered by the legislative body in determining whether objection has been made to the doing of the thing or things proposed to be done, as an entirety, by the owners of more than one-half of the area of the property included within the assessment district.

SEC. 5. Section 11 of said "Acquisition and improvement act of 1925" is hereby amended to read as follows:

Stats 1925, p. 864, amended.

Sec. 11. Having thus taken action upon all objections and protests to the doing of the thing or things proposed to be done and having determined the boundaries of the district and of the zones, if any, and the percentages to be raised therefrom, and the grades for the improvement, the legislative body shall have jurisdiction and may, by resolution, order the thing or things proposed to be done in the resolution of intention to be done. The resolution ordering the doing of the thing or things proposed to be done may be the same in which all of the final determinations above mentioned are made, or it may be a separate resolution, in which latter case it shall refer to the resolution making said final determination. Neither said resolution ordering the doing of the thing or things proposed to be done nor any resolutions, notices, orders or determinations thereafter made or given in the proceeding need contain a description of the work or improvement to be done or the property to be acquired, and it shall be sufficient in any of the foregoing to refer therein to the resolution of intention for a description of the work or improvement to be done, or the property to be acquired, or both, as the case may be, and, if the boundaries of the district, the zones, percentages and grades set forth in the resolution of intention have not been changed, it shall be sufficient in any of the foregoing to refer therein to the description of the same set forth in the resolution of intention, but if said boundaries, said zones, said percentages, and said grades or any or all of the same have been changed then it shall be sufficient to refer to the resolution changing and determining the same for a description thereof and all details relative thereto. If said resolution ordering the doing of the thing or things proposed to be done includes the acquisition of property, the legislative body shall therein direct an action to be brought by the attorney, in the proper superior court, in the name of the county or of the municipality for which the legislative body conducting the proceedings functions, as the case may be, for the condemnation of the property necessary or convenient to be taken therefor. If said resolution orders work or improvement to be done, the legislative body shall therein fix a time for receiving bids for doing said work or improvement and direct the clerk thereof to give notice accordingly, inviting sealed bids. In the event the proceeding includes the acquisition of property which must be acquired before the construction of the improvement can be commenced, the time for receiving bids may be fixed as the first regular meeting day of the legislative body after the expiration of fifteen days following the signing of the decree or order of the court entitling the plaintiff in the action to possession and use of the property sought to be acquired, and the clerk shall be directed in said resolution to give the notice inviting bids after the signing of such decree or order; or a future day and hour certain may be fixed and if a decree

Order for acquisition or improvement.

Condemnation proceedings

Time for receiving bids.

or order giving possession is not obtained at a time prior to such day sufficient to permit the first publication of the notice inviting bids to be had at least ten days prior thereto the legislative body may, by resolution, refix said day for receiving bids and direct the clerk to give notice inviting bids for said new day so fixed. A single exercise shall not exhaust this power to refix the day for receiving bids in such cases, but it may be resorted to as many times as are necessary.

Bid to
include
bonds.

In the event that the proceeding includes both an acquisition and improvement the legislative body may require the bidders who submit bids for performing the work and improvement to purchase the bonds which have been or are to be issued to cover the cost of the acquisition and immediate possession, or either or both, and to include in their bid for the improvement a bid for said bonds, which shall not be for less than par. Such determination and requirement shall be made by resolution and shall direct the clerk to give notice accordingly in the notice inviting bids, stating the total par value of such bonds, and the interest rate, if fixed; otherwise the maximum interest rate. In the event such determination and requirement are made the time fixed for receiving bids for the improvement may be any time after directing the issuance of the bonds under the provisions of section 28 or section 36 of this act, fixing a day certain, but the power to refix such time shall exist as heretofore in this section provided. In such event the provisions made elsewhere for the notice of sale and sale of such bonds shall not apply, where inconsistent herewith. The successful bidder shall, within fifteen days after the first publication of the notice of award, make payment to the treasurer in cash for such bonds, which shall be used by said treasurer in the same manner as if such bonds were sold separately; *provided, however,* that the successful bidder shall not be entitled to a contract for the said work or improvement until such payment is made and until the plaintiff in the action to acquire the public way or ways required has obtained a valid court order, judgment or decree entitling it to possession of the public way or ways to be improved. In such cases, the twenty days after the first publication of the notice of award provided in section 14 for entering into the contract shall be extended to ten days after the entry of such order, judgment or decree.

Stats. 1925,
p. 879,
amended.

SEC. 6. A new section is hereby added to said "Acquisition and improvement act of 1925," to be numbered section 28½, and to read as follows:

Interest on
immediate
possession
bonds.

SEC. 28½. In the event that it is provided in the resolution of intention that bonds for immediate possession shall be issued at a maximum rate of interest, which shall not exceed eight per cent per annum, payable semiannually, leaving the exact rate of interest at which the bonds are to be issued and sold to be determined at the sale of such bonds, then the notice provided for in the preceding section shall state that said bonds will bear interest at a rate not to exceed the maximum rate

therefor named in said resolution, stating the same. Upon the order for the issuance of said bonds by the legislative body, if such order is made, and the issuance of the same by the treasurer, the legislative body shall advertise the sale of said bonds, calling for bids therefor and fixing a time for the receipt of bids which shall be not less than five days subsequent to the order directing such advertisement, which advertisement shall be published by at least two insertions. At the time fixed for the receipt of such bids, or as soon thereafter as the legislative body can conveniently do so, it shall publicly open, examine and declare the same. Said bonds shall be sold to the best responsible bidder for cash therefor, and consideration shall be given to the rate of interest at which the bonds are offered to be purchased and the premium offered, if any. The rate of interest at which said bonds are sold shall not exceed the maximum rate named in the resolution of intention; and the rate of interest at which the legislative body sells said bonds shall thereupon be fixed as the rate of interest therefor and its such fixing and determination of said rate of interest shall be final and conclusive. Said bonds shall not be sold for less than par, and if any bonds be sold for an amount in excess of par such excess shall be applied to the interest and sinking fund for the retirement of the bonds issued. The proceeds of such sale shall be paid to the treasurer and by him be used as provided in the preceding section. Where not inconsistent, the provisions of the preceding section shall apply to the procedure provided in this section.

SEC. 6½. Section 31 of said "Acquisition and improvement act of 1925" is hereby amended to read as follows:

Stats. 1925,
p. 380,
amended.

Sec. 31. For the purpose of assessing the compensation and damages, the right thereto shall be deemed to have accrued at the date of the issuance of summons, and its actual value at that time shall be the measure of compensation for all property to be actually taken, and the basis of damages to property not actually taken but injuriously affected, in all cases where such damages are allowed by the provisions of this act; *provided*, that in any case in which the issue is not tried within one year after the date of the issuance of summons, unless the delay is caused by the defendants, the compensation and damages shall be deemed to have accrued at the date of trial, and its actual value at that time shall be the measure of compensation.

Determina-
tion of
damages.

If an order of the court be made letting plaintiff into immediate possession and the plaintiff shall take immediate possession upon commencing eminent domain proceedings and thereupon giving such security in the amount of money deposited as the court may determine to be reasonable to secure compensation to the owner, as provided in section 14 of article I of the constitution of this state, then the compensation and damages awarded shall draw interest at the rate of seven per cent per annum from the date of such order.

No improvements placed upon the property proposed to be taken subsequent to the date of the publication of the resolution of intention in the proceeding shall be included in the assessment of compensation or damages.

Findings.

The referees, or the court, or the jury, as the case may be, shall find separately:

First—The value of each parcel of property sought to be condemned, and all improvements thereon pertaining to the realty, and of each separate estate or interest therein;

Second—If any parcel of property sought to be condemned is only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, and to each separate estate or interest therein, by reason of the severance therefrom of the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff. Such damages must be fixed irrespective of any benefit from such improvement.

Public utility property.

In those cases where the acquisition includes the relocation or removal of, or the making of structural changes in, any railroad, street or interurban railway tracks or structures or other public utility structures or equipment, the compensation to be paid for such relocation, removal or change, or the damages occasioned by the ordering thereof, shall be ascertained and assessed and shall become a part of the award and a part of the expense of the acquisition as other compensation and damages. Where prayed for in the complaint and the complaint describes and is accompanied by a map or diagram showing the location and proposed relocation, removal or change, the court shall, in addition to the condemnation ordered, order such relocation, removal or change.

Stats. 1925, p. 882, amended.

Abandonment of proceedings.

SEC. 7. Section 35 of said "Acquisition and improvement act of 1925" is hereby amended to read as follows:

Sec. 35. The legislative body of the plaintiff may, at any time prior to the payment of the compensation awarded the defendants, abandon the proceedings, by resolution, and cause the said action to be dismissed, without prejudice; *provided, however,* that in all cases in which immediate possession bonds have been issued and sold, as provided in this act, the proceedings can not thereafter be abandoned, nor can the action for the condemnation of the property to be acquired be dismissed; *and provided, further,* that where the amount or amounts required in order to obtain immediate possession and use have been advanced by the county or municipality from its treasury or from its revolving fund, as provided in this act and immediate possession and use of the property to be condemned, or a portion thereof, has thereupon been taken, as provided in this act, the proceedings for the acquisition can not be abandoned, nor the said action dismissed, unless and until the county or municipality whose legislative body is conducting the proceeding, and which is plaintiff in the action, shall first compensate the owners of property over which such possession and use have been taken for all damages

occasioned thereby, and such county or municipality shall be liable for such damages.

Furthermore, if at any time after immediate possession bonds have been issued and sold, as provided in this act, and before the entry of a final order of condemnation, the proceedings are set aside or held invalid by any court, the county or municipality whose legislative body is conducting the proceeding shall be liable for all damages caused thereby to holders of immediate possession bonds, and shall also be liable for all damages to owners of property over which immediate possession and use have been taken, which have been occasioned by such possession and use.

SEC. 8. A new section is hereby added to said "Acquisition and improvement act of 1925", to be numbered section 36 $\frac{1}{2}$, and to read as follows:

Stats. 1925,
p. 888,
amended.

Sec. 36 $\frac{1}{2}$. In the event that it is provided in the resolution of intention that bonds for the acquisition shall be issued at a maximum rate of interest, which shall not exceed eight per cent per annum, payable semiannually, leaving the exact rate of interest at which the bonds are to be issued and sold to be determined at the sale of such bonds, then the notice provided for in the preceding section shall state that said bonds will bear interest at a rate not to exceed the maximum rate therefor named in said resolution, stating the same. Upon the order for the issuance of said bonds by the legislative body, if such order is made, and the issuance of the same by the treasurer, the legislative body shall advertise for the sale of said bonds, calling for bids therefor and fixing a time for the receipt of bids which shall be not less than five days subsequent to the order directing such advertisement, which advertisement shall be published by at least two insertions. At the time fixed for the receipt of such bids, or as soon thereafter as the legislative body can conveniently do so, it shall publicly open, examine and declare the same. Said bonds shall be sold to the best responsible bidder for cash therefor, and consideration shall be given to the rate of interest at which the bonds are offered to be purchased and the premium offered, if any. The rate of interest at which said bonds are sold shall not exceed the maximum rate named in the resolution of intention; and the rate of interest at which the legislative body sells said bonds shall thereupon be fixed as the rate of interest therefor and its such fixing and determination of said rate of interest shall be final and conclusive. Said bonds shall not be sold for less than par, and if any bonds be sold for an amount in excess of par such excess shall be applied to the interest and sinking fund for the retirement of the bonds issued. The proceeds of such sale shall be paid to the treasurer and by him be used as provided in the preceding section. Where not inconsistent, the provisions of the preceding section shall apply to the procedure provided in this section.

Issuance
of bonds.

Stats. 1925,
p. 887,
amended.
Form of
bonds.

SEC. 9. Section 39 of said "Acquisition and improvement act of 1925" is hereby amended to read as follows:

Sec. 39. The bonds issued under and in pursuance of this act for an acquisition or improvement, or both such acquisition and improvement, may in form and shall in substance (using designations and filling blanks as appropriate under the proceeding) be as indicated following, to wit:

ACQUISITION AND IMPROVEMENT DISTRICT BOND.

Acquisition and improvement district No.----- of the State of California, known as the "Acquisition and improvement act of 1925," the county (or city) of-----, State of California.

\$----- Bond No.----- Series-----

Under and by virtue of an act of the Legislature of the State of California, known as the "Acquisition and improvement act of 1925," the county (or city) of -----, State of California, will pay to the bearer, out of the fund hereinafter designated, at the office of the treasurer of said county (or city), on the ----- day of -----, 19___, the sum of ----- dollars in gold coin of the United States of America, with interest thereon in like gold coin at the rate of ----- per cent per annum, payable semiannually on the second day of January and the second day of July in each year from the date hereof (except that the first interest payment will be made on the second day of ----- next succeeding one year after the date of this bond and the last installment of interest payment will be paid at the maturity of this bond) upon the presentation and surrender, as they respectively become due, of the proper interest coupons hereto attached, the first of which is for interest from the date hereof to the second day of ----- (here insert the month, January or July, which next succeeds the date of the bond) next succeeding one year after the date of this bond, and the last for interest to the maturity hereof from the last preceding date of interest payment.

This bond is issued under and in conformity with the provisions of the above mentioned "Acquisition and improvement act of 1925" and is one of ----- (here use the words "a series of," if bonds are to be issued under the proceeding for either an acquisition or improvement only, and the words "several series of," if bonds are to be issued for both an acquisition and improvement) ----- bonds to be issued to represent the expenses of certain ----- (here use the words "acquisitions of property by the public," if bonds are to be issued for an acquisition only, and the words "public improvement," if bonds are to be issued for an improvement only, and the words "acquisitions of property by the public and public improvements," if bonds are to be issued for both an acquisition and improvement in the same proceeding) ----- authorized by the provisions of said act and comprehended in the proceedings had for the above named district. It is hereby certified, recited and declared that all

proceedings, acts and things required by law precedent to or in the issuance of this bond have been regularly had, done and performed, and this bond is by law made conclusive evidence thereof.

This bond is payable out of the "Acquisition and improvement district No.----- of the county (or city) of ----- interest and sinking fund" exclusively, as the said fund appears upon the books of the treasurer of said county (or city) and neither said county (or city) nor any officer thereof shall be holden for its payment otherwise; but in accordance with the provisions of said act a special assessment tax will be levied and collected upon the lands in said district in an amount clearly sufficient to pay the principal and interest of said bonds as the same shall become payable.

In witness whereof the ----- (here designate the legislative body) ----- of the said county (or city) has caused this bond to be signed by the treasurer of said county (or city) and the seal of ----- (here use the words "the board of supervisors of said county" or the words "the city," as the case may be)-----to be affixed this-----day of-----19-----.

[SEAL]

Treasurer of the county (or city)
of-----, State of California.

The designation of the district by its name and number set forth at the top of the bond shall be sufficient to identify and distinguish each and all of the bonds thereof from any other issue. In the event that the proceeding comprehends an improvement only, all the bonds issued thereunder may be designated as of one series, as for example "Series A." In the event it comprehends an acquisition, and bonds are issued to raise funds necessary to obtain an order of immediate possession and use of the property to be acquired before trial, as in this act provided, the bonds issued for that purpose shall be designated by a separate series from those issued thereafter, if any, to defray the remaining expenses of the acquisition, as for example, "Series A" for the bonds issued to raise such funds, and "Series B" for the bonds issued for the remaining expenses of the acquisition. In the event the proceeding comprehends both an acquisition and an improvement, the bonds issued for the expenses of the acquisition shall be designated by separate series, as for example, those issued to raise funds to obtain such an order of possession as "Series A," those issued for the improvement as "Series B," and those issued for the remaining expenses of the acquisition as "Series C," according to the order, in point of time, in which the respective issues are made.

Designation of series.

All bonds issued under this act shall be signed by the treasurer of the county or municipality whose legislative body conducts the proceeding and shall have the seal of the board of supervisors of the county or the seal of the city, as the case

Signing and sealing.

Coupons.

may be, thereto affixed, and when so signed shall be binding according to the terms thereof as prescribed in the above form therefor. The interest coupons attached to said bonds shall be in such form as the said treasurer shall determine, subject to the provisions of this act and the determination made by the legislative body, and the signature on said interest coupons by said treasurer, by either written or engraved or printed facsimile signature shall be sufficient.

Stats. 1925,
p. 889,
amended.
Maturity,
interest and
payment.

SEC. 10. Section 40 of said "Acquisition and improvement act of 1925" is hereby amended to read as follows:

Sec. 40. The principal and interest of the bonds issued under this act shall be payable in gold coin of the United States of America at the office of the treasurer issuing the same. The legislative body is hereby vested with power to determine, and shall in the resolution of intention determine, the number of years, not to exceed thirty, after the issuance of any bonds issued, within which the aggregate principal of all bonds to be issued in any proceeding under this act shall be paid and discharged, and to fix the rate of interest, not to exceed eight per cent per annum, payable semiannually, to be paid thereon; *provided, however*, that in the case of acquisition bonds and immediate possession bonds the rate stated in the resolution of intention need only be a maximum rate, which shall not exceed eight per cent per annum, payable semiannually, in which case the exact rate of interest shall be determined upon the sale of the bonds, as heretofore in this act provided. It shall be a sufficient determination and fixing of the term and interest rate of said bonds to set forth in the resolution of intention that bonds will be issued for the expense of the things to be done in any language that will fairly indicate such time, the fractional part of the principal to be paid each year, and the interest rate for improvement bonds and either the interest rate or the maximum interest rate for which acquisition bonds and immediate possession bonds will be issued. It may be provided in said resolution that the first payment of principal shall become due either one, two, three, four or five years after the date of said bonds. The number of installments of payments on the principal shall be indicated in said resolution of intention, and in any proceeding the number of installments of payment on the principal of improvement bonds may differ from the number of installments of payments on the principal of acquisition bonds and immediate possession bonds, if any, to be issued in said proceeding. The amount of the principal due in each annual payment need not be exactly the same, but with respect to each installment excepting the last may be made to differ not more than five hundred dollars from the amount obtained by dividing the total of the principal amount due under the bonds by the number of installments. Each installment, except the last, shall be an even multiple of one hundred and

the last installment shall be for the balance of the total principal amount not provided to be paid in the previous installments.

The interest payments on said bonds shall be payable semi-annually on the second day of January and the second day of July of each year, except that the first interest payment shall be made on the second day of January or the second day of July (whichever month first succeeds the date of the bonds) next succeeding one year after the date of said bonds, and except that the last installment of interest shall be payable at the maturity of the bonds, in the manner indicated in the form of bond in this act set forth. It shall not be necessary, either in the resolution of intention or otherwise, to set forth or determine the days of the month on which payments of interest are to be made, nor that payments shall be made in gold coin, nor that payments shall be made at such treasurer's office, but all persons are charged with notice of the contents of this section, especially in the aforesaid particulars.

SEC. 11. Section 41 of said "Acquisition and improvement act of 1925" is hereby amended to read as follows:

Sec. 41. For each district in which bonds have been issued under the provisions of this act a special fund to be named "Acquisition and improvement district No. _____ of the county (or city) of _____ interest and sinking fund" (the number to be that of the district) for the discharge and payment of such bonds, whether issued for an acquisition or improvement, or both, and interest thereon, shall be constituted by the county or municipality (as the case may be) whose legislative body has conducted the proceedings, as follows, to wit: In case the district is entirely within one municipality there shall each year at the time of levying taxes for general municipal purposes be levied by the legislative body of such municipality against and upon all of the lands within said district a special assessment tax in an amount clearly sufficient, together with any moneys which are or may be in said fund, to pay all the principal which has become or will become payable and all interest which has become or will become payable on the bonds issued under the proceeding before the proceeds of another tax levy made at the time of the next general tax levy for general municipal purposes can be made available for the payment of said principal and interest. In case the district is entirely within unincorporated territory of the county, or partly within unincorporated territory of the county, and partly within one or more municipalities, or within two or more municipalities, there shall each year at the time of the general tax levy for county taxes be levied by the board of supervisors against and upon all the lands within said district a special assessment tax, in an amount clearly sufficient, together with any moneys which are or may be in said fund, to pay all the principal which has become or will become payable and all interest which has become or will become payable on the bonds issued under the

Interest
payments.

Stats. 1925,
p. 890,
amended.

Tax to pay
principal
and interest

proceeding before the proceeds of another tax levy made at the time of the general tax levy for county purposes can be made available for the payment of said principal and interest. The lands within any such district shall include any land which is the operative property of any public utility and include any lands belonging to any county, municipality, district, public agency, mandatory of the government, school board, educational, penal or reformatory institution or institution for the feeble-minded or insane, whether being used in the performance of a public function or not, unless declaration was made in the resolution of intention omitting any of said lands from the assessment to be made; but shall not include any lands belonging to the United States government or to the State of California. If the said district has been divided into zones and the percentage of the expenses to be raised from each such zone has been determined, as provided in this act, in that event the said amount of said special assessment tax to be levied shall be divided according to said percentages and the percentage to be raised from the lands in each zone shall be levied against and upon the lands therein as above provided.

Assessment
and
collection.

In case the district is entirely within one municipality, the assessment roll for general municipal taxes of such municipality shall be the basis for the levy and computation of said tax (except as to property not assessed thereon), and in case the district lies entirely within unincorporated territory of the county, or partly in unincorporated territory of the county and partly within one or more municipalities, or within two or more municipalities, the county assessment roll for general county taxes shall be the basis for the levy and computation of the tax (except as to property not assessed thereon). Such special assessment taxes shall be in addition to all other taxes levied for county purposes or for municipal purposes, as the case may be, and shall be levied, computed, entered, collected and enforced in the same manner and by the same persons and at the same time and with the same penalties and interest as are other taxes for county purposes or for municipal purposes, as the case may be, and all laws applicable to the levy, collection and enforcement of taxes for county purposes or for municipal purposes, as the case may be, are hereby made applicable to said special assessment tax.

Making and
equalizing
assessments.

It shall be the duty of the county assessor or the city assessor, as the case may be, to assess, exclusive of any improvements thereon, all lands heretofore in this section mentioned (if any there may be in any assessment district formed under this act) not otherwise assessed for purposes of general county taxes or general taxes of a municipality, as the case may be, against which such special assessment taxes are to be levied. The assessment of such lands (if any such there be in the district) shall be made at the same time and in the same manner and by the same persons as the assessment for general county taxes or general taxes of a municipality, as the case may be, and

shall be equalized at the same time and in the same manner and by the same persons as such general county taxes or general taxes of a municipality are equalized. And the official or officials who are required to give notice of the equalization of the general county assessment roll or the general municipal assessment roll, as the case may be, shall give notice to all persons interested, for the same time and in the same manner as that given on the equalization of said general assessment rolls, of the equalization of assessments of such lands for the purpose of taxing the same to pay the principal and interest of bonds issued under this act. Said lands need not be described in said notice, but it shall be sufficient to state therein that the lands assessed include all lands in certain acquisition and improvement districts, designating them by their proper names, which are not assessed on the general county or municipal assessment roll, as the case may be, but are subject to assessment under the proceedings creating said assessment districts. At said hearing all persons interested in any lands in said districts may appear and be heard upon any matter of equalization affecting any lands within such districts, and the notice of equalization shall so state.

In the event that there is included within such district any land belonging to any county, municipality, district, public agency, mandatory of the government, school board, educational, penal or reformatory institution or institution for the feeble-minded or insane, and which is being used in the performance of a public function, and no declaration was made in the resolution of intention omitting such land from the assessment to be made, the amount of the special assessment tax levied each year against said land, as above provided, shall be an enforceable obligation against the owner of or the governing body controlling said land, and it shall be the duty of the officer or body having charge of the disbursement of the funds of the owner of said land to pay the amount of said special assessment tax levied, from any of the funds thereof available, immediately upon its becoming due. If for any reason there are no moneys in any of such funds, then the county or municipality, as the case may be, whose legislative body conducted the proceedings shall pay said special assessment tax against said land and the said owner or governing body controlling said land shall reimburse such county or municipality immediately upon the receipt of sufficient moneys in any of its available funds. In all cases in which sufficient funds are not available to make such reimbursement before the time of another tax levy, the board or officers whose duty it is to levy taxes for said owners shall include in the next tax levy an amount, in addition to moneys for all other purposes, sufficient to reimburse said county or municipality.

The legislative body of the county or municipality, as the case may be, which conducted the proceedings for the acquisition or the improvement, or both, may annually at or prior to the time said tax levy is made, transfer from the general fund

Taxation of
public
property.

Contributions
to sinking
fund.

of such county or municipality or from any fund which may be used for acquisitions or improvements of a similar character to those made under the proceeding, to the interest and sinking fund above provided for, such amount as in the judgment of said legislative body should be transferred. It is the intention of this provision that further assistance in addition to that, if any, provided for in the resolution of intention and that which may be given as elsewhere provided in this act, may be given by such county or municipality toward the payment of the expenses of the thing or things done under the proceedings after bonds for said expenses shall have been issued and sold, and apart from the loans, and apart from the advances under the revolving fund elsewhere in this act provided.

Mandatory
requirement

In any event, it shall be the duty of the legislative body, which is required by this section to levy the special assessment tax, to levy a special assessment tax upon all of the said lands within such district clearly sufficient to pay the principal and interest of said bonds as the same shall become payable, and said legislative body is hereby vested with power and jurisdiction to do all and singular the things which in this section aforesaid it is declared shall be done by it. Whenever any of said bonds or any payment of principal or interest thereon shall become due and there shall not be sufficient money in said interest and sinking fund to pay the same, the legislative body which conducted the proceeding may, pending the levy and collection of a special assessment tax therefor, order the amount of money necessary to pay said bonds, or payment of principal or interest so falling due, to be transferred from the general fund of the county or municipality, as the case may be, to said interest and sinking fund, and the amount of money so transferred shall be deemed a loan to said interest and sinking fund and shall be repaid to the general fund from the first money coming into said interest and sinking fund thereafter. Any money remaining in any acquisition and improvement district interest and sinking fund after all of the bonds of the district have been retired shall be transferred to the general fund of the county or municipality, as the case may be, whose legislative body conducted the proceeding and may by said body be used in repairing any public way in said district, regardless of whether a portion or all of the district as originally formed may have been included within one or more municipalities which did not include such portions or all of the district at the time the proceedings for the same were initiated.

Transferal
of funds.

Balance
in fund.

Copies to
legislative
body

In all cases in which the proceeding is conducted by the legislative body of a municipality where the taxes are required by this action to be levied by the board of supervisors of the county, the clerk of the legislative body conducting the proceeding, in addition to transmitting to the treasurer of such municipality an attested copy of any order or orders for the

issuance of bonds in the proceeding, shall transmit to the legislative body of the county a certified copy of such order or orders for the issuance of bonds, together with certified copies of the resolution of intention and of the resolutions and orders in which are set forth the boundaries of the district, the number of zones, if any, and the percentage to be raised from each zone, as said matters were finally determined, and shall also transmit to such legislative body a certified copy of the map of the assessment district showing the boundaries of the district and of the zones therein, if any, as finally determined, and upon the filing with such legislative body of said certified copies it shall thereupon have jurisdiction and the other officers of the county shall have jurisdiction and it shall be their duty to take the steps required in this section for the assessment, levy, computation, entry, collection and enforcement of such special assessment taxes.

In all cases in which the legislative body of a municipality conducted the proceedings, and the county officials levy and collect the taxes, as hereinbefore provided, the proper officers of said county upon collecting the taxes aforesaid shall, not later than the thirtieth day of each month in which said taxes are collected, transmit the same to the city treasurer of the municipality, the legislative body of which conducted the proceedings, together with a statement of the amounts delinquent in each such district, if there be any delinquencies. *Provided, however,* that nothing in this section shall be construed as requiring the city officials of any municipality which has availed itself of the provisions of any law permitting the duties of city officials relating to the assessment, collection and enforcement of taxes to be performed by county officials, to perform any of the duties herein prescribed relating to the assessment, collection and enforcement of taxes which are performed for said city by county officers, and the taxes required to be levied hereunder shall be assessed, collected and enforced by the persons who perform such duties for said city.

SEC. 12. Section 50 of said "Acquisition and improvement act of 1925" is hereby amended to read as follows:

Sec. 50. Subdivision 1. The term "public way," as used in this act, shall be deemed to mean and shall include all public highways, roads, streets, avenues, boulevards, lanes, alleys, thoroughfares, walks, courts, places, parks, pleasure grounds, commons, airports, flying fields and places for the flying, taking-off, landing and storage of aircraft and aerial traffic, and all public ways and other property, rights of way and easements of the public, whether lying entirely within unincorporated territory of a county or the territory of a municipality, or lying partly within such unincorporated territory and partly within that of one or more incorporated municipalities, or whether lying within two or more municipalities, or forming the exterior boundaries of any municipality where such municipality joins unincorporated territory of a county or the territory of

Collection
by county
for city

Stats 1925,
p. 902,
amended

Words and
phrases
defined.

another municipality, whether wholly or partly within or without said boundaries. Said term, as used in this act, shall also be deemed to mean and shall include all property for which an order to take immediate possession and use of a right of way thereover for a public use has been obtained from a court of competent jurisdiction in any action in eminent domain or proceeding for the acquisition thereof, in compliance with the provisions of section 14 of article I of the constitution of this state.

Subdivision 2. The word "acquire," and any of its variants, as used in this act, shall be deemed to mean and shall include the acquisition of any public way or ways, as the same are above defined, and any other property and rights of way of the public, or to be acquired for the public, in any manner provided by law, including the acquiring, laying out, opening, extending, widening, and straightening of the same in any manner, in whole or in part, including the relocation or removal of, or the making of structural changes in, any railroad, street or interurban railway tracks or structures, or other public utility structures or equipment, therein or thereon or within any right of way adjacent thereto, or made necessary or convenient by reason of the proposed improvement or acquisition.

"Improve."

Subdivision 3. The word "improve," and any of its variants, as used in this act, shall be deemed to mean and shall include the construction or doing of the things and work following, either singly or in any combination thereof, as well as the reconstruction and repairing thereof, viz:

(a) Grading or regrading, paving or repaving, planking or replanking, macadamizing or remacadamizing, graveling or regraveling, oiling or recoiling.

(b) The construction or reconstruction of sidewalks, crosswalks, steps, parks and parkways, culverts, bridges, curbs, gutters, tunnels, subways or viaducts.

(c) The construction in any public way of any of the things in this subdivision named necessary or convenient for the separation of grades at any crossing of a street railroad, interurban railroad or railroad by any public way, or vice versa, together with the construction of all other structures, work and appurtenances necessary or convenient to accomplish said purpose.

(d) Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels or other appurtenances.

(e) Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels and appurtenances.

(f) Poles, posts, wires, pipes, conduits, tunnels, lamps and other suitable or necessary appliances for the purpose of lighting public ways or property.

(g) Pipes, hydrants and appliances for fire protection.

(h) Breakwaters, levees, bulkheads and walls of rock or other material to protect public ways, or property or rights of way from overflow by water.

(i) Wells, pumps, dams, reservoirs, storage tanks, channels, tunnels, conduits, pipes, hydrants, meters or other appurtenances for supplying or distributing a domestic water supply.

(j) Mains, services, pipes, fittings, valves, regulators, governors, meters, drips, drains, tanks, ditches, tunnels, conduits, channels, or other appurtenances for supplying or distributing a domestic or industrial gas supply.

(k) Retaining walls, embankments and other structures necessary or suitable in connection with any of the work mentioned in this section.

(l) The construction, reconstruction and repair of buildings, structures, lighting equipment, and all other equipment and facilities necessary or convenient for airports and flying fields and for the flying, taking-off, landing and storage of aircraft and aerial traffic.

(m) The planting of trees, shrubs or other ornamental vegetation.

(n) All other work which may be deemed necessary to improve the whole or any portion of any public ways or property or rights of way of the public.

(o) All other work or improvements auxiliary, incidental, necessary or convenient to any of the above, which may be required to carry out, facilitate or complete the same.

Subdivision 4. The word "work," when used in this act, shall be deemed to mean and shall include all the things included and all the works comprehended within the above definition of the word "improve." "Work."

Subdivision 5. The words "acquisition" and "improvement," when used in this act, referring to that which is done, which is to be done, or which may be done under proceedings had under this act, shall be understood to be generic and as being employed for the purpose of brevity and to avoid repetition, and shall refer to and include any or all of the things comprehended in the definition of the words "acquire" and "improve" above given. "Acquisition" and "improvement."

Subdivision 6. All work or improvement provided to be done "in" or "on" any public way or property or rights of way of the public in this act shall be deemed to mean and shall include such work or improvement in, under, upon and above the same. "In," or "on."

Subdivision 7. The term "legislative body," as used in this act, when applied to a municipality, shall mean the body or board which, under the law, constitutes the legislative department of the government of the municipality, and, when applied to a county, shall mean the board of supervisors of the county. "Legislative body."

"Incidental expenses"

Subdivision 8. The term "incidental expenses," as used in this act, when referring to proceedings for an acquisition, shall be deemed to mean and shall include, in addition to the amounts awarded to the defendants by the interlocutory judgment, the costs of the defendants, the compensation and expenses of the referees, as allowed by the court, and all other costs of the plaintiff in such action and expenses incurred by it in the trial thereof, including the compensation paid expert appraisers and witnesses, all expenses necessarily incurred in connection with such proceedings for the publication and posting of resolutions, notices and orders in any of the proceedings, for maps, plats, surveys, searches and certificates of title to the property to be acquired, the compensation of the person appointed to prepare and furnish specifications for the acquisition, the compensation of the special counsel or attorney employed to prepare any or all of proceedings and other matters necessary to be had and taken or to commence, prosecute and bring to a conclusion the necessary court actions, or for any or all of such services, the clerical, stenographic and printing expenses incident to the action, and the estimated cost of preparing and selling the bonds and any other expenses incurred by authority of this act or incidental to the completion of the acquisition in the manner herein specified. The said term, as used in this act, when referring to proceedings for an improvement, shall be deemed to mean and shall include all expenses necessarily incurred in the proceedings for the publication and posting of resolutions, notices and orders in any of such proceedings, the compensation of the person appointed to prepare and furnish specifications therefor, the compensation of the attorney employed, the compensation of the superintendent of work, the compensation of the engineer and the estimated cost of preparing the bonds and any other expenses incurred by authority of this act or incidental to the completion of the improvement in the manner herein specified.

"Treasurer."

Subdivision 9. The word "treasurer," as used in this act, shall mean and refer to, in all proceedings conducted by the legislative body of the county, the county treasurer, and in all proceedings conducted by the legislative body of a municipality, the city treasurer.

"Municipality."

Subdivision 10. The word "municipality" and the word "city," as used in this act, shall mean and include any corporation heretofore organized and now existing and those hereafter organized for municipal purposes.

"Land."

Subdivision 11. The words "land" and "lands," as used in this act, shall be deemed to refer to and shall include pieces, parcels, lots, portions of lots, and all other subdivisions of land.

"Par."

Subdivision 12. The word "par," as used in this act, shall mean the amount of the total aggregate of the principal of the bonds.

SEC. 13. Section 3 of said "Acquisition and improvement act of 1925" is hereby amended to read as follows:

Stats. 1925,
p 853,
amended
Additional
powers.

Sec. 3. The legislative body initiating and conducting any proceeding under this act shall have power and authority, in addition to that elsewhere given, as follows, to wit:

(1) To appoint and employ, at any stage of the proceedings before calling for bids, any competent engineer, to be designated "engineer of work," for the purpose of doing and furnishing all the civil engineering work or services, surveying and all similar work and services necessary to the proper performance of the improvement. His compensation, or at least the rate thereof or some basis for computing the same, shall be fixed and stated in the order of his appointment, which said order shall be entered in the minutes of the legislative body; *provided, however*, that any county officer, if the proceeding is conducted by the legislative body of the county, and that any municipal officer, if the proceeding is conducted by the legislative body of a municipality, may be appointed such engineer of work without compensation.

Engineer
of work.

(2) To appoint, in and as a part of the resolution of intention, any competent person, to be designated "superintendent of work," whose duty it shall be to perform the services prescribed or indicated for him in this act and to have the general actual supervision of the improvement constructed. His compensation shall be fixed at the time, and in the resolution of his appointment, at a per diem for all time actually devoted to the work; *provided*, that any county officer, in case the legislative body of a county is conducting the proceeding, and any municipal officer or board, in case the legislative body of a municipality is conducting the proceeding, may be appointed as such superintendent without compensation.

Superin-
tendent of
work.

(3) To appoint and designate any competent person for the purpose of preparing and furnishing the specifications as set forth in section 4 of this act and to fix his compensation or some basis for computing the same, or to appoint and designate any officer of the county or officer of the municipality, as the case may be, for such purpose, without compensation.

Preparation
of specif-
ications.

(4) To appoint and employ, either prior or subsequent to the adoption of the resolution of intention, by an order to be entered upon its minutes, or in said resolution of intention, any competent attorney to prepare all or any portion of the proceedings, including resolutions, notices, orders, contracts, pleadings, judgments, court documents and any or all matters incident to the consummation of the contemplated improvement or acquisition, or both, and in the case of an acquisition to perform the services in this act prescribed or indicated in connection with the proposed acquisition, whose compensation, or at least the rate thereof or some basis for computing the same, shall be fixed and stated in the order of his appointment; *provided, however*, that if no appointment or employment of an attorney is made as above provided then the services to be performed by the attorney as prescribed or indicated in this

Attorney.

act shall be performed by the city attorney, in cases where the proceedings are initiated and conducted by the legislative body of a municipality, and in cases where such proceedings are initiated and conducted by the legislative body of a county, by the district attorney of the county, except that in counties having freeholders' charters creating the office of county counsel they shall be performed by the county counsel.

Other
employees.

(5) To appoint and designate other competent persons in the places respectively of the persons so originally appointed, with compensation (so far as practicable) proportionately the same as fixed for the original appointees, and to appoint such additional persons as may be needed to accomplish the thing or things to be done under this act, and to fix their compensation, which shall be a charge against the district.

Liability
for expense.

No part of such or any compensation for said officers or employees so appointed or designated, or for services rendered by any of them, shall be a charge against the county or municipality or any officers thereof; *provided*, that the county, in proceedings conducted by its legislative body, and the municipality, in proceedings conducted by its legislative body, shall be liable for the expenses of the preparation and furnishing of specifications and of the posting and publication of resolutions and notices required to be posted and published in the event that proceedings cease or are abandoned before the award of the contract, or before a final judgment is obtained, but such expenses, for which the county and municipality respectively are liable and which shall have been paid thereby, may be charged, as incidental expenses, against the district benefited in any new proceeding had or taken for an acquisition or improvement, or both, which shall include substantially the same thing or things to be done as those included in the abandoned proceedings. Whenever any county or municipal officer is appointed and designated to any of the positions or duties hereinabove mentioned without compensation, the actual and necessary expenses incurred under his supervision, including the compensation of other persons, made necessary by the duties of such positions, shall be a charge against the county or municipality appointing and designating him, but shall be repaid to such county or municipality as incidental expenses of the proceeding.

Eligibility
for appoint-
ment.

No member of the legislative body of any county or municipality shall be eligible to appointment to any office, position or employment under this act, except as a county or municipal officer without pay.

CHAPTER 733.

An act to amend section one thousand two hundred eighty-one of the Penal Code, relating to discharge of defendant in criminal cases on allowance of bail.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 1281 of the Penal Code is hereby amended to read as follows:

1281. Upon the allowance of bail and the execution and approval of the undertaking, the magistrate must, if the defendant is in custody, make and sign an order for his discharge, upon the delivery of which to the proper officer the defendant must be discharged.

Original
section
amended.
Release
on bail.

CHAPTER 734.

An act to amend section one thousand three hundred six of the Penal Code, relating to forfeiture of bail bonds.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 1306 of the Penal Code is hereby amended to read as follows:

1306. When any bond is forfeited, if the court which has declared the same forfeited has civil jurisdiction to render judgment in an action arising upon a contract of similar nature and amount ninety days after such forfeiture, if the same has not been set aside, it shall enter a summary judgment against each bondsman named in such bond in the amount for which such bondsman shall have bound himself; if the court declaring such forfeiture has not jurisdiction to give judgment in an action arising upon a contract of similar nature and amount, said court ninety days after such forfeiture, if the same has not been set aside, shall deliver to the district attorney of the county in which said court is located said bond, together with a certified copy of its order declaring the same forfeited, and immediately thereafter said district attorney must file said bond and said certified copy of forfeiture in a court having jurisdiction to render judgment in an action arising upon a contract of similar nature and amount. The court in which said bond and certified copy of forfeiture shall be so filed shall forthwith enter a summary judgment against each bondsman named in such bond in the amount for which said bondsman shall have bound himself.

Stats 1905,
p. 702,
amended.
Enforcement
of forfeiture.

A dismissal of the indictment or information after the default of the defendant shall not release or affect the obligation of the bail bond or undertaking.

CHAPTER 735.

An act to amend section one thousand three hundred five of the Penal Code, relating to forfeiture of bail bonds.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats 1905,
p 701,
amended
Forfeiture
and
discharge of
forfeiture.

SECTION 1. Section 1305 of the Penal Code is hereby amended to read as follows:

1305. If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes, and the undertaking of bail, or the money deposited instead of bail, as the case may be, must thereupon be declared forfeited. But if at any time within ninety days after such entry in the minutes, the defendant and his bail appear and satisfactorily excuse his neglect, and show to the satisfaction of the court that the absence of the defendant was not with the connivance of the bail, the court may direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just.

CHAPTER 736.

An act to amend section one thousand two hundred eighty-eight of the Penal Code, relating to form of bail bonds and justification of sureties thereon after returning and filing of indictment by grand jury.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1925,
p 943,
amended
Sections
applicable
to bail

SECTION 1. Section 1288 of the Penal Code is hereby amended to read as follows:

1288. The provisions contained in sections 1279, 1280, 1280a and 1281, in relation to bail before indictment, apply to bail after indictment.

CHAPTER 737.

An act to add a new section to the Penal Code, to be numbered one thousand two hundred seventy-five, relating to bail bonds.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. A new section to be numbered 1275 is hereby New section. added to the Penal Code, to read as follows:

1275. In fixing the amount of bail, the judge or magistrate shall take into consideration the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his appearing at the trial or hearing of the case. No bail bond shall be accepted unless the judge or magistrate be convinced that no portion of the consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained by the defendant. Matters considered by judge

CHAPTER 738.

An act to amend section one thousand two hundred seventy-eight of the Penal Code, relating to bail bonds and prescribing the form thereof.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 1278 of the Penal Code is hereby Original section amended. amended to read as follows:

1278. Bail is put in by a written undertaking, executed by two sufficient sureties (with or without the defendant, in the discretion of the magistrate), and acknowledged before the court or magistrate, in substantially the following form: Form of bail bonds.

An order having been made on the ----- day of -----, 19---, by -----, a justice of the peace of ----- county (or as the case may be), that ----- be held to answer upon a charge of (stating briefly the nature of the offense), upon which he has been admitted to bail in the sum of ----- dollars; we, ----- and ----- (stating their place of residence and occupation), hereby undertake that the above named ----- will appear and answer the charge above mentioned, in whatever court it may be prosecuted, and will at all times hold himself amenable to the orders and process of the court, and if convicted, will appear for judgment and render himself in execution thereof, or if he fails to perform either of these conditions, that we will pay to the people of the State of California the sum of -----

dollars (inserting the sum in which the defendant is admitted to bail). If the forfeiture of this bond be ordered by the court, judgment may be summarily made and entered forthwith against the said (naming the sureties), and the defendant if he be a party to the bond, for the amount of their respective undertakings herein, as provided by sections 1305 and 1306 of the Penal Code.

CHAPTER 739.

An act to amend section one thousand two hundred eighty-seven of the Penal Code, relating to form of bail bonds and justification of sureties thereon after returning and filing of indictment by grand jury.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Original
section
amended.
Form of
bail bonds.

SECTION 1. Section 1287 of the Penal Code is hereby amended to read as follows:

1287. The bail must be put in by a written undertaking, executed by two sufficient sureties (with or without the defendant, in the discretion of the court or magistrate), and acknowledged before the court or magistrate, in substantially the following form:

An indictment having been found on the-----day of -----, 19__ in the superior court of the county of-----, charging ----- with the crime of ----- (designating it generally) and he having been admitted to bail in the sum of -----dollars, we, -----and-----, of----- (stating their place of residence and occupation), hereby undertake that the above named-----will appear and answer the indictment above mentioned, in whatever court it may be prosecuted, and will at all times render himself amenable to the orders and process of the court, and, if convicted, will appear for judgment and render himself in execution thereof; or, if he fails to perform either of these conditions, that we will pay to the people of the State of California the sum of -----dollars (inserting the sum in which the defendant is admitted to bail). If the forfeiture of this bond be ordered by the court, judgment may be summarily made and entered forthwith against the said (naming the sureties, and the defendant if he be a party to the bond), for the amount of their respective undertakings herein, as provided by sections 1305 and 1306 of the Penal Code.

CHAPTER 740.

An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and

county, city, town, municipality or other political subdivision within this state, and to repeal all acts or parts of acts in conflict with this act.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. All moneys belonging to or in the custody of any county, city and county, city, town, municipality or other political subdivision within the state, shall, so far as possible, be deposited in such state or national bank or banks in the state as the treasurer of the county, city and county, city, town, municipality or other political subdivision, as the case may be, or other official having the legal custody thereof, shall select for the safekeeping of such deposits, and any sum so deposited shall be deemed to be in the treasury of such county, city and county, city, town, municipality or other political subdivision; *provided*, that the bank or banks in which such money is deposited shall furnish security as hereinafter provided; *and provided, further*, that such depository bank or banks be selected from those agreeing to pay the highest rate of interest, not less than two per centum per annum, for such deposits, as may be determined by bids to be submitted at such times and in such manner as the treasurer shall direct; *and provided, further*, that such deposit shall not exceed the paid-up capital, exclusive of reserve and surplus, of any depository bank. Any and all bids may be rejected by the treasurer and new bids asked for. The transportation of moneys to and from such depositories shall be borne by such depositories and they shall handle, collect and pay all checks, drafts and other exchange without cost to such county, city and county, city, town, municipality or other political subdivision. Such deposits, with interest thereon, shall be subject to withdrawal at any time upon the demand of the treasurer or other authorized official; *provided, however*, that the treasurer may, with the consent of the governing body of the county, city and county, city, town, municipality or other political subdivision, deposit any part of such moneys for a definite term and may agree with any depository bank or banks as to the period of time of any such deposit or deposits, but no such agreement shall provide for the deposit of any of such moneys for a longer period than one year; *and provided, further*, that such treasurer is hereby authorized, under such conditions as he with the approval of the governing body of such county, city and county, city, town, municipality or other political subdivision may fix, to deposit moneys in any bank or banks within or without this state, necessary for the payment of the principal and interest of bonds at the place or places at which the same are payable, and the provisions of this act shall not apply to deposits for such purposes.

Interest on
deposits

SEC. 2. The interest to be paid by any such depository bank shall be on the average daily balances of the moneys kept on deposit therewith, and shall be payable quarterly. The treasurer shall render to such depository and to the county auditor a statement showing the amount of accrued interest for each such depository for the preceding quarter. Interest on all moneys deposited as herein provided for shall belong to the county or municipality represented by the officer making such deposit, and shall be paid quarterly into the general fund of such county or municipality, except where the law otherwise directs.

Active and
inactive
deposits

SEC. 3. There shall be two classes of deposits; one shall be known as active deposits and the other as inactive deposits. The treasurer, with the consent of the governing body of the county, city and county, city, town, municipality or other political subdivision, shall determine what amount of money shall be deposited as inactive deposits. Such treasurer may call in moneys from inactive deposits and place them in active deposits, when it shall be necessary to do so, for the purpose of providing for current demands; and, when there are inactive moneys in his possession for which there are no demands, said inactive moneys may be placed as active deposits. When there are no demands for either active or inactive moneys, such treasurer may deposit with the federal reserve bank of San Francisco any gold coin or other moneys in his possession and take from said bank a certificate or other exchange showing such deposit. The provisions of this act shall not apply to such deposits with the federal reserve bank.

Security for
deposits

SEC. 4. For the security of inactive deposits there shall be deposited with such treasurer treasury notes or bonds of the United States, or of this state or of any county, city and county, city, town, municipal utility district, flood control district, school district or irrigation district within this state, which bonds shall be approved by the treasurer and attorney of the county, city and county, city, town, municipality or other political subdivision. The market value of the bonds furnished shall be at least ten per cent in excess of the amount of the deposit secured thereby; but the amount of the deposit shall in no case exceed the face value of the bonds furnished as security therefor. For the security of active deposits, there shall be deposited with such treasurer, treasury notes or bonds of the United States or of this state, or of any county, city and county, city, town, municipal utility district, flood control district, school district or irrigation district within this state, or the surety bond or bonds of any corporation or corporations qualified to act as sole surety on bonds or undertakings required by the laws of this state; *provided*, that the furnishing of surety bonds shall be optional with the treasurer; *provided, however*, that when there is no qualified bank within the county owning the money, or the county within which the city, town, municipal utility district, flood control district, school district or irrigation district owning the money

is situated requesting such active deposit, and offering any of the classes of securities, including surety bonds, herein provided for such deposits, then no such surety bond or notes or bonds shall be accepted as security for active deposit in banks outside of such county while any notes or bonds of the United States, or of this state, or of any county, city and county, city, town, municipal utility district, flood control district, school district, or irrigation district within the state shall be offered as security for active deposits by any bank in the state qualified to accept such deposits; *provided, further*, that the penalty or the aggregate of the penalties of any surety bond or bonds covering deposits in any one bank given by any surety company shall not exceed ten per cent of the capital and surplus of such company, according to the statement thereof contained in the last preceding report issued by the United States treasury department, but in fixing such limit there shall be deducted from such penalty the amount of any reinsurance the terms of which inure directly to the county, city and county, city, town, municipality or other political subdivision making the deposit, placed with a company qualified to execute bonds hereunder within the limits applicable to said company and evidence of such reinsurance shall be furnished to the treasurer making the deposit within twenty days after the date of such surety bond.

Such securities shall be approved by the treasurer and attorney of such county, city and county, city, town, municipality or other political subdivision in any amount in value at least ten per cent in excess of the amount of the deposit with such bank or banks. No surety bond shall be accepted from any surety company, unless said company shall be approved by the insurance commissioner of the state as a company possessing the qualifications herein required to secure the deposit of any funds, and it shall be the duty of said commissioner to issue such certificate on demand of the proper officer of the county, city and county, city, town, municipal utility district, flood control district, school district or irrigation district showing the qualifications of such companies; and, unless said company shall also hold a certificate of authority from the United States treasury department as being acceptable as a surety on federal bonds. The form of bonds required under this act shall be approved by the attorney for such county or municipality.

SEC. 5. If in any case or at any time the security deposited with such treasurer is not deemed satisfactory by such treasurer, he may require such additional security as may be satisfactory to him. Such security, or any part thereof, may be withdrawn or released on the written consent of such treasurer, and the attorney of the county or municipality or other political subdivision; *provided*, that a sufficient amount of said notes or bonds or, when permissible, surety bonds of sufficient penalties, to secure said deposits shall always be kept in the treasury, and in the event that any said bank or banks of

Approval
of security.

Additional
security.

Default.

deposit shall fail to pay such deposits, or any part thereof, on the demand of the treasurer then it shall be the duty of such treasurer to forthwith recover upon or convert said notes or bonds into money and to disburse the same according to law.

Termination
of surety
bonds.

The surety upon such surety bond may terminate such bond as to future liability by giving fifteen days' notice in writing of such termination to the treasurer, and upon receipt of such notice, the treasurer shall require other security in lieu thereof, or shall withdraw the funds covered by said surety bond within said period of fifteen days, but such notice of termination shall not affect any liability accruing prior to the expiration of said period of fifteen days.

Contracts
with
depositories.

SEC. 6. Such treasurer shall take from such depository or depositories a written contract in triplicate, setting forth the conditions upon which funds are deposited therewith, one of which shall be filed with the auditor of such county, city and county, city, town, municipality or other political subdivision.

Quarterly
statements.

Each depository shall render, quarterly, to such treasurer a statement, in triplicate, showing the daily balances or amount of money of such county, city and county, city, town, municipality or other political subdivision held by it during the quarter and the amount of accrued interest thereon separately, one of which shall be filed by the treasurer with the auditor of such county, city and county, city, town, municipality or other political subdivision.

Indemnity
bonds to
cover depre-
ciations.

SEC. 7. Such treasurer with the approval of the attorney of the county, city and county, city, town, municipality or other political subdivision, shall, if in his judgment it shall appear necessary for the security of the county, city and county, city, town, municipality or other political subdivision, require said banks of deposit to give an indemnity bond, the sureties on which shall not be interested as stockholders in said bank or banks to be approved by the treasurer and such attorney, to secure such county, city and county, city, town, municipality or other political subdivision against loss by any depreciation in value that may occur in such bonds held by him as security for the safekeeping and prompt payment of the moneys in such banks.

Respon-
sibility of
treasurer.

SEC. 8. Such treasurer shall not be responsible for any moneys deposited in a bank or in banks under the provisions of this act, while the same remain there deposited under the terms of this act; but such treasurer shall be chargeable with the safe keeping, management and disbursement of the bonds and certificates of deposit deposited with him as security for deposits of such moneys, and with the interest thereon, and the proceeds of any sale under the provisions of this act, and the respective city, county, city and county, town, municipality or other political subdivision shall be responsible for the custody and safe return of any securities so deposited.

Receipts.

SEC. 9. At the time of depositing any moneys in any bank, designated as a depository, such treasurer shall take and preserve a receipt, certificate of deposit, or such other evidence

of the deposit as the treasurer may require. The money so deposited may be drawn out by the check or order of such treasurer. Withdrawals.

SEC. 10. All moneys belonging to any county, city and county, city, town, municipality or other political subdivision within the state under the control of any officer or employee thereof other than the treasurer thereof, shall be deposited as active deposits in such state or national bank or banks in this state as such officer or employee may select; *and provided*, that the bank or banks in which said moneys are deposited may be required to pay interest thereon and shall furnish security for such deposits as herein provided for active deposits. Other
official
deposits

SEC. 11. All moneys under the control of any tax collector of any county, city and county, city, town or municipality must be immediately deposited with the treasurer of any such county, city and county, city, town or municipality; *provided*, that any such moneys may, under permission and instructions of the treasurer having authority so to do, be deposited by such tax collector in any bank selected as a depository in accordance with the provisions of this act. Moneys
received by
tax
collectors.

SEC. 12. Any officer or employee of any county, city and county, city, town, municipality or other political subdivision of this state who deposits any money belonging to or in the custody of such county, city and county, city, town, municipality or other political subdivision in any manner other than as prescribed in this act shall be subject to forfeiture of his office or employment. Penalty.

SEC. 13. An act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town, municipality or other political subdivision within this state, and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, and all acts amending said act and all acts and parts of acts in conflict with this act are hereby repealed. Stats. 1923,
p. 25,
repealed.

CHAPTER 741.

An act to amend section six and one-half of an act entitled "An act to provide for work done upon streets, lanes, alleys, courts, places, and sidewalks and for the construction of sewers within municipalities," approved March 18, 1885, as amended, relative to the filing by contractors and others of bonds or certified checks.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 6½ of an act entitled "An act to provide for work done upon streets, lanes, alleys, courts, places, Stats. 1919,
p. 481,
amended

and sidewalks and for the construction of sewers within municipalities," approved March 18, 1885, as amended, is hereby amended to read as follows:

Contractor's
bond.

Sec. 6 $\frac{1}{2}$. Every contractor, person, company or corporation, including contracting owners, to whom is awarded any contract for street work under this act, shall, at the time of signing and executing the said contract, execute and deliver to the street superintendent, a good and sufficient bond to be approved by the mayor, in a sum not less than one-half of the total amount payable by the terms of said contract. Such bond shall be executed by either two or more good and sufficient sureties or by corporate surety, as provided by law, and must provide that if the contractor, person, company or corporation, or his or its subcontractors fail to pay for any materials, provisions, provender or other supplies or teams, or the use of implements or machinery used in, upon, for or about the performance of the work contracted to be done, or for any work or labor thereon of any kind, that the surety will pay for the same in an amount not exceeding the sum specified in the bond, and also in case suit is brought upon such bond, a reasonable attorney's fee to be fixed by the court. Such bond must, by its terms, inure to the benefit of any and all persons, companies and corporations entitled to file claims under this act, so as to give a right of action to them or their assigns in any suit brought upon said bond.

Filing of
unpaid
claims.

Any materialman, person, company or corporation furnishing materials, provisions, provender or other supplies used in, upon, for or about the performance of the work contracted to be executed or performed, or any person, company or corporation renting or hiring teams or implements, or machinery for, or contributing to, said work to be done, or any person who performs work or labor upon the same, or any person who supplies both work and materials and whose claim has not been paid by the contractor, company or corporation to whom the contract has been awarded, or by the subcontractors of said contractor, company or corporation, may at any time prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by section 1187 of the Code of Civil Procedure, file with the superintendent of streets, a verified statement of his or its claim, together with a statement that the same, or some part thereof, has not been paid. It shall be lawful for the superintendent of streets, within ten days after the completion of any such contract or work of improvement provided for in this act, or within ten days after there has been a cessation from labor thereon for a period of thirty days, to file for record in the office of the county recorder of the county where the property is situated, a notice, setting forth the date when the same was completed, or on which cessation from labor occurred, together with the name of the municipality and description of the property or public work or improvement, sufficient for identification, and the name of the contractor or contractors, and the name of the surety,

which notice shall be verified by such superintendent of streets, and in case such notice be not so filed the failure to so file shall have the same effect as provided in section 1187 of the Code of Civil Procedure, with reference to the "owner." Any laborer, materialman, person, company or corporation entitled to the benefit of this act as hereinbefore set forth, whose claim has not been paid by the said contractor, company or corporation, or his or its subcontractors, shall severally have a first lien upon and against the assessment, any partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment. And actions against the said municipality or superintendent of streets to establish such liens brought by any claimant who has filed claims under this act, or by his assigns, shall be governed by the provisions of sections 1184, 1184a, 1184b and 1184c of the Code of Civil Procedure, and the verified notice provided for in the said section shall be equivalent for all purposes to the verified claim provided for herein.

No assignment by the contractor of the whole or any part of the money, assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment, due him or to be due him under the contract, or for "extras" in connection therewith, whether made before a verified claim is filed as provided for herein or after said claim is filed, shall be held to take priority over claims filed under this section, and such assignment shall have no binding force in so far as the rights of the claimants who file claims hereunder, or their assigns, are concerned; *provided*, that nothing in this section shall be construed to prohibit payment to the contractor or his assigns, so long as no verified claim is on file before the disbursing officer shall have actually surrendered possession of the assessment, partial assessment, any reassessment, and any bonds which may be issued to represent any assessment or reassessment, or the payment to said contractor or his assigns of any assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment, due him or his assigns over and above the total amount of the claims filed at that time plus such interest and court costs as might be reasonably anticipated in connection with said claims.

Suit against the surety or sureties on the bond of the contractor required hereunder may be brought by any claimant, or his assigns, at any time after the claimant has ceased to perform labor or furnish materials or both and until the expiration of six months after the period in which verified claims may be filed as provided herein. The filing of a verified claim shall not be a condition precedent to the maintenance of such action against the surety or sureties on the bond and an action on such bond may be maintained separately from and without the filing of an action against the municipality or officer by whom such contract was awarded. And upon the trial of any such action, the court shall award to the prevailing party

Assignments
by
contractor.

Suits
against
sureties

a reasonable attorney's fee, to be taxed as costs, and to be included in the judgment therein rendered.

Bond to
guarantee
payment.

If the contractor, subcontractor or other person against whom any claim is filed as provided in this act, shall dispute the correctness or validity of any claim so filed it shall be lawful for the municipality or superintendent of streets by whom the contract for the improvement was awarded, in its or his discretion, to permit the contractor to whom said contract was awarded to deliver to such municipality or superintendent of streets a bond executed by some corporation authorized to issue surety bonds in the State of California, in a penal sum equal to one and one-fourth times the amount of said claim, which said bond shall guarantee the payment of any sum which said claimant may recover on said claim, together with his costs of suit in said action, if he shall recover therein, and upon the filing of said bond by and with the consent of such municipality or superintendent of streets, then such municipality or superintendent of streets shall not withhold any funds, assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment from said contractor on account of said claim. The sureties upon said bond shall be jointly and severally liable to said claimant with the sureties upon the original bond inuring to the benefit of persons entitled to file claims under this act and given in accordance with the provisions of this act.

CHAPTER 742.

An act to amend the title and section two of an act entitled "An act to provide for work in, under and upon highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places and parks in unincorporated territory of counties and any of the same lying within municipalities, whenever necessary or proper to complete or connect with any work outside thereof, and any of the same forming the exterior boundaries of any municipality, where such municipality joins unincorporated territory of the county, whether partly or wholly within or without the boundaries of such municipality, and in, under and upon all publicly owned property and rights of way, whether within or without municipalities, and in, under and upon any property and rights of way of which the county has possession and right of use under the provisions of section fourteen of article one of the constitution of the State of California, and for establishing and changing the grades of such highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places and parks; to provide for the issuance, payment and enforcement of improvement bonds to represent certain

assessments for the cost thereof and a method for the payment of such bonds; to provide for the formation, management and dissolution of districts to be assessed to pay the expenses of the maintenance and operation of improvements constructed hereunder and the assessing, levying and collecting of special assessment taxes to pay such expenses; and to provide for county aid in all of such work," approved June 3, 1921, as amended.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. The title of an act entitled "An act to provide for work in, under and upon highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places and parks in unincorporated territory of counties and any of the same lying within municipalities, whenever necessary or proper to complete or connect with any work outside thereof, and any of the same forming the exterior boundaries of any municipality, where such municipality joins unincorporated territory of the county, whether partly or wholly within or without the boundaries of such municipality, and in, under and upon all publicly owned property and rights of way, whether within or without municipalities, and in, under and upon any property and rights of way of which the county has possession and right of use under the provisions of section 14 of article I of the constitution of the State of California, and for establishing and changing the grades of such highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places and parks; to provide for the issuance, payment and enforcement of improvement bonds to represent certain assessments for the cost thereof and a method for the payment of such bonds; to provide for the formation, management and dissolution of districts to be assessed to pay the expenses of the maintenance and operation of improvements constructed hereunder and the assessing, levying and collecting of special assessment taxes to pay such expenses; and to provide for county aid in all of such work," approved June 3, 1921, as amended, is hereby amended to read as follows:

Stats. 1925,
p. 729,
amended.

An act to provide for work in, under and upon highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places and parks in unincorporated territory of counties and any of the same lying within municipalities, whenever necessary or proper to complete or connect with any work outside thereof, and any of the same forming the exterior boundaries of any municipality, where such municipality joins unincorporated territory of the county, whether partly or wholly within or without the boundaries of such municipality, and in, under and upon all publicly owned property and rights of way, whether within or without municipalities, and in, under and upon any property and rights of way of which

the county has possession and right of use under the provisions of section 14 of article I of the constitution of the State of California, and for establishing and changing the grade of such highways, roads, streets, avenues, boulevards, lanes, alleys, courts, places and parks; to provide for the issuance, payment and enforcement of improvement bonds to represent certain assessments for the costs thereof and a method for the payment of such bonds; to provide for the formation, management and dissolution of districts to be assessed to pay the expenses of the maintenance and operation of improvements such as are permitted to be or are constructed hereunder and the assessing, levying and collecting of special assessment taxes to pay such expenses; and to provide for county aid in all of such work, approved June 3, 1921, as amended.

Stats. 1925,
p. 732,
amended.
Maintenance
and
operation.

SEC. 2. Section 2 of the act referred to in the preceding section 1 of this act is hereby amended to read as follows:

Sec. 2. The board of supervisors may, in its resolution declaring its intention to order work done or improvements made, also declare its intention to order that the expenses of maintaining and operating any or all of said improvements, or any or all other improvements such as are permitted to be constructed herein, including the cost of necessary repairs, replacements, fuel, power, electrical current, care, supervision and other items necessary for the proper maintenance and operation, shall be assessed, either partly or wholly upon the lands lying within the district to be benefited by and to be assessed to pay the cost of the construction or maintaining of the same, the amounts so assessed to be levied and collected in the same manner and by the same officers as taxes for county purposes are levied and collected. Said resolution may describe the boundaries of the district to be assessed for such maintenance and operation (which district shall hereafter in this act be designated and referred to as the maintenance district) as being the same boundaries as those of the district to be assessed for the cost of constructing and maintaining or constructing or maintaining said improvements, which district may be designated by a name by which it may thereafter be referred to in all subsequent proceedings, including proceedings for the levy and collection of taxes.

Protests.

Protests. At any time not later than the hour for hearing objections to the proposed work as provided in said improvement act of 1911, any person permitted by the provisions of said act to make written protest against the proposed work, or against the extent of the district to be assessed therefor, or both, may make like protest and in like manner against the ordering of the formation of the maintenance district or against the extent of said maintenance district, or both, at the time set for hearing protests, as prescribed in the said act. The board of supervisors, in addition to hearing protests against the proposed work or improvement and the extent of the district to be assessed therefor, shall hear and

pass upon all protests against the formation of the maintenance district and against the extent thereof, and its decision shall be final and conclusive; *provided*, that when the board of supervisors finds that the protest against the formation of the maintenance district is made by the owners of more than one-half of the area of the property included within such district, no further proceeding shall be taken for a period of six months from the date of the decision of the board of supervisors on said hearing, unless the said protests be overruled by an affirmative vote of four-fifths of the members of the board of supervisors. The board of supervisors may adjourn said hearing from time to time.

Notice. In the event that the board of supervisors, in its resolution of intention, shall declare its intention to order a maintenance district formed, the notice of improvement provided for by said improvement act of 1911 shall likewise give notice of such declaration of intention and that protests against the same may be filed and will be heard in accordance with the provisions of this act. Notice.

Order. The board of supervisors shall be deemed to have acquired jurisdiction to order that such a maintenance district be formed to be assessed to pay the cost of maintaining and operating the improvement constructed, at the same time and in the same manner prescribed in the said improvement act of 1911 for the acquiring of jurisdiction to order the construction of the proposed improvements, and it may thereupon order the formation of such a maintenance district for such purpose, which order may be contained in the resolution ordering the construction of the improvements. Order.

Tax for Maintenance. Thereupon a copy of said resolution ordering the formation of the maintenance district shall be filed in the office of the county assessor and the county assessor shall thereafter, in making up the assessment roll, segregate the property included within such district on the assessment roll under the designation contained in said resolution. The board of supervisors shall thereafter, in each year, prior to the time of fixing the county tax rate, estimate the cost of maintaining and operating the said improvements to be maintained and operated within said district during the ensuing year. Said board shall decide whether or not the cost of the same shall be borne wholly or partially by the said maintenance district and shall, in addition to all other taxes, fix a special tax rate for the lands within said assessment district sufficient to raise an amount of money to cover the expense of maintaining said improvements during the ensuing year, or such portion of said amount as the board of supervisors shall determine shall be borne by said district, and the board of supervisors shall levy a special assessment tax each year upon the lands in such district sufficient to pay such expense or said portion of such expense. Such special assessment tax shall be levied and collected at the same time Tax for maintenance.

and in the same manner as the general tax levy for county purposes and when collected shall be paid into the county treasury to the credit of the fund of such maintenance district and be used for the payment of the expenses of such district, and said board shall have the power to control and order the expenditure thereof for said purposes.

Consent
of city.

The maintenance district in this section provided for may include property lying within an incorporated city or cities; *provided*, that the consent of the legislative body of such incorporated city or cities, expressed by resolution, to the formation of such district shall first be obtained before the resolution of intention is adopted by the board of supervisors.

CHAPTER 743.

An act providing for the organization and government of public service districts for the purpose of establishing and maintaining and providing for the sanitation of public labor camps.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Public
service
districts.

SECTION 1. Public service districts may be organized under the provisions of this act for the following purpose:

For the establishment and maintenance of public labor camps.

Public
labor
camps.

SEC. 2. The term labor camp, for the purposes of this act, shall mean any living quarters, camping facilities, housing accommodations, dwelling, boarding house, shack, tenement, tent houses, barracks, temporary or permanent, maintained directly or indirectly in connection with any work or place where work is being performed within the district.

Sanitation

Whenever any public service district is organized under this act for the purpose of establishing and maintaining a public labor camp or camps therein, said labor camp or camps so established shall be subject to all the provisions of "An act regulating the sanitation and ventilation in and at camps where five or more persons are employed and providing a penalty for the violation thereof," approved May 29, 1913, as amended.

Petition.

SEC. 3. Whenever a petition, signed by a majority or more of the electors whose names appear upon the last great register of the county, who reside within territory described by the petition, which petition may consist of separate instruments, requesting that such territory be organized into a public service district for the above named purpose shall be presented to the board of supervisors of the county in which such territory is situated at a regular or special meeting of said board, the board of supervisors shall by resolution at such meeting fix a time for the hearing of the petition at not less than two nor more

than five weeks from the time of presentation thereof and shall give notice of the hearing by publishing once each week for not less than two weeks prior to the time of the hearing in some newspaper of general circulation, printed and published in said county, a copy of the petition, except that the signature need not be published, a statement of the time and place of hearing and a statement that any person residing or owning property within the proposed district may appear before the board of supervisors at the time and place fixed for the hearing and show cause why the petition should not be granted or why the proposed boundaries of the district should be changed.

Notice of hearing.

SEC. 4. At the time fixed for the hearing, the board of supervisors shall hear the petition and shall determine whether or not the petition complies with requirements and whether the notice has been published as required. No defect in the petition shall vitiate any proceeding providing the petition has sufficient qualified signatures and its intent can be ascertained. The finding of the board of supervisors as to the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of California upon suit by the attorney general commenced within one year after the order of the board of supervisors declaring such district organized.

Preliminary hearing.

SEC. 5. If the board of supervisors shall determine that the petition is sufficient it shall proceed to a final hearing of the matter. Any person residing or owning property within said proposed district may appear before the board at the hearing in person or by attorney and oppose the creation of the district or request a change in the boundaries and may produce evidence in support of his opposition or request. The board of supervisors must hear all competent and relevant testimony offered in support of or in opposition to the formation of the district or with relation to its boundaries. The board may exclude such territory from the proposed district as it may deem advisable and shall define and establish such boundaries. The hearing may be adjourned from time to time for the determination of the facts not to exceed two weeks in all.

Final hearing.

SEC. 6. Upon the conclusion of the hearing, the board of supervisors may by order entered in its minutes approve the petition as originally presented or in a modified form and declare the territory embraced within the boundaries established by the board a duly organized public service district. The board shall cause a copy of such order, duly certified, to be immediately filed for record in the office of the county recorder of such county. Upon such filing the organization of the district shall be complete, and the district may sue and be sued in its own name.

Order.

SEC. 7. The district shall be governed and managed by a board of trustees consisting of three members appointed by the board of supervisors from electors residing therein. The

Trustees.

trustees shall hold office for four years and until the appointment and qualification of their successors and shall serve without compensation.

Powers and
duties of
trustees

SEC. 8. The trustees shall establish, construct and maintain a labor camp as defined in section 2 of the act and shall provide for the supply of water to such camp and provide the necessary sanitary facilities and for such purpose the trustees shall have the power and authority to enter into contract and to expend money and incur liabilities in behalf of the district, shall have the power to adopt an official seal and shall make such rules and regulations as shall be necessary for the management of the district and generally to do all things necessary to properly establish, maintain and conduct the labor camp and maintain a proper water supply and sanitary conditions.

Maintenance
of camps.

SEC. 9. The district shall maintain the necessary establishment and facilities to fulfill the purpose of the district and for that purpose shall be capable of holding title to property, to take property by grant, gift, devise, lease or any other method and doing all acts necessary or proper for the carrying out of the purposes of this act.

Tax levy.

SEC. 10. The board of trustees of the district shall annually at or before the time fixed by law for the levying of county taxes, estimate and certify to the board of supervisors the amount of money necessary to be raised by taxation for maintaining the establishment or facilities and fulfilling the purposes of the district and the board of supervisors shall thereupon include in the annual tax levy a tax of not to exceed five mills per dollar in any one year upon all of the property within such district sufficient in their opinion to raise the amount of money necessary for the purposes of the district.

Collection
and disposi-
tion of tax.

SEC. 11. The tax shall be collected by the same officer and in the same manner as other county taxes and the same together with all other moneys received by the trustees shall be paid to the county treasurer and shall constitute a separate fund to be expended solely for the purpose of the district upon warrants issued by the county auditor upon orders signed by not less than two of the trustees of the district.

Annual
report.

SEC. 12. The trustees shall as soon after the first day of July in the first year as is practicable and annually thereafter file with the county board of supervisors a report setting forth all their transactions during the preceding fiscal year and containing an itemized account of receipts and disbursements during said fiscal year together with proper vouchers therefor.

Exclusion
of territory.

SEC. 13. Whenever a board of supervisors shall receive a petition, signed by a majority of the electors residing within the boundary lines of a portion of a public service district, as set forth in said petition, requesting that such territory or portion of a district described therein be excluded from a public service district, the board of supervisors shall, by resolution, fix a time for the hearing of said petition at not

less than two nor more than five weeks from the time of presentation thereof and shall cause notice thereof to be given of the time and place of such hearing by publication in some newspaper of general circulation printed and published in said county for not less than two weeks prior to the time of said hearing.

At the time fixed for said hearing, said board of supervisors shall hear such petition and must hear all competent and relevant testimony offered in support of or in opposition thereto. Said hearing may be adjourned from time to time for the determination of said facts, not to exceed two weeks in all. If the board of supervisors shall determine that the petitioners have complied with the requirements herein set forth and that the notice required herein has been published as required, it shall thereupon proceed to final hearing of the matter and said board shall make such changes in the boundaries of the proposed district as it may deem advisable and shall thereupon redefine and reestablish such boundaries; *provided, however*, that the portion of the territory excluded from said district shall not be relieved from the payment of any tax or assessment levied or imposed upon such territory so excluded prior to the date of the order of the board of supervisors.

CHAPTER 744.

An act to amend sections one hundred seventy and three hundred ninety-eight of the Code of Civil Procedure, relating to the disqualification of judges.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 170 of the Code of Civil Procedure is hereby amended to read as follows:

170. No justice, judge or justice of the peace shall sit or act as such in any action or proceeding:

1. To which he is a party or in which he is interested;

2. When he is related to either party, or to an officer of a corporation which is a party, or to an attorney, counsel, or agent of either party, by consanguinity or affinity within the third degree computed according to the rules of law;

3. When, in the action or proceeding, or in any previous action or proceeding involving any of the same issues, he has been attorney or counsel for any party; or when he has given advice to any party upon any matter involved in the action or proceeding; or when he has been retained or employed as attorney or counsel for any party within two years prior to the commencement of the action or proceeding;

4. When it is made to appear probable that, by reason of bias or prejudice of such justice, judge, or justice of the peace a fair and impartial trial can not be had before him.

Stats. 1925,
p. 18,
amended.
Disqualifi-
cation of
judges.

Relationship.

Attorney
for party.

Bias or
prejudice.

Establish-
ment of dis-
qualification

Whenever a judge of a court of record shall have knowledge of any fact or facts which, under the provisions of this section, disqualify him to sit or act as such in any action or proceeding pending before him, it shall be his duty to declare the same in open court and cause a memorandum thereof to be entered in the minutes. It shall thereupon be the duty of the clerk to transmit forthwith a copy of such memorandum to each party, or his attorney, who shall have appeared in such action or proceeding, except such party or parties as shall be present in person or by attorney when the declaration shall be made. Whenever a judge of a court of record who shall be disqualified, under the provisions of this section, to sit or act as such in any action or proceeding pending before him, neglects or fails to declare his disqualification in the manner hereinbefore provided, any party to such action or proceeding who has appeared therein may present to the court and file with the clerk a written statement objecting to the hearing of such matter or the trial of any issue of fact or law in such action or proceeding before such judge, and setting forth the fact or facts constituting the ground of the disqualification of such judge. Within five days after the presentation and filing of any such statement, the judge alleged therein to be disqualified may file with the clerk his consent in writing that the action or proceeding be tried before another judge, or may file with the clerk his written answer admitting or denying any or all of the allegations contained in such statement and setting forth any additional fact or facts material or relevant to the question of his disqualification. The clerk shall forthwith transmit a copy of the judge's consent or answer to each party or his attorney who shall have appeared in such action or proceeding. Every such statement and every such answer shall be verified by oath in the manner prescribed by section 446 of this code for the verification of pleadings. The statement of a party objecting to the judge, on the ground of his disqualification, shall be presented at the earliest practicable opportunity, after his appearance and discovery of the facts constituting the ground of the judge's disqualification, and in any event before the commencement of the hearing of any issue of fact in the action or proceeding before such judge. No judge of a court of record, who shall deny his disqualification, shall hear or pass upon the question of his own disqualification; but, in every such case, the question of the judge's disqualification shall be heard and determined by some other judge agreed upon by the parties who shall have appeared in the action or proceeding, or, in the event of their failing to agree, by a judge requested to act by the chairman of the judicial council, and, if the parties fail to agree upon a judge to determine the question of disqualification, within five days after the expiration of the time allowed herein for the judge to answer, it shall be the duty of the clerk then to notify the chairman of the judicial council of that fact; and it shall be the duty of the

chairman of the judicial council forthwith, upon receipt of notice from the clerk, to request some other judge, not disqualified, to hear and determine the question. If the judge admits his disqualification, or files his written consent that the action or proceeding be tried before another judge, or fails to file his answer within the five days herein allowed, or if it shall be determined after hearing that he is disqualified, the action or proceeding shall be heard and determined by another judge not disqualified, who shall be agreed upon by the parties, or, in the event of their failing to agree, appointed by the chairman of the judicial council; *provided, however,* that when there are two or more judges of the same superior court, one of whom is disqualified, the action or proceeding may be transferred from the department of the disqualified judge to the department of another judge who is not disqualified. A judge who is disqualified may, notwithstanding his disqualification, request another judge, who has been agreed upon by the parties, to sit and act in his place. The disqualification mentioned in either subdivision two or three of this section may be waived by the written stipulation of the parties.

5. In an action or proceeding brought in the superior court or justices' court by or against the reclamation board of the State of California, or any irrigation, reclamation, levee, swamp land or drainage district, or any public agency, or trustee, officer or employee thereof, affecting or relating to any real property or an easement or right of way, levee, embankment, canal, or any work provided for or approved by the reclamation board of the State of California, the judge of the superior court of the county, or justice of the peace of the township in which such real property, or any part thereof, or such easement or right of way, levee, embankment, canal or work, or any part thereof is situated shall be disqualified to sit or act, and such action, if brought in the superior court, shall be heard and tried by some other judge of the superior court requested to sit therein by the chairman of the judicial council, or if brought in the justices' court, by some other justice of the peace requested to sit therein by the chairman of the judicial council; unless the parties to the action shall sign and file in the action or proceeding a stipulation in writing, waiving the disqualification in this subdivision of this section provided, in which case such judge or justice of the peace may proceed with the trial or hearing with the same legal effect as if no such legal disqualification existed. If, however, the parties to the action shall sign and file a stipulation agreeing upon some other judge of the superior court or justice of the peace to sit or act in place of the judge or justice disqualified under the provisions of this subdivision, the judge or justice agreed upon shall be called by the judge or justice of the peace so disqualified to hear and try such action or proceeding; *provided,* that nothing herein contained shall be construed as preventing the judge

Reclamation,
etc.,
proceedings.

of the superior court of such county from issuing a temporary injunction or restraining order, which shall, if granted, remain in force until vacated or modified by the judge designated by the governor as herein provided.

Change of
venue.

Nothing in this section contained shall affect a party's right to a change of the place of trial in the cases provided for in title four, part two of this code.

Stats. 1925,
p. 948,
amended.

Court to
which trial
may be
transferred.

SEC. 2. Section 398 of the Code of Civil Procedure is hereby amended to read as follows:

398. If, from any cause, the court orders the place of trial changed, it must be transferred for trial to a court the parties may agree upon, by stipulation in writing, or made in open court and entered in the minutes; or, if they do not so agree, then to the nearest or most accessible court, where the like objection or cause for making the order does not exist, as follows:

1. If in a superior court, to another superior court, or to a municipal court if the action be cognizable therein.
2. If in a justice's court, to another justice's court or a municipal court in the same county.
3. If in a municipal court to another municipal court, or to a justice's court, if the action be cognizable therein, otherwise to a superior court.

CHAPTER 745.

An act to amend sections twenty-three, twenty-four, twenty-five, twenty-seven, sixty-one, sixty-two and seventy-six of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under the provisions of section fourteen of article one of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, relating to foreclosure of liens.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1923,
p. 115,
amended.

SECTION 1. Section 23 of an act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities or of which a municipality has possession and the right of use under

the provisions of section 14 of article I of the constitution, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places, sidewalks, properties or rights of way, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, as amended, is hereby amended to read as follows:

Sec. 23. Said warrant, diagram and assessment, shall be recorded in the office of said superintendent of streets. When so recorded the several amounts assessed shall be a lien upon the lands, lots, or portion of lots assessed, respectively, and such lien shall so continue until it be discharged of record. Such lien shall be subordinate to all special assessment liens previously imposed upon the same property, but it shall have priority over all special assessment liens which may thereafter be created against the said property; and from and after the date of said recording of any warrant, assessment and diagram, all persons shall be deemed to have notice of the contents thereof. After said warrant, assessment and diagram are recorded, the same shall be delivered to the contractor, or his agent, or assigns, on demand, but not until after the payment to the said superintendent of streets of the incidental expenses not previously paid by the contractor, or his assigns; and by virtue of said warrant said contractor, or his agents or assigns, shall be authorized to receive the amount of the several assessments made to cover the sum due for the work specified in such contract and assessments.

Recording
and delivery
of warrants,
etc.

SEC. 2. Section 24 of said act approved April 7, 1911, as amended, is hereby amended to read as follows:

Stats. 1923,
p. 116,
amended.

Sec. 24. The warrant hereinbefore mentioned, shall be and constitute full authority to the contractor, his agents or assigns, to collect the said assessments and they shall be free to make demands upon the owners by virtue of the said warrant and to demand and receive payment of the same, and give receipt therefor, and they shall, whenever the owner so demands give a receipt to him, and the street superintendent thereafter shall, upon presentation of such receipt, mark upon the said assessment note of the said payment.

Collection of
assessments.

SEC. 3. Section 25 of said act approved April 7, 1911, as amended, is hereby amended to read as follows:

Stats. 1923,
p. 116,
amended

Sec. 25. The warrant shall be returned to the superintendent of streets on or after thirty (30) days after the date of recording same, with the written statement of all payments received upon the assessment, signed by the contractor, or his assigns. Thereupon the superintendent of streets shall file the statement so made with the record of the warrant and assessment by attaching it in the same book and immediately following the record of the assessment. Upon such filing the warrant shall be redelivered to the contractor, or his assigns.

Contractor's
return.

Payments to superintendent of streets.

The said superintendent of streets is authorized at any time to receive the amount due upon any assessment and warrant issued by him and give a good and sufficient discharge therefor; *provided*, a bond has not issued to represent said assessment; *provided, further*, that when suit shall have been brought to collect the amount due upon any assessment as herein provided, the plaintiff shall file with the superintendent of streets a written notice of the pendency of said action showing the particular assessments affected by said action or actions; and after the filing of said notice the said superintendent of streets shall not receive any money on account of said assessment, and thereafter he shall have no authority to cancel said assessment or give a discharge thereof without the written consent of the owner of said assessment until judgment has been rendered in said action or the same has been dismissed. In case any warrant is lost, upon proof of such loss a duplicate can be issued, upon which collections may be made, with the same effect as on the original. After the filing of the written statement of payments as aforesaid, all amounts remaining due thereon shall draw interest at the rate of one per cent per month until paid, said interest to be computed from the date of the filing of the contractor's statement and if such amount be not paid within six months thereafter, there shall be added thereto a penalty of five per cent of the principal amounts then due thereon.

Unpaid assessments.

Stats. 1923, p. 117, amended. Certification of unpaid assessments.

SEC. 4. Section 27 of said act approved April 7, 1911, as amended, is hereby amended to read as follows:

Sec. 27. It shall be the duty of the superintendent of streets on or before the fourth Monday of September of each year to certify to the city tax collector, or in case the city taxes are collected by the county, to the county tax collector, a list of the properties within said city upon which there is a lien for unpaid assessments, as shown by the records of the street superintendent.

Notice to pay assessments.

In cases where the county collects city taxes the notice herein provided to be attached to or pasted to or printed or stamped upon the tax bill shall if the county tax collector so requires be prepared by the superintendent of streets and shall be forwarded to the county tax collector on or before the dates herein provided for forwarding said list. Such tax collector shall cause to be pasted or attached to or printed or stamped upon the tax bill or tax receipt, a notice which shall, in substance be as follows:

“Notice of Assessments.”

“There is an assessment lien on this property which must be paid to city street superintendent (or bureau of assessments in cities where such bureau exists) to avoid foreclosure.”

Contractor may sue.

At any time after the first day of July next succeeding nine months following the date of recording of such assessment, the contractor or his assignee may sue in his own name the

owner of the land, lots or portions of lots assessed on the day of the date of the recording of the warrant, assessment and diagram, and recover the amount of any assessment remaining unpaid together with interest and any penalties allowed hereunder; *provided*, that if any state, county or municipal taxes or other special assessment or assessments be delinquent on said property then such action may be brought at any time after ninety days after the recording of such assessment.

When suit has been brought in accordance with the provisions of this section, the plaintiff shall be entitled to have and recover fifteen dollars attorney fees on each assessment sued on, in addition to all taxable costs, notwithstanding that the suit may be settled or a tender may be made before a recovery in said action, and he may have judgment therefor; *provided*, that if the court finds an unnecessary number of actions have been brought, where the parties are identical, it may allow the costs of one action only; *and provided, further*, that such attorney's fee in any one action shall not exceed fifteen dollars where said action shall be settled before trial or where judgment shall be taken on default. Suit may be brought in the superior court within whose jurisdiction the city is, in which said work has been done, and in case any of the assessments are made against lots, portions of lots, or lands, the service of process may be had in said action, in such manner as is prescribed in the codes and laws of this state. It shall be competent to bring a single action under any such assessment irrespective of the number of lots assessed where the parties defendant are identical, and where separate actions are brought, the same may be consolidated by order of the court. The said warrant, assessment and diagram, with proof of non-payment shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the superintendent of streets, and city council upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The plaintiff in such action may recover the cost of any abstract or report of search of title procured in good faith in order to determine ownership, such search to be by a reputable abstractor or title company and such cost not to exceed five dollars per lot, and such abstract or report of search with affidavit of payment to be filed in the action.

In a complaint in any such action it shall be held sufficient to allege briefly that the city council ordered the work, the performance of the work under the contract, the making of the assessment, the issuing of said warrant and the making of said diagram; that an assessment (naming the amount) was levied against that certain lot or parcel of land (describing the same) which, according to the information and belief of the plaintiff, is owned by the defendant; that payment of said assessment has not been made.

In describing said lot or parcel of land in said complaint it shall be sufficient to refer to the same by its number upon

said diagram, provided a certified copy of said warrant, assessment and diagram shall have been previously filed in the office of the recorder of the county or city and county in which the same is situated. It shall be the duty of such recorder to so file any such certified copy presented to him upon payment of the filing fee therefor, which fee is hereby fixed at fifty (50) cents.

Notice for
payment of
fees and
costs.

If the contractor or his agent or any person acting in behalf of the contractor shall, prior to the filing of a complaint for the recovery of any assessment as herein provided or subsequent to the filing of suit and prior to the allowance of attorney fees and costs as herein provided, make any written demand upon or present any bill or notice in writing to such owner, demanding, requesting or notifying such owner to pay or that there is due, attorney's fees or court costs in connection with the collection of such assessment, then, the superintendent of streets is authorized, upon written demand of such owner, accompanied by the affidavit of such owner, that such written demand, bill or notice for the payment of attorney's fees and costs, or either thereof, was made upon or presented to such owner prior to the commencement of suit, or subsequent to the filing of suit and prior to the allowance of attorney's fees and costs, together with such written demand, bill or notice to mark said assessment "paid" and such assessment shall thereby be deemed to be paid and the lien thereof released; *provided*, that this clause shall not be held to apply to the service of summons and complaint in a civil action.

Untimely
suits.

Should suit be brought for the recovery of any assessment prior to the time permitted for bringing same as herein provided, then in such action, so brought the plaintiff shall not recover and defendant shall be entitled to have and recover such attorney's fees as the court may deem reasonable in addition to all taxable costs and he may have judgment therefor.

Stats 1923,
p 277,
amended
Notice in
resolution
and
warrants.

SEC. 5. Section 61 of said act approved April 7, 1911, as amended, is hereby amended to read as follows:

Sec. 61. When said city council shall determine that serial bonds shall be issued to represent the expenses of any proposed work or improvement under this act, it shall so declare in the resolution of intention to do said work, and shall specify the rate of interest which they shall bear. Also a notice that a bond will issue to represent each assessment of twenty-five dollars or more remaining unpaid for thirty days after the date of the warrant, shall be included in the warrant.

SEC. 6. Section 62 of said act approved April 7, 1911, as amended, is hereby amended to read as follows:

Stats 1923,
p 277,
amended.
Unpaid
assessments
and interest.

Sec. 62. After the full expiration of thirty days from the date of the warrant, the street superintendent shall make and certify to the city treasurer a complete list of all assessments unpaid, which amount to twenty-five dollars or over, upon any assessment, or diagram number; the principal of said unpaid assessment shall thereafter become due and payable to said treasurer in equal annual payments on the fifteenth day of

each November succeeding the filing of said list until fully paid; the number of said annual payments shall correspond to the number of serial payments provided to be made on the principal of the bonds issued to represent said unpaid assessments; the interest on said unpaid assessments shall be payable on each fifteenth day of May and November succeeding the filing of such list of unpaid assessments, the last interest payment coming due forty-five days before the last annual payment of the principal of the bonds issued to represent said unpaid assessments; the first payment of the installment of interest shall be paid as set forth in section 60 hereof; the following shall each be for six months interest. Should any payment of principal of said unpaid assessments or of interest thereon be not paid on the date upon which the coupon or coupons representing it are payable, the city treasurer shall after the close of business on said due date add to the amount of principal or interest so delinquent a penalty of five per cent of the total amount of such delinquency, and at the beginning of business on the first day of each succeeding month until such delinquent payment and all penalties thereon be fully paid, he shall add an additional penalty of one per cent of the amount of such delinquency, and said treasurer shall collect such penalties with and as a part of such delinquent payments.

The city treasurer shall at least fifteen days before each respective fifteenth day of May and November, until said assessment be paid in full, mail, postage prepaid, to each owner of property described in said assessment, at his last known address, as appears upon the tax rolls of said city, a postal card notifying him of the amount due and the date when payment is due from him on said assessment and stating that said payment is subject to penalty if not paid on or prior to the due date of the coupons. *Provided*, that the failure of the city treasurer to mail said cards or the failure of the property owner to receive the same shall in no wise affect the validity of any penalty or invalidate any act or proceeding.

Sec. 7. Section 76 of said act approved April 7, 1911, as amended, is hereby amended to read as follows:

Sec. 76. In the event of the nonpayment of any installment of the interest or principal and by way of a separate, distinct and cumulative remedy, the holder of any bond upon which any payment either upon the principal or of the interest has not, or shall not be made when due may, at any time after six months from the date of any delinquency of principal or interest and prior to the expiration of four years after the due date of the last installment unpaid upon any bond or of the last principal coupon attached thereto, file and maintain a suit to foreclose the lien of the bond and recover the amounts due thereon.

The complaint in such suit shall be sufficient if a true copy of the bond be therein set forth and appropriate allegation be

Notice to
owners

Stats 1921,
p 297.
amended
Suit to fore-
close lien

Suit to fore-
close lien
(cont'd).

made therein regarding the payments made upon the principal and interest of such bond, and such suit shall be brought in the superior court within whose jurisdiction the city is by which the said bond has been issued and in case the owner of the lot, or parcel of land covered by said bond, can not with due diligence be found, the service of summons in such action may be had in the manner prescribed in the codes and laws of this state. The said bond, together with proof either orally by the said treasurer of the said city or by a certificate signed by him showing the nonpayment of any of the principal or interest upon said bond, shall be prima facie evidence of the right of the plaintiff to recover in said action. The court in said suit shall have the power to adjudge and decree a lien against the lot or parcel of land covered by said bond and to cause said premises to be sold as in other cases of the sale of real estate by the process of said court to satisfy and discharge such bond and lien, and the amount of interest and penalties due shall be calculated in the same manner hereinbefore set forth in sections 62 and 68 hereof, up to the date of the judgment. On appeal, the appellate courts shall have the same power to adjudge and decree a lien and order such premises to be sold as is conferred on the court from which an appeal is taken. The court having jurisdiction of said cause shall also fix and allow a reasonable attorney's fee for the prosecution of said suit.

The plaintiff in the suit may also recover the cost of any abstract or report of search of title procured in good faith, in order to determine ownership, such search to be by a reputable abstractor or title company, and such cost not to exceed five dollars per lot, and such abstract or report of search with affidavit of payment to be filed in the action.

Such premises, if sold, may be redeemed as in other cases. Such action shall be governed and regulated by the provisions hereof, and also when not in conflict herewith, by the codes of this state.

A written notice of the pendency of any action for recovery on a bond shall be filed with the treasurer and after the filing of such notice the treasurer shall not receive any money on account of said bond and he shall have no authority to cancel the entries on said bond in his register or give a discharge of said bond without the written consent of the owner thereof until judgment has been rendered in such action or the same has been dismissed.

Should suit be brought for recovery on any bond prior to the time provided herein, the plaintiff shall not recover in such suit and the defendant in such suit shall be entitled to have and recover such attorney fees as the court may deem reasonable, in addition to all taxable costs.

CHAPTER 746.

An act authorizing and empowering any city, city and county, county or subdivision of the State of California, to park, and to permit the parking of, vehicles on real property belonging to, or in the possession of, or subject to an easement of, such city, city and county, county or subdivision of the state to lease or grant franchises in real property for such purpose and to construct, and maintain land and buildings for such purpose.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Any city, city and county, or county or subdivision of the state is hereby authorized and empowered to use any real property not needed for other public use which is owned by it, or of which it has possession, or in or upon which it has an easement for any purpose, for the parking or storage of automobiles and other vehicles belonging to or operated by such city, city and county, county or other subdivision of the state and to permit the use thereof by the public for such purpose whenever in the judgment of the city council, board of supervisors or other legislative or governing body of such city, city and county, county or subdivision of the state such use is necessary or convenient for the public or is incidental to or in furtherance of the purposes for which such property or any easement therein was acquired or is owned or possessed.

Use of public property for parking purposes.

SEC. 2. Any such city, city and county, county or subdivision of the state may lease any such property or grant a franchise to operate a parking station thereon to any person, firm or corporation, in the same manner as other public property may be leased or franchise granted concerning the same, for the purpose of subletting or permitting to the public parking privileges for vehicles.

Leases and franchises.

SEC. 3. Any city, city and county, county or subdivision of the state may also construct, erect or maintain any driveway, floor, stall, shed, fence, building or other structure in furtherance of the purpose herein set forth either in, under or over any public building or on or under the surface of any public park or grounds.

Construction of facilities.

SEC. 4. Any and all acts of this state, authorizing or providing methods for the improvement of real property by any city, city and county, county or subdivision of the state for street, highway, library, school, playground or other purposes, are hereby included by this reference as providing methods for improving any property to be improved for the use herein authorized.

Methods of improvement.

SEC. 5. All acts or parts of acts in conflict herewith are hereby repealed.

Repealed

Constitutionality.

SEC. 6. The Legislature hereby declares that it considered and intended to pass each and every section, sentence and clause of this act and any decision declaring any section, sentence or clause hereof to be invalid shall in no way affect any other section, sentence or clause.

CHAPTER 747.

An act to amend section two of an act entitled "An act to provide for the establishment and change of grade of public streets, avenues, lanes, alleys, courts, places and rights of way forming the exterior boundaries of any municipality, whether partly or wholly within or without said boundaries, or extending into the territory of two or more municipalities or extending into the territory of one or more municipalities, and unincorporated territory, and providing for work upon and the improvement thereof, and providing for the construction of sanitary and storm sewers, drains and drainage systems, together with any and all appurtenances and appurtenant work in connection with any of such work or improvements; to assess the whole or any portion of the costs and expenses thereof upon private property, and to provide for a system of local improvement bonds to represent the assessments for such costs and expenses and for the payment and effect of such bonds," approved April 21, 1911, as amended.

[Approved by the Governor May 24, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats 1923,
p 634,
amended

SECTION 1. Section 2 of an act entitled "An act to provide for the establishment and change of grade of public streets, avenues, lanes, alleys, courts, places and rights of way forming the exterior boundaries of any municipality, whether partly or wholly within or without said boundaries, or extending into the territory of two or more municipalities or extending into the territory of one or more municipalities, and unincorporated territory, and providing for work upon and the improvement thereof, and providing for the construction of sanitary and storm sewers, drains and drainage systems, together with any and all appurtenances and appurtenant work in connection with any of such work or improvements; to assess the whole or any portion of the costs and expenses thereof upon private property, and to provide for a system of local improvement bonds to represent the assessments for such costs and expenses and for the payment and effect of such bonds," approved April 21, 1911, as amended is hereby amended to read as follows:

Council and
supervisors
may order
such streets
improved.

Sec. 2. Whenever the public interest and convenience may require, and whenever the city council or other legislative body of each of the municipalities and the board of super-

visors of the county, having jurisdiction over any portion of the territory proposed to be included in an assessment district to be formed under this act, shall by resolution consent to the formation of such assessment district and the commencement of a proceeding under this act for the construction of any public work or improvement, the city council of any municipality and the board of supervisors of the county in which said municipality is situated, are hereby severally authorized and empowered to establish, change or modify the grade of, and to order the whole or any portion or portions either in length or width, of any one or more of the streets, avenues, lanes, alleys, courts, places or rights of way forming or crossing the exterior boundary or boundaries of any municipality or municipalities of this state, whether partly or wholly within or without said boundaries, or extending into or through the territory of two or more municipalities or extending into or through the territory of one or more municipalities and unincorporated territory, graded or regraded to the existing or proposed official grade, paved or repaved, macadamized or remacadamized, graveled or regraveled, oiled or reoiled, and to order the construction, reconstruction or repair therein of sidewalks, culverts, bridges, gutters and curbs; and to order the construction, reconstruction or repair therein or in any property or right of way owned by any such municipality or county, of sanitary sewers, storm sewers, drains and drainage systems, ditches and conduits of any kind or character, for sanitary or drainage purposes, and all structures, plants and appurtenances and appurtenant work of any kind or character necessary or convenient in connection therewith; and to order the construction, reconstruction or repair therein or in any property or right of way owned by such municipality or county, of wells, pumps, drains, reservoirs, storage tanks, channels, tunnels, pipes, hydrants, meters or other appurtenances for supplying or distributing a domestic water supply; and to order any other work to be done which shall be deemed necessary to improve the whole or any portion of such streets, avenues, lanes, alleys, courts, places or rights of way. The council or board of supervisors may include any of the different kinds of work mentioned in this section, and may include such work on any number of streets, avenues, lanes, alleys, courts, places or rights of way, or any portions thereof, whether contiguous or directly connected, or otherwise, in one proceeding, or one contract, or both, and may except therefrom any of said work already done to the official grade and which may be in good condition and repair.

Council and
supervisors
may order
such streets
improved
(cont'd)

CHAPTER 748.

An act to provide for the organization and creation of improvement districts within irrigation districts organized under the "California irrigation district act;" to provide for the

construction of improvements therein, and for the levy of assessments on the lands of such improvement districts.

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Irrigation
improvement
districts

SECTION 1. Two-thirds in number of the holders of title or evidence of title of any tract or contiguous tracts of land situate within any irrigation district organized and existing under the "California irrigation district act" and susceptible of irrigation by a system of laterals, ditches and pipes or requiring a system of pumps for the irrigation thereof, separate and apart from the main irrigation system of said irrigation district, may petition the board of directors of such irrigation district to organize and create an improvement district, within said irrigation district, for the purpose of providing such means of irrigation for the lands described in said petition or the said change and improvement thereof and for the levy of an assessment for the payment of the costs thereof.

Petition.

SEC. 2. Said petition shall contain a statement of the plan of the proposed improvement, a description of the boundaries of such proposed improvement district, the names of the owners of all lands within such improvement district with their last known addresses and a description of the lands owned thereby, and which petition shall be signed and acknowledged by the requisite number of land owners. Such petition and all proceedings in reference thereto, and the lands affected thereby, shall be designated by number, and the description of the parcels of land shall be according to the last duly equalized assessment book of the irrigation district.

Plans, specifications,
estimate and
proposed
assessment.

SEC. 3. Upon receipt of such petition the board of directors of said district shall cause a survey to be made of said proposed improvement and if, upon such survey, it is found that such plan of improvement is feasible, said board shall cause to be prepared plans and specifications of such improvement and an estimate of the cost thereof, together with a statement and assessment of the amount of such costs apportioned to each tract of land in said improvement district, as said tracts of land are shown upon the last equalized assessment book of the district, according to the benefits that will accrue to each of said tracts of land in said improvement district respectively, by reason of the expenditures of said sums of money for said improvements. Said board of directors of said irrigation district are hereby designated and constituted a board of assessment commissioners to levy and apportion said assessment. Said petition, plans, specifications and proposed assessment shall be filed in the office of said district and shall be subject to the inspection of all parties interested.

Notice
of hearing

SEC. 4. After the filing of such plans, specifications, estimate, statement and assessment, said board shall give notice of a hearing upon said petition and whether a special assessment shall be levied upon the lands within said improvement

district for the purpose of raising money to pay for such improvements, as set forth in such petition, plans, specifications, statement and assessment, notice of which hearing shall be given by posting a notice thereof in three public places within said proposed improvement district, the publication of such notice once a week for two weeks in some newspaper published in the county in which the office of said irrigation district is situated, and mailing a copy thereof to the last known address of all the owners of said lands in said improvement district, as such address appears in said petition. Such notice shall be posted and mailed not less than twenty days prior to the date set for said hearing.

SEC. 5. At said hearing said board shall hear such objections to the said petition and to the formation of said improvement district and its boundaries, and to the said plans, specifications and estimates, and to said proposed assessment and the apportionment thereof as may come before them and at such hearing shall make such changes in reference thereto as they may consider proper. The board may exclude any part or portion of the lands described in said petition from said improvement district, and may include additional lands; *provided, however*, that if any additional lands are included therein, the hearing of said petition shall be continued and the owners of said added lands be given not less than twenty days personal notice of the addition of such lands to said improvement district. If more than one-third in number of the holders of title or evidence of title of lands within said improvement district shall object, at said hearing, to the formation of said improvement district and the levy of said proposed assessment, said board of directors shall deny said petition and no further proceeding shall be had thereon. Hearing.

SEC. 6. At said hearing said board of directors shall make a final order to be entered in the minutes of said board and a copy thereof recorded in the office of the county recorder in which any of said lands of said improvement district may be located, approving said petition creating said improvement district, levying said assessment for said purposes and apportioning the same to the said lands according to benefits, and which said assessment shall include a sum that shall equal interest on any deferred payments at a rate not to exceed seven per cent per annum, and ten per cent additional for anticipated delinquencies. Said assessment may be made payable in not to exceed ten annual installments and the board of directors of said irrigation district shall, at the time of the levy of the annual assessments of said district add to the amount of the annual assessment levied upon said lands within said improvement district, such amount for which they may be liable by reason of the levying of said improvement district assessment, and if said annual irrigation district assessment is made payable in two installments then said improvement district assessment or the installment thereof shall likewise be made payable in two installments. Said improvement Order.

district assessment, or any installment thereof shall be and remain a lien on said lands in the same manner as and be a part of the annual assessment of said irrigation district.

Warrants.

SEC. 7. Said irrigation district shall issue warrants for the amount of said assessment which warrants shall be made payable in amounts and at the times corresponding substantially to the payment of the installments of said improvement district assessment and shall bear interest at such rate of interest as may have been fixed on the levy of said improvement district assessment. Said warrants shall be payable only out of funds derived from the levy and collection of said improvement district assessment on said lands.

Doing of work, etc.

SEC. 8. The said work of improvement provided for in this act and the purchase of all necessary supplies, material and equipment therefor, shall be performed and done by said irrigation district or in the discretion of the board of directors bids may be received for said work and material and proceedings had and taken in reference thereto as provided for in section 53 of the "California irrigation district act." *Provided, however,* that the cost thereof shall be paid only out of said assessments levied upon and collected from the said lands in said improvement district.

Additional assessments.

SEC. 9. Should the assessments levied upon said lands in such improvement district be insufficient to pay in full the cost of such improvements or pay the warrants issued for said improvements, an additional and supplemental assessment shall be made and levied upon all of said lands sufficient to pay said cost or said warrants in full, and the procedure followed in making such additional and supplemental levy of assessment shall be substantially the same as the levy of the original assessment, but without the necessity of a petition. If the proceeds from said assessment so levied shall exceed the final amount necessary for such purposes, said lands so paying said assessment shall be entitled to a credit in said excess amount upon the next succeeding district annual assessment levied upon such land.

Powers of directors and officers.

SEC. 10. Said board of directors and all other officers of said irrigation district shall have all the rights, powers and privileges concerning said improvement district, and lands thereof and the proceedings herein provided for, as such board may have concerning the irrigation district, of which it is a part, and including the right of said district to condemn lands and to acquire, own and hold property within said improvement districts.

CHAPTER 749.

An act to amend section five hundred sixty-three a of the Penal Code, relating to false entries.

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 563a of the Penal Code is hereby amended to read as follows:

563a. Any officer, director, trustee, employe or agent of any bank, who willfully makes a false or untrue entry in any book or record or in any report, tag or statement of the business, affairs or condition or in connection with any transaction of such bank, with intent to deceive any officer, director or trustee thereof, or any agent or examiner, private or official, employed or lawfully appointed to examine into its condition or into any of its affairs or transactions, or any public officer, office or board to which such bank is required by law to report, or which has authority by law to examine into its affairs or transactions, or into any of its affairs or transactions, or who, with like intent, willfully omits to make a new entry of any matter particularly pertaining to the business, property, condition, affairs, transactions, assets or accounts of such bank in any book, record, report, statement, or tag of such bank, or who with like intent alters, abstracts, conceals or destroys any book, record, report, statement, or tag of such bank made, written or kept, or required to be made, written or kept by him or under his direction, is guilty of a felony.

Stats 1917,
p. 580
amended.
False
entries.

CHAPTER 750.

An act to add a new section to the Penal Code to be numbered six hundred twenty-six and one-half, relating to the protection of game.

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. A new section to be numbered 626½ is hereby added to the Penal Code to read as follows:

626½. Every person who, between the sixteenth day of January and the thirtieth day of September, both dates inclusive of any year, hunts, pursues, takes, kills or destroys or has in his possession any kind of wild duck or goose or brant or mud hen or gallinule, or Wilson snipe; or who at any time hunts, pursues, takes, kills or destroys or has in his possession any rail, or wood duck or wild pigeon or any shore bird except Wilson snipes, or any sandhill crane, whooping crane or little brown crane is guilty of a misdemeanor.

New section.
Ducks,
geese, brant,
mud hen,
snipe, rail,
wood duck,
etc.

Every person found guilty of a violation of any of the provisions of this section must be fined in a sum of not less than twenty-five dollars or more than five hundred dollars, or by imprisonment in the county jail of the county in which the conviction shall be had, not less than twenty-five days or more than one hundred fifty days, or by both such fine and imprisonment.

All fines and forfeitures imposed and collected for the violation of any of the provisions of this section shall be paid into the state treasury to the credit of the fish and game preservation fund.

CHAPTER 751.

An act to authorize and empower the director of natural resources to close to fishing and camping any area in any state park or forestry area or fish and game district.

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Closing
waters to
trout fishing

SECTION 1. For the purpose of further protecting trout with which the fish and game commission has stocked the various waters of this state, the director of natural resources with the consent of the governor, is hereby authorized and empowered, upon recommendation of the fish and game commission, to close to trout fishing any stream or lake of this state, or designated portion thereof, for such time as such director may designate, or until such time as new legislation thereon enacted by the state Legislature may become effective.

Closing
camping
areas.

SEC. 2. The director of natural resources, with the consent of the governor, shall have power to declare closed to camping any area in any state park or forestry area when, in the judgment of the director, such a declaration is necessary in the interest of public peace or safety, and the director of natural resources shall have power and is vested with the duty of enforcing such order against camping.

Closed
season
provisions.

SEC. 3. During the period when any open season is suspended or closed by the director of natural resources, all provisions of law relating to the closed season for such fishes shall be enforced; and each person who violates such provisions shall be subject to the penalties prescribed therefor.

Publication
of orders.

SEC. 4. Any order issued under this act shall be published twice in at least one newspaper of general circulation in any county affected by such order and such publication shall be separated by a period of not less than one week and not more than two weeks and such order shall be posted in such public places in each county as the director of natural resources may direct.

CHAPTER 752.

An act to amend the California vehicle act approved May 30, 1923, as amended and approved May 16, 1925, by amending sections seven, twelve, nineteen, twenty-eight, thirty-one, thirty-six, forty-two, forty-six, forty-seven, fifty-five, fifty-seven, fifty-eight, sixty, sixty-three, sixty-nine, seventy-three, seventy-eight, eighty-five, ninety, ninety-six, one hundred, one hundred one, one hundred four, one hundred eight, one hundred twelve, one hundred thirteen, one hundred fourteen, one hundred fifteen, one hundred sixteen, one hundred seventeen, one hundred eighteen, one hundred forty-two, one hundred forty-seven, one hundred forty-eight, one hundred fifty-one, one hundred fifty-four, and one hundred fifty-nine, and by adding thereto new sections to be numbered seven and one-half, nineteen and one-half, forty-five and one-half, seventy-seven and one half, and one hundred fifty-nine and one-half, relating to the use and operation and the equipment of vehicles operated upon public highways, the registration of motor vehicles, the licensing of operators, the reporting of accidents and stolen or embezzled motor vehicles, the location of signs to give notice of the provisions of the act, the injuring of or tampering with vehicles, the driving or pasturing of live stock on highways, and to the enforcement of said act and the disposition of fees collected under said act.

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 7 of the California vehicle act, approved May 30, 1923, as amended and approved May 16, 1925, is hereby amended to read as follows: Stats. 1923, p. 518, amended.

Sec. 7. (1) "Semitrailer." Every vehicle of the trailer type having not more than one axle and two wheels so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle. "Semi-trailer."

(2) Any motor unit composed of a tractor so constructed as not to carry any independent load and a semitrailer permanently joined to the tractor shall be deemed to be one vehicle.

SEC. 2. Said California vehicle act is hereby amended by adding thereto a new section to be numbered 7½ to read as follows: Stats. 1923, p. 518, amended

Sec. 7½. "Special mobile equipment." Any vehicle or unit of special construction equipment not designed or intended for use as a transportation unit, which is used in connection with construction work, or for agricultural purposes, and which is occasionally or incidentally moved over the public highways from place to place or from job to job, shall be "Special mobile equipment."

classed as "special mobile equipment." The term "special mobile equipment" shall also include dollies, well-boring apparatus, wood-saws and fumigating and spraying apparatus; *provided*, that all such apparatus and special mobile equipment are not self-propelled.

Stats. 1923,
p. 519,
amended.
"Pneumatic
tires."

SEC. 3. Section 12 of said act is hereby amended to read as follows:

Sec. 12. "Pneumatic tires." All tires inflated or capable of inflation with compressed air.

Stats. 1923,
p. 519,
amended.
"Chauffeur"

SEC. 4. Section 19 of said act is hereby amended to read as follows:

Sec. 19. "Chauffeur." Every person who is employed for the principal purpose of driving a motor vehicle on the public highways and every person who drives a motor vehicle for the transportation of persons or property for compensation on any public highway.

Stats. 1923,
p. 519,
amended.
"Dealer."

SEC. 5. Said act is hereby amended by adding thereto a new section to be numbered 19½ to read as follows:

Sec. 19½. "Dealer." Every person engaged in the business of buying, selling or exchanging motor vehicles, trailers or semitrailers in this state, and having an established place of business in this state.

Stats. 1923,
p. 520,
amended.
"Public
garage."

SEC. 6. Section 28 of said act is hereby amended to read as follows:

Sec. 28. "Public garage." Every building or other place where motor vehicles are kept and stored by the public and where a charge is made for such storage and keeping of motor vehicles.

Stats 1923,
p. 521,
amended
Regulations
and forms.

SEC. 7. Section 31 of said act is hereby amended to read as follows:

Sec. 31. Chief of division to adopt rules and regulations and prescribe forms. The chief of the division of motor vehicles is hereby authorized to adopt and enforce such administrative rules and regulations as may be necessary to carry out the provisions of this act. The chief shall also prescribe and provide suitable forms of applications, certificates of registration and ownership, operator's and chauffeur's licenses and all other forms requisite for the purposes of this act and shall prepay all transportation charges thereon. Whenever the term "certificate of registration" or "registration certificate" is used in the California vehicle act it shall be deemed to mean a registration card and the division is hereby authorized to change the designation "certificate of registration" or "registration certificate" to read "registration card."

Solicitation
of
applications.

(b) No person shall engage in the business of soliciting or receiving any application for the registration, re-registration or transfer of registration of any motor vehicle or for any nonresident permit for the operation of any motor vehicle within this state nor for any operator's or chauffeur's license and of transmitting or presenting the same to the division of motor vehicles or any branch office thereof when any compensation is solicited or received for any such service without first

obtaining from the division of motor vehicles and having in possession a permit to engage in such business, and a violation of this provision and every separate act done in violation of this provision shall constitute a misdemeanor. The chief of the division of motor vehicles is hereby authorized to promulgate and enforce rules and regulations governing the issuance of permits and in proper instances in the discretion of the chief of the division to issue permits hereunder and to revoke such permits upon any violation of the rules and regulations adopted hereunder by the division.

SEC. 8. Section 36 of said act is hereby amended to read as follows:

Sec. 36. Application for registration.

(a) Every owner of a motor vehicle, trailer or semitrailer which shall be operated upon the public highways of this state shall for each such vehicle owned, except as herein otherwise provided, apply to the division for the registration thereof.

(b) Application for the registration of a vehicle herein required to be registered shall be made upon the appropriate form furnished by the division and shall contain the name and address of the owner and legal owner, also a description of the vehicle, including the name of the maker, the motor number, the date first sold by the manufacturer or dealer to the consumer and such further description of the vehicle as shall be called for in the form, and such other information as may be required by the division.

(c) In the event that the vehicle to be registered should be a specially constructed, reconstructed or an imported vehicle, such fact shall be stated in the application, and upon the registration of every imported motor vehicle which has been registered theretofore in any other state or country, the owner shall surrender to the division all number plates, seals, certificates of registration or other evidences of such former registration as may be in the applicant's possession or control.

(d) The provisions of this act requiring the registration of certain vehicles shall not apply to special mobile equipment nor to implements of husbandry temporarily drawn, moved or otherwise propelled upon the public highways.

SEC. 9. Section 42 of said act is hereby amended to read as follows:

Sec. 42. Plates to be furnished by division.

(a) The division shall also furnish to every owner whose vehicle shall be registered one number plate for a motorcycle, trailer or semitrailer, and two number plates for any motor vehicle other than a motorcycle.

(b) Every number plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, together with the word "California" or the abbreviation "Cal." and the year number for which it is issued.

(c) Number plates furnished for trailers, semitrailers and such vehicles as are exempt from the payment of fees under

Stats 1925,
p. 399,
amended
Applications
for reg-
istration

Exceptions

Stats 1923,
p. 524,
amended,
Number
plates.

this act shall display suitable distinguishing marks or symbols, and the numbers assigned in such cases shall run in different numerical series from the number assigned to other vehicles registered under the provisions of this act.

Stats 1923,
p. 526,
amended.
Delivery of
certificate

SEC. 10. Said act is hereby amended by adding thereto a new section to be numbered 45 $\frac{1}{2}$ to read as follows:

Sec. 45 $\frac{1}{2}$. Delivery of certificate and report of sales.

(a) Any person who refuses or neglects to deliver a certificate of ownership to a transferee entitled thereto under the provisions of this act shall be guilty of a misdemeanor and be punished as provided in section 153 of this act.

Report
of sale

(b) Give notice of sale or transfer. Every dealer, upon transferring a motor vehicle, trailer or semitrailer, whether by sale, lease or otherwise, to any person other than a dealer, shall immediately give written notice of such transfer to the department upon the official form provided by the department. Every such notice shall contain the date of such transfer, the names and addresses of the transferor and transferee and such description of the vehicle as may be called for in such official form.

Stats 1923,
p. 526,
amended

SEC. 11. Section 46 of said act is hereby amended to read as follows:

Registration
by manu-
facturers
and dealers.

Sec. 46. Registration by manufacturers and dealers.

(a) A manufacturer of or dealer in motor vehicles, trailers or semitrailers having an established place of business in this state, owning any such new vehicles and operating them upon the public highways exclusively for the purpose of testing, demonstrating or selling the same, in lieu of registering each such vehicle, may make application upon an official blank provided for that purpose to the division for a general distinguishing number or symbol; *provided*, that vehicles ordinarily used by the dealer or manufacturer in the conduct of his business as work or service vehicles must be registered the same as any other like vehicle as provided in section 36 of the California vehicle act.

(b) The application shall be upon a blank to be furnished by the division and the applicant shall furnish such proof as the division may deem necessary that the applicant is a manufacturer or dealer and entitled to register vehicles under the provisions of this section. The division, upon receipt of such application and when satisfied that the applicant is entitled thereto, shall issue to the applicant a certificate of registration containing the latter's name and business address and the general distinguishing number or symbol assigned to him in such form and containing such further information as the division may determine, and every vehicle owned or controlled by such manufacturer or dealer, and permitted to be registered under a general distinguishing number, while being operated for the purpose of testing, demonstrating or selling the same, shall be regarded as registered hereunder.

(c) The division shall also, upon receipt of such application, or thereafter, furnish to the manufacturer or dealer one or

more pair of automobile plates or single plates for other vehicles required by the applicant, and every such plate shall have displayed upon it the registration number which is assigned to the applicant, with a different letter or symbol on each pair of automobile number plates and on each single plate for other vehicles.

(d) No such manufacturer or dealer shall operate any motor vehicle, trailer or semitrailer owned or controlled by him upon any public highway or permit it to be so operated, unless number plates assigned to him are attached thereto, in the manner hereinbefore specified in this act, excepting only that it shall be permissible for such manufacturer or dealer to operate any such vehicle without number plates attached thereto from any vessel, railroad depot or warehouse over the public highways, to the salesrooms or other place of business of such manufacturer or dealer, or to a warehouse or other place of storage under a written permit authorizing such operation first obtained from the police authorities or marshal of the city or town in which said vessel, railroad depot or warehouse is situated, and there is hereby conferred upon police authorities, including town marshals within the State of California, authority to issue such permits in proper cases as hereinbefore provided.

(e) The division of motor vehicles may, at its discretion, grant a temporary permit to operate a vehicle for which registration has been applied.

SEC. 12. Section 47 of said act is hereby amended to read as follows:

Sec. 47. Registration by nonresidents.

(a) A nonresident owner of a motor vehicle, trailer or semitrailer which has been duly registered for the current year in the state or country of which the owner is a resident and in accordance with the laws thereof, may, in lieu of registering such vehicle as otherwise required by this act, apply to the division for the registration thereof as provided in this section, except that the privileges granted in this section shall not apply to any motor vehicle operated within this state for the transportation of persons or property for compensation.

(b) The nonresident owner shall within ten days after commencing to operate such vehicle or causing or permitting it to be operated within this state apply to the division for the registration thereof upon the appropriate official form stating therein the name and home address of the owner and the temporary address, if any, of the owner while within this state, the registration number of said vehicle assigned thereto in the state or country in which the owner is a resident, together with such description of the motor vehicle as may be called for in the form and such other statements of facts as may be required by the division.

(c) The division shall file each application received and register the vehicle therein described and the owner thereof in suitable books or on index cards, and shall without charge,

Stats. 1923,
p 527,
amended.
Registration
by non-
residents.

issue to the owner a registration certificate of a distinctive form containing the date it is issued, a brief description of the vehicle and a statement that the owner has procured registration of such vehicle as a nonresident.

Display of
plates and
certificates.

(d) No nonresident owner of a motor vehicle, trailer or semitrailer shall operate any such vehicle or cause or permit it to be operated upon the public highways of this state, either before or while it is registered under this section, unless there shall at all times be displayed thereon the registration number plates assigned to said vehicle for the current calendar year by the country or state of which such owner is a resident, nor unless the certificate of registration, when issued thereto as in this section provided shall be placed on the windshield of said motor vehicle in the manner to be specified by the division and on any other vehicle in plain sight and in the manner to be specified by the division.

(e) Every certificate of registration issued pursuant to this section shall be valid not to exceed six months from the date of its issuance.

Stats 1923,
p 530,
amended.
Theft or em-
bezzlement.

SEC. 13. Section 55 of said act is hereby amended to read as follows:

Sec. 55. Report of stolen and embezzled motor vehicles.

(a) The owner or legal owner of any motor vehicle, trailer or semitrailer which is stolen or embezzled, may notify the division of such theft or embezzlement; *provided*, in the case of an embezzlement the owner or legal owner shall have first procured a warrant for the arrest of the person charged with such embezzlement. Every owner or legal owner who has given such notice must notify the division of the recovery of such vehicle. Upon receipt of a notice of theft or embezzlement of a vehicle the division shall immediately suspend the registration of such vehicle and shall not transfer the registration of such vehicle until such time as it shall be notified that the owner has recovered such vehicle. Notices given under this section shall be effective only during the current registration year in which given.

(b) Upon the report to any county sheriff or chief of police or peace officer that a motor vehicle has been stolen, and in the event such vehicle has not been recovered within one week from the time of such theft, the officer to whom such report was made shall then make immediate report of such theft upon the appropriate official form to the division of motor vehicles and any officer upon receiving information that any motor vehicle which has previously been reported as stolen has been recovered, shall immediately report the fact of such recovery to the division.

(c) The division shall file all such reports of stolen and recovered motor vehicles and properly index the same and shall not transfer the registration of any motor vehicle without first checking the engine number shown in the application therefor against the stolen motor vehicle index and satisfying

the division that the motor vehicle sought to be transferred is not a stolen motor vehicle.

SEC. 14. Section 57 of said act is hereby amended to read as follows:

Stats 1923,
p. 530,
amended.
Public
garage
records.

Sec. 57. Public garages, records to be kept. Every person engaged in the business of conducting a public garage shall keep a written record of every motor vehicle stored therein for compensation for a period longer than twelve hours, which record shall include the name and address of the person storing such vehicle together with a brief description of such vehicle including the name or make, the motor number and the license number thereof as shown by the number plates and registration certificate upon such vehicle. Every such record shall be open to inspection by any peace officer. Whenever any motor vehicle has been stored in a public garage for thirty days and the owner or his address is unknown to the garage proprietor, the latter shall immediately report the presence of such motor vehicle in the garage to the police or sheriff's office in the city or county wherein such garage is located.

SEC. 15. Section 58 of said act is hereby amended to read as follows:

Stats 1925,
p. 394,
amended
Drivers'
licenses.

Sec. 58. Operators and chauffeurs must be licensed.

(a) It shall be unlawful for any person to drive a motor vehicle upon any public highway in this state, whether as an operator or a chauffeur, unless such person has been licensed as an operator or chauffeur; except such persons as are expressly exempted under this act.

(b) Every person before driving a motor vehicle as an operator shall apply to the division for an operator's license, and every person before driving a motor vehicle as a chauffeur shall apply to the division for a chauffeur's license, except as herein otherwise provided.

SEC. 16. Section 60 of said act is hereby amended to read as follows:

Stats. 1923,
p. 531,
amended
Who need
not apply.

Sec. 60. What persons need not apply for a license.

(a) A nonresident operator or chauffeur, who has complied with the laws of the country or state of his residence relative to persons operating motor vehicles, and who while operating a motor vehicle in this state shall wear such badge conspicuously upon an outer garment and carry such license certificate as may have been assigned to him in the country or state of his residence, shall be exempt from license hereunder for a period not to exceed six months in any one calendar year

(b) Every person enlisted in the military service of the United States and acting as chauffeur in such service shall while acting in such service be exempt from the provisions hereof requiring that a chauffeur's license be procured.

(c) No person shall be required to obtain an operator's or chauffeur's license for the purpose of operating or driving implements of husbandry temporarily drawn, propelled or moved on the public highways.

Stats. 1925,
p. 395,
amended.
Examination
of
applicants.

SEC. 17. Section 63 of said act is hereby amended to read as follows:

Sec. 63. Division shall examine applicants.

(a) The division shall require every applicant upon first applying for an operator's or chauffeur's license, and before issuing any such license, to submit to an examination by the division or its authorized representatives as to the qualifications of such applicant for a license, and the division shall make provision for examination in the county wherein the applicant may reside within not more than five days from the date such application is presented to the division; *provided*, that a licensed operator may drive a vehicle as a chauffeur after applying for a chauffeur's license and pending an examination and action by the division upon such application for a chauffeur's license. The examination shall include a test of the applicant's hearing and eyesight and of his ability to understand highway warning and direction signs and he shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in the operation of a motor vehicle by driving the same under the supervision of an examining officer.

The examination shall include a test of the applicant's knowledge and understanding of the provisions of the California vehicle act governing the operation of motor vehicles on the public highways and may include such other matters as may be necessary to enable the division to determine that the applicant is entitled to a license under the provisions of this act but any physical defect of the applicant which in the opinion of the division does not affect the applicant's ability to exercise reasonable and ordinary control in the operation of a motor vehicle shall not prevent the issuance of a license to the applicant.

(b) The division may in its discretion waive the examination of any person applying for the renewal of an operator's or chauffeur's license heretofore or hereafter issued under the California vehicle act.

Stats. 1923,
p. 533,
amended.
Expiration
and renewal
of licenses.

SEC. 18. Section 69 of said act is hereby amended to read as follows:

Sec. 69. Expiration of license. An operator's license issued hereunder, or previously issued and valid at the time this amendment takes effect, shall be valid until revoked, suspended or canceled, as hereinafter provided; every chauffeur's license shall expire at midnight on December thirty-first of each year and shall be renewed annually in the same manner and upon payment of the same fee as provided for an original license; *provided*, that the division of motor vehicles is hereby authorized at any time to cancel all operator's licenses which have been outstanding three years or more, and to require the renewal thereof upon application and subject to examination in the discretion of the division.

SEC. 19. Section 73 of said act is hereby amended to read as follows: Stats 1925,
p 397,
amended

Sec. 73. Revocation or suspension of licenses by the division. Revocation
or suspen-
sion of
license by
division.

(a) The division shall forthwith revoke the license of any person for a period of twelve months upon receiving satisfactory evidence of the conviction of such person of any of the following crimes:

(1) Manslaughter, resulting from the operation of a motor vehicle.

(2) Any crime constituting a felony under the California vehicle act or of any other felony in the commission of which a motor vehicle is used.

(3) Convictions upon three charges of reckless driving all within a period of twelve months from the time of the first conviction.

(b) The division may conduct an investigation and hear- Complaints.
ing to determine whether the license of an operator or chauffeur shall be suspended or revoked in any of the following events:

(1) Upon receiving a verified complaint that any person is afflicted with such mental or physical infirmities or disabilities as would constitute ground for refusal of a license under this act.

(2) Upon receiving a verified complaint that any person has driven a motor vehicle in a reckless or negligent manner, and has thereby caused death or injury to any person or serious damage to property and upon investigation following such complaint, inquiry shall be made, and the division shall have jurisdiction to determine whether the license of any operator or chauffeur involved in or contributing to such accident shall be suspended or revoked, and no testimony or record of suspension or revocation of a license by the division following such complaint shall be admissible as evidence in any court in any action at law for negligence arising out of or involving such accident, nor shall any testimony or record of a conviction of any person of a misdemeanor under the California vehicle act be admissible as evidence in a civil action brought against the person so convicted.

(3) Upon receiving a verified complaint that an operator or chauffeur is an habitual reckless, negligent or incompetent driver of any motor vehicle.

(c) The chief of the division shall determine the sufficiency Hearings
of any complaint filed hereunder, and in his discretion shall have power to set a time for hearing in the county wherein the person complained of shall reside, and such person shall be entitled to at least ten days' previous notice of such hearing from the division and such hearing shall be held by the chief of the division or by any person or persons not exceeding three, officers or employees of the division whom he may designate.

Evidence

(d) The chief of the division or the person or persons designated by him and holding such hearing may summon witnesses in behalf of the state and such witnesses as may be designated by the person under investigation, and may administer oaths and take testimony or cause depositions to be taken, and the supreme court, any district court of appeal or any superior court shall have jurisdiction upon the application of the division to enforce all lawful orders of the division under this section. The failure of the respondent to appear at the time and place of hearing after notice, as provided in this section, shall not prevent the hearing, the taking of testimony and determination of the matter as herein provided. The fees for the attendance and travel of witnesses shall be the same as for witnesses before the superior court and shall be paid by the state upon demand by the division filed with the controller.

Findings and orders.

(e) Upon the conclusion of such hearing, the chief of the division or the person or persons holding such hearing on his behalf shall prepare findings based upon the evidence received and considered. If the findings are to the effect that the person referred to therein is incompetent or is unfit to operate a motor vehicle upon any of the grounds upon which license might be refused, as stated in this act, the chief of the division upon a review of such findings shall have authority to forthwith revoke the license of such person, or if the findings are to the effect that the person therein referred to has by reason of negligent or reckless driving endangered life, limb or property or has thereby caused loss of life or injury to person or property, the chief of the division upon a review of such findings shall have power to suspend the license of such person for a period not exceeding six months, or may revoke such license, and in either event shall require that such license certificate and any chauffeur's badge issued to such person be surrendered to the division.

Return of license and badge.

(f) Upon the expiration of the period of the suspension of any license as hereinbefore in this section provided for, the division shall return to the licensee his license certificate, or in its discretion may issue to him a new certificate; and in like manner the division shall return to any chauffeur, whose license badge may have been forwarded to the division upon suspension of his license, such license badge or issue to such licensee a new badge.

Stats 1923, p. 538, amended. Refunds

SEC. 20. Said act is hereby amended by adding thereto a new section to be numbered 77½.

Sec. 77½. Refund of fees erroneously collected. Whenever the division through error shall collect any fee or duplicate fee not required to be paid under this act, the same shall be refunded to the person paying the same upon application therefor.

SEC. 21. Section 78 of said act is hereby amended to read as follows: Stats 1923,
p 538,
amended.

Sec. 78. Exempt from registration fees. The registration fees specified in this act, except fees for duplicate number plates or certificates, need not be paid for any motor vehicle, trailer or semitrailer owned by any foreign government or by a consul, or other official representative thereof, or by the United States, or by any state or political subdivision thereof, or owned by a voluntary fire department organized under the laws of this state when such vehicles are used exclusively for fire-fighting purposes, nor for any like vehicle owned by or used exclusively in the operative work of such corporations as are taxed solely for state purposes under the constitution of this state, nor for any like vehicle used exclusively by a company in the operative work of its business of transportation of persons or property as a common carrier for compensation over any public highway of this state between fixed termini, or over a regular route, and subject to taxation under the provisions of section 15 of article XIII of the constitution of the State of California. All such vehicles shall be registered as herein required by the person having custody thereof and such custodian shall display official registration plates bearing distinguishing marks thereon which shall be furnished by the division free of charge. Exemptions
from fees.

SEC. 22. Section 85 of said act is hereby amended to read as follows: Stats 1925,
p 406,
amended.

Sec. 85. Gross weight of vehicles and loads. Gross
weight

(a) No vehicle shall be operated or moved upon any public highway which has a total weight, including vehicle and load, in excess of twenty-two thousand pounds when such vehicle is equipped with four wheels running on the highway, or having a total weight, including the vehicle and load, of thirty-four thousand pounds when said vehicle is equipped with six wheels or with eight or more wheels; *provided*, that no vehicle shall be operated upon the public highways of this state when the weight thereof exceeds eighteen thousand pounds on any one axle or the weight thereof on any one wheel resting upon the roadway exceeds nine thousand pounds.

(b) Any vehicle equipped with four wheels, all of which are cushion wheels running on the highway, may be operated upon the public highway when the gross weight of such vehicle and load does not exceed twenty-three thousand pounds. Exception.

SEC. 23. Section 90 of said act is hereby amended to read as follows: Stats 1923,
p 543,
amended.

Sec. 90. Trailers. Trailers.

(a) No motor vehicle or motor unit composed of a tractor and semitrailer shall be driven upon any public highway drawing or having attached thereto more than one trailer or other vehicle, nor shall the total combined length of any such motor vehicle or motor unit and trailer or other vehicle nor any special mobile equipment or combination thereof exceed

sixty feet, except that this limitation shall not apply to implements of husbandry temporarily moved upon the public highways.

Connection
between
vehicles.

(b) The draw-bar or other connection between any two vehicles one of which is towing or drawing the other shall not exceed fifteen feet in length from one vehicle to the other and whenever such connection shall consist of a chain, rope or cable there shall be displayed upon such connection a red flag or cloth not less than twelve inches in length nor less than twelve inches in width.

Stats 1923,
p 545,
amended.
Prevention
of noise,
smoke, etc.

SEC. 24. Section 96 of said act is hereby amended to read as follows:

Sec. 96. Prevention of noise, smoke, etc.

(a) Every motor vehicle shall have devices in good working order which shall be at all times in constant operation to prevent excessive or unusual noise, annoying smoke and the escape of gas, steam or oil, as well as the falling out of residue from fuel. All exhaust pipes carrying exhaust gases from the engine shall be directed parallel to the ground or slightly upward. It shall be unlawful to use a "muffler cutout" on any motor vehicle when within a business or residence district.

Muffler
cutouts

(b) From and after January 1, 1929, no person shall drive a motor vehicle upon a public highway when such motor vehicle is equipped with a "muffler cutout" capable of being operated by the driver or occupant thereof and from and after said date it shall be unlawful to use a "muffler cutout" on any motor vehicle upon any public highway. The provisions of this section prohibiting the use of muffler cutouts shall not apply to police or fire department vehicles.

(c) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

Stats. 1925,
p. 407,
amended
Headlights.

SEC. 25. Section 100 of said act is hereby amended to read as follows:

Sec. 100. Headlamps on motor vehicles.

(a) Every motor vehicle other than a motorcycle or farm tractor and except as otherwise provided herein, when upon any public highway, during the times and under the conditions mentioned in section 99 hereof, shall be equipped with two headlights, no more, and no less, of approximately equal candlepower at the front of and on opposite sides of such vehicle. Such headlights shall be so attached to such motor vehicle that the centers thereof shall be not more than fifty-four inches above the level surface upon which the vehicle stands.

(b) The term "headlight" as used herein shall denote a light located upon the front or other portion of a vehicle, the rays of which are projected forward, other than a side light, a spot light or an auxiliary light.

Sidelights.

(c) Motor vehicles may also be equipped with two sidelights but no more or less. The term "sidelights" shall include

any lights upon a motor vehicle other than headlights, spot lights or auxiliary lights, the rays of which project forward. No electric lamps or bulbs shall be used in any sidelight which exceeds four candlepower.

(d) The term "auxiliary light" shall denote any combination of reflector or lens and lamp bulb designed to illuminate the roadway close to the motor vehicle and used in connection with two approved headlights. Auxiliary lights.

Motor vehicles may be equipped with not to exceed two fixed or movable auxiliary light, mounted below the level of the centers of the headlamps and between or attached to the spring horns.

Auxiliary lights shall be submitted to the division of motor vehicles for test subject to the provision of section 102 (c) of this act. The division of motor vehicles shall issue an approval; *provided*, it is established by the testing agency that the device will not project a glaring or dazzling light to persons in front of such auxiliary light or fail to produce ample road light in front of and close to the motor vehicle with the beam depressed not less than six degrees below the level otherwise required in this section when the latter is used in connection with approved headlights.

(e) Every motor vehicle other than any road roller, road machinery or farm tractor, having a body or load width in excess of eighty inches shall carry at the times and under the conditions mentioned in section 99 two clearance lamps on the left side of such vehicle, one located at the front and displaying a white light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, and the other located at the rear of the vehicle and displaying a green or red light visible under like conditions from a distance of five hundred feet to the rear of the vehicle but such lamps shall not display any excessive, glaring or dazzling light and when a motor vehicle is drawing a trailer or semitrailer the clearance lamps specified in this subsection shall be placed on the left side at the front and rear respectively of such train of vehicle; *provided*, that the left front clearance lamp on any passenger common carrier motor vehicle may display either a white or green light. Clearance lamps.

SEC. 26. Section 101 of said act is hereby amended to read as follows: Stats 1925, p 407, amended

Sec. 101. Construction, arrangement and adjustment of headlights. The headlights of motor vehicles shall be so constructed, arranged and adjusted that they will, at all times mentioned in section 99 and under normal atmospheric conditions, produce ample driving light for the use of the operator of such vehicle but will not project a glaring or dazzling light to persons approaching such lights or to persons whom such headlights may approach. Construction, arrangement, and adjustment of headlights

Headlights shall be presumed to comply with this section if they comply with the following requirements and limitations when the vehicle upon which they are affixed is fully loaded;

Construction,
arrangement,
and adjust-
ment of
headlights
(cont'd).

such compliance shall be presumed if such headlights are affixed to such vehicle in the manner required by this act and are of a type, or are equipped with lenses, reflectors or control devices which have been found to meet such requirements and limitations by the laboratory test provided in section 102 and when used in accordance with the instructions of the testing agency.

The light projected by such headlights shall be as follows:

1. In the median vertical plane parallel to the lamps on a level with the centers of the lamps, not less than one thousand eight hundred apparent candlepower.

2. In the median vertical plane, one degree of arc below the level of the center of the lamps, not less than seven thousand two hundred apparent candlepower and there shall not be less than seven thousand two hundred apparent candlepower anywhere on the horizontal line through this point one degree to the left or to the right of this point.

3. In the median vertical plane, one degree of arc above the level of the center of the lamps not more than fifteen hundred, nor less than five hundred apparent candlepower.

4. Four degrees of arc to the left of the median vertical plane and one degree of arc above the level of the center of the lamps, not more than eight hundred apparent candlepower.

5. One and one-half degrees of arc below the level of the center of the lamps and three degrees of arc to the left and to the right, respectively, of the median vertical plane, not less than five thousand apparent candle power nor less than this amount anywhere on the line connecting these two points.

6. Three degrees of arc below the level of the center of the lamps and six degrees of arc to the left and to the right, respectively, of the median vertical plane, not less than two thousand apparent candlepower nor less than this amount anywhere on the line connecting these two points.

7. The maximum beam shall not exceed fifty thousand candlepower nor shall the maximum intensity exist lower than two degrees of arc below the level of the lamps.

Provided, it shall be lawful, when the above requirements and limitations are otherwise complied with, to so construct or equip the headlights of motor vehicles as to permit that the beams of light projected therefrom be depressed downward not more than three degrees of arc below the level otherwise required under this section but without diminishing the amount of light projected from the lamp bulb when so depressed. When the division of motor vehicles shall determine that any such device when so operated during the times and under the conditions mentioned in section 99 will project a glaring or dazzling light to persons in front of such headlights or that such headlights when equipped or constructed with such device fail to produce ample driving light for the use of the driver of such vehicle, then the division shall refuse approval for the use thereof.

The chief of the division may refuse approval to any device which will be in actual use unsafe or impractical as to mechanical construction, or mounting on car; *provided*, that upon such refusal the chief of the division must furnish the applicant a detailed statement setting forth the reasons for such refusal.

SEC. 27. Section 104 of said act is hereby amended to read as follows:

Stats. 1923,
p 550,
amended
Acetylene
headlights.

Sec. 104. Acetylene headlights. Any motor vehicle equipped with acetylene headlights shall be deemed to have complied with the provisions of this act, concerning headlights, anything to the contrary notwithstanding, when such vehicle has two acetylene lamps at the front portion thereof, of approximately equal candlepower which shall be lighted at the times and under the conditions specified in section 99, and are fitted with clear plane glass fronts, bright six-inch spherical mirrors and standard acetylene five-eighths or three-quarters foot burners, not more and not less, and which must throw sufficient light ahead to make clearly visible all vehicles, persons or substantial objects upon the roadway within a distance of two hundred (200) feet but must not project a glaring or dazzling light to persons approaching such lights or to persons whom such headlights may approach.

Any motorcycle equipped with an acetylene headlight shall be deemed to have complied with the provisions of this act, anything to the contrary notwithstanding, when such motorcycle has one acetylene lamp at the front thereof, which shall be lighted at the times and under the conditions specified in section 99, and is fitted with a clear plane glass front, bright, six-inch spherical mirror and a standard acetylene one-half or five-eighths foot burner, and which must throw sufficient light ahead to make clearly visible all vehicles, persons or substantial objects upon the roadway within a distance of one hundred fifteen feet (115), but must not project a glaring or dazzling light to persons approaching such light or to persons whom such headlight may approach.

If the inclusion of this section is ever held to render any other provision of this act unconstitutional, then this section shall be regarded as stricken from this act so that the other provision may remain in force.

SEC. 28. Section 108 of said act is hereby amended to read as follows:

Stats. 1923,
p 551,
amended.
Spotlights.

Sec. 108. Spotlights.

(a) The term "spotlight" as used herein shall denote any lamp on a motor vehicle, the rays of which are projected forward, except headlamps, side lamps and auxiliary lamps. Motor vehicles may be equipped with not to exceed two spotlights in addition to headlamps as required in this act. Spotlights shall not be used in substitution of headlamps.

(b) All spotlights used on motor vehicles shall be affixed to such vehicle in such a manner that the centers thereof shall be not less than thirty nor more than seventy-two inches above

the level surface upon which the vehicle stands and shall be so constructed and arranged that no portion of the main substantially parallel beam of light when measured one hundred feet or more ahead of said lights shall rise or shall be capable of being raised from the front seat to more than thirty inches above the level surface of the highway upon which the vehicle stands directly ahead of such vehicle. It shall be unlawful to use any bulb exceeding thirty-two standard candlepower in a spotlight. The provisions of this subsection shall not apply to police or fire department vehicles.

Stats 1923,
p. 553,
amended.
Drivers un-
der influence
of liquor
or drugs.

SEC. 29. Section 112 of said act is hereby amended to read as follows:

SEC. 112. Persons under the influence of intoxicating liquor or narcotic drugs. It shall be unlawful for any person who is an habitual user of narcotic drugs or who is under the influence of intoxicating liquor or narcotic drugs to drive a vehicle on any public highway within this state.

Any person violating the provisions of this section shall upon conviction be punished by imprisonment in the county jail for not less than ninety days nor more than one year or by imprisonment in the state prison for not less than one nor more than three years, or by a fine of not less than two hundred dollars (\$200), nor more than five thousand dollars (\$5,000), and upon every verdict of "guilty" under this section, the jury shall recommend the punishment and the court in imposing sentence shall have no authority to impose a sentence greater than that recommended by the jury.

Stats 1923,
p. 553,
amended
Speed
restrictions.

SEC. 30. Section 113 of said act is hereby amended to read as follows:

SEC. 113. Restrictions as to speed.

(a) Any person driving a vehicle on the public highways of this state shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway, and no person shall drive any vehicle upon a public highway at such a speed as to endanger the life, limb or property of any person.

(b) Subject to the provisions of subdivision (a) of this section and except in those instances where a lower speed is specified in this act, it shall be lawful for the driver of a vehicle to drive the same at a speed not exceeding the following:

Fifteen
miles.

1. Fifteen miles an hour in traversing a grade crossing of any steam, electric or street railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last one hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in both directions from such crossing;

2. Fifteen miles an hour in traversing an intersection of highways when the driver's view is obstructed. A driver's

view shall be deemed to be obstructed when at any time during the last one hundred feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;

3. Fifteen miles an hour in traversing or going around curves or corners of a highway when the driver's view is obstructed within a distance of two hundred feet along such highway in the direction in which he is proceeding;

4. Fifteen miles an hour when passing a school while persons are entering or leaving the grounds of such school;

5. Fifteen miles an hour in a business district as defined herein;

6. Twenty miles an hour in a residence district, as defined herein;

Twenty miles.

7. Forty miles an hour under all other conditions.

Forty miles

(c) In all charges for a violation of this section, speeds in excess of those set forth in subdivision (b) of this section shall be taken as prima facie but not as conclusive evidence of a violation of this section, and every notice to appear and every complaint charging a violation of this section shall specify approximately the speed at which the defendant is alleged to have driven and exactly the lawful speed at the time and place of the alleged offense.

SEC. 31. Section 114 of said act is hereby amended to read as follows:

Stats. 1925, p 412, amended.

Sec. 114. Business and residence districts defined.

Definitions: "Business district"

(a) A "business district" for the purpose of this act shall mean the territory contiguous to a public highway when fifty per cent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business. All roads and highways within the grounds of a state university or state, county or municipal institution shall be deemed to be within a business district for the purposes of this act.

(b) A "residence district" for the purpose of this act shall mean the territory contiguous to a public highway not comprising a business district, as defined herein, when the property fronting on said highway for a distance of not less than one-quarter of a mile is occupied by dwelling houses or business structures which are not more than an average distance of one hundred feet apart.

"Residence district."

(c) Every public highway shall be conclusively presumed to be outside of a business or residential district unless its existence within a business or residential district shall be established by clear and competent evidence as to the nature of the district, and unless signposted when and as required by this act.

Presumption.

Stats 1923,
p 554,
amended
Speed limit
signs in
business
districts

SEC. 32. Section 115 of said act is hereby amended to read as follows:

Sec. 115. Business districts to be signposted.

The board of supervisors of any county and the legislative body of any city or town wherein any public highway lies within a business district, are hereby authorized and as to main through highways are hereby required to cause metal signs to be conspicuously placed on every such highway at the boundary lines of such business district, which signs shall be placed on the right hand side of such highway looking toward such district and at right angles to the highway and at a height of not less than four and not more than ten feet from the ground and which shall be triangular in shape, having the apex thereof upward, the sides thereof being of equal length and not less than twenty-four inches in length, which signs shall be colored dark green on both the front and back thereof, and shall have inscribed on the front thereof in white letters of a size to be easily read by a person using the highway the words and figures "15 miles speed limit."

Stats 1923,
p 555,
amended
Speed limit
signs in
residence
districts

SEC. 33. Section 116 of said act is hereby amended to read as follows:

Sec. 116. Residence districts to be signposted.

The board of supervisors of any county and the legislative body of any city or town wherein any public highway lies within a residence district, are hereby authorized and as to main through highways entering a residence district from other than a business district are hereby required to cause metal signs to be conspicuously placed on every such highway at the boundary lines of such residence district located thereat in the same manner and of the same size and shape as specified herein for signs at the boundaries of a business district, which signs for a residence district shall be colored red on both the front and back thereof and shall have inscribed on the front thereof in white letters of a size to be easily read by a person using the highway the words "twenty miles speed limit."

Stats. 1923,
p 555,
amended
Warning
signs at
railroad
crossings

SEC. 34. Section 117 of said act is hereby amended to read as follows:

Sec. 117. Signs at railroad crossings. The board of supervisors of any county and the city council, board of trustees or other legislative body of a city or town wherein any public highway crosses at grade any steam or interurban electric railway tracks shall cause to be placed and thereafter maintained warning signs on every such highway at a reasonable distance from such crossing and on both sides thereof upon the right hand side of the highway looking toward the crossing. Every such sign shall consist of a metal disc twenty-four inches in diameter, the face enameled white, with an enameled black border line one inch wide and with an enameled black vertical and horizontal cross line two and one-half inches wide. In each of the upper quarters shall appear in black enamel the letter "R" five inches high, three and three-quarters inches wide, lines one inch stroke.

SEC. 35. Section 118 of said act is hereby amended to read as follows:

Stats 1923, p. 555, amended.

Sec. 118. Speed limit for vehicles regulated according to weight and tire equipment.

Speed regulation according to weight and tire equipment

(a) In addition to any other regulations imposed by this act it shall be unlawful for the driver of any vehicle, or combination of vehicles, the gross weight of which, including any load thereon is eighteen thousand pounds or more, to drive the same upon a public highway at a speed in excess of twenty miles per hour.

(b) It shall be unlawful for the driver of a vehicle equipped with other than pneumatic tires to drive the same upon a public highway at speeds in excess of those provided in the following table:

When gross weight of vehicle and load is—	Maximum speed per hour in miles
Nine thousand pounds or more but not more than twelve thousand pounds -----	25
Over twelve thousand pounds but not over twenty-two thousand pounds -----	15
Over twenty-two thousand pounds -----	12
When a truck or trailer is equipped with tires made wholly or partly of metal -----	6

Subject to the foregoing limitations when applicable, any truck or trailer equipped with other than pneumatic tires which has a manufacturer's rated carrying capacity of four tons or more shall not at any time be driven or moved on any public highway at a speed in excess of fifteen miles per hour.

SEC. 36. Section 142 of said act is hereby amended to read as follows:

Stats 1923, p. 503, amended

Sec. 142. Accident reports.

Accident reports.

(a) The driver of any vehicle involved in an accident resulting in injuries or death to any person, shall within twenty-four hours forward a report of such accident to the division, except that when such accident occurs within an incorporated city or town such report shall be made within twenty-four hours to the police headquarters in such city or town. Every police department shall forward every such report, or a copy thereof, so filed with it to the division.

The division may require drivers involved in accidents to file supplemental reports and may require witnesses of accidents to render reports to it upon forms furnished by it whenever the original report is insufficient in the opinion of the division. Such report shall be without prejudice, shall be for the information of the division and the fact that such reports have been so made shall be admissible in evidence solely to prove a compliance with this section, but no such report or any part thereof shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accident.

(b) The division shall prepare and may supply to police and sheriff offices and other suitable agencies, forms for accident reports calling for sufficiently detailed information to

disclose with reference to a highway accident the cause, conditions then existing and the persons and vehicles involved.

The division shall receive accident reports required to be made by this act and shall tabulate and analyze such reports and publish annually, or at more frequent intervals, statistical information based thereon as to the number, cause and location of highway accidents.

Stats 1923,
p. 564,
amended
Damaging
vehicles.

SEC. 37. Section 147 of said act is hereby amended to read as follows:

Sec. 147. Injuring vehicle. Any person who shall individually or in association with one or more others, wilfully break, injure, tamper with or remove any part or parts of any vehicle for the purpose of injuring, defacing or destroying such vehicle, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle or who shall in any other manner wilfully or maliciously interfere with or prevent the running or operation of such vehicle, shall be guilty of a misdemeanor. Any person arrested upon a charge of violating this section may be taken immediately by the arresting officer before the nearest or most accessible magistrate.

Stats 1923,
p. 564,
amended
Tampering
with
vehicles.

SEC. 38. Section 148 of said act is hereby amended to read as follows:

Sec. 148. Tampering with vehicle. Any person who shall without the consent of the owner or person in charge of a vehicle, climb, with the intent to commit any malicious mischief or injury thereto or with intent to commit any crime, upon or into such vehicle, whether the same be in motion or at rest, or who, while such vehicle is at rest and unattended, shall attempt to manipulate any of the levers, the starting crank or other device, brakes or mechanism thereof, or to set said vehicle in motion shall be guilty of a misdemeanor. Any person arrested upon a charge of violating this section may be taken immediately by the arresting officer before the nearest or most accessible magistrate.

Stats. 1923,
p. 565,
amended
Live stock
on highways

SEC. 39. Section 151 of said act is hereby amended to read as follows:

Sec. 151. Live stock not to stray on highway. No person owning, or controlling the possession of, any live stock, shall voluntarily or negligently permit any such live stock to stray upon or remain unaccompanied by a person in charge or control thereof upon a public highway, either side of which is adjoined by property which is separated from such highway by a fence, wall, hedge, sidewalk, curb, lawn or building, nor permit the tether or any portion thereof to which such animal may be attached, to lie across or upon any public highway. No person shall feed, pasture, camp or drive any such live stock upon, over or across any public highway between the hours of sunset and sunrise without keeping a sufficient number of herders on continual duty to open the road so as to permit the passage of vehicles.

SEC. 40. Section 154 of said act is hereby amended to read as follows: Stats. 1925, p. 415, amended

Sec. 154. Appearance upon an arrest for misdemeanor. Appearance upon arrest for misdemeanor. Whenever any person is arrested for any violation of the provisions of this act, unless such violation is herein declared to be a felony, or unless such person demands the right to an immediate appearance before a magistrate, the arresting officer shall, upon production but without surrender of the operator's or chauffeur's license of the person arrested, or other satisfactory evidence of the latter's identity, take the name and address of such person and the number of his motor vehicle and notify him in writing to appear at a time and place to be specified in such notice, such time to be at least five days after such arrest and such place to be before a magistrate of the township in which the offense with which the arrested person is charged is alleged to have been committed, or upon the demand of the person arrested, before a magistrate of the township in which is located the county seat of the county in which such offense is alleged to have been committed, whereupon such officer shall, upon the giving by such person of his written promise to appear at such time and place, forthwith release him from custody; *provided*, that in any county in which there is established a municipal court at the county seat thereof, the notice referred to herein may specify the appearance of the person arrested before any magistrate in the county.

Whenever any such person refuses to give his written promise to appear as herein provided for or demands an immediate appearance before a magistrate, he shall be taken forthwith before a magistrate of the township in which the offense with which he is charged is alleged to have been committed. He shall then be entitled to at least five days continuance of his case in which to prepare to plead or to prepare for trial and he shall not be required to plead or be tried within five days unless he waives such time in writing or in open court; *provided*, that he gives his written promise to appear at such time and place as the court may fix for his further appearance or, upon his refusal to give such promise, upon such bail as the court may fix and he shall thereupon be released from custody.

Any person who wilfully violates his promise given in accordance with this section shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested. A promise to appear may be complied with by an appearance by counsel.

SEC. 41. Section 159 of said act is hereby amended to read as follows: Stats. 1925, pp. 389 and 416, amended.

Sec. 159. Motor vehicle fund.

(a) There is hereby created in the state treasury a fund which shall be known as the "motor vehicle fund." The state treasurer shall deposit all money received by him from the Motor vehicle fund.

division or otherwise under the provisions of this act into the motor vehicle fund.

Appropriation to division.

(b) There is hereby appropriated out of such fund all moneys received as operators' and chauffeurs' license fees and duplicate operators' and chauffeurs' license fees and in addition thereto such portion of the remainder of such motor vehicle fund not exceeding in any registration year twenty-five per cent thereof as may be necessary for the maintenance of the division of motor vehicles to be expended by the division in carrying out the provisions of this act. There shall be deducted from the sums which the division is allowed to expend hereunder such amount as may be allowed to said division in each calendar year under budget appropriation by the state Legislature. The division may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate fifty thousand dollars, said sums so drawn to be used as a revolving fund where cash advances are necessary. At the close of each fiscal year the moneys so drawn must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the board of control and by the controller. The balance of said fund, after the expenditure of so much as may be permitted by this act for the support of the division of motor vehicles, shall be known as the "net receipts" and shall be devoted to the purposes and in the manner herein specified.

Revolving fund

Net receipts.

Appropriation to counties for road work.

(c) One-half of such "net receipts" is hereby appropriated and shall be paid from the motor vehicle fund to the counties of this state in proportion to the number of vehicles registered in such counties as determined by the places of residence of the owners to whom the registration certificates are issued; *provided*, that there shall be deducted from the amount to be paid hereunder to any county all amounts that may have been expended under the provisions of this act during the preceding six months, or that may be reasonably necessary during the succeeding six months, to pay the compensation of state inspectors and traffic officers appointed to serve in such county. All amounts paid under this section to the counties shall be deposited in the road funds of the several counties receiving the same and shall be expended by such counties exclusively in the construction and maintenance of public roads, bridges and culverts in said counties respectively; *provided*, that the board of supervisors of any county may in its discretion expend any portion of such sums so received by such county in the construction, maintenance and repair of streets, bridges and culverts within those incorporated cities therein the legislative bodies of which by ordinance authorize such work of construction, maintenance and repair. The board of supervisors of any county, or city and county, which is empowered by law to expend money for the construction of public highways outside of its corporate limits, may expend any portion of the amounts paid to the said county, or city and county, and

deposited in the special road improvement fund or other road fund thereof, as herein in this section directed, in and for the construction of public highways outside of its corporate limits; *provided, however*, that the construction thereof is authorized by ordinance of the board of supervisors of the county, or city and county, in which said highway is to be constructed. Where such authorization is given by ordinance, herein provided, the board of supervisors of the county, city and county desiring the said construction, may through its own boards, officers or commissions expend the amounts herein authorized to be expended, or may, by ordinance of its board of supervisors, transfer said amounts to the account of the highway commission of the State of California and may by said ordinance specify and determine the route and type of construction of said highway, and the said amount thus transferred shall, if accepted by the said highway commission, be expended by said commission for the purpose specified and determined in said ordinance, and not otherwise.

(d) The board of supervisors of each county in the state shall establish a road fund in the county treasury for the receipt of such funds received, as hereinbefore provided, and shall also make an annual report to the state department of public works not later than three months after the close of the counties' fiscal year, upon forms to be provided by the state department of public works, showing the amount of moneys received from the motor vehicle fund during the preceding fiscal year and the disposition of said moneys, specifying in such detail as may be required by said department the roads, bridges and culverts constructed or maintained out of said moneys and the sums applied to the several items of such construction or maintenance. County road fund.

(e) The state controller shall in the months of February and August of each year draw his warrants upon the motor vehicle fund in favor of the county treasurer of each county for the amount to which such county is entitled hereunder, except that the state controller shall not draw his warrant upon the motor vehicle fund in favor of the county treasurer of any county which has not established a road fund, as required hereunder, or which has failed, neglected or refused to file the report showing the amount of money heretofore received by such county from the motor vehicle fund and the disposition thereof, as hereinbefore required, until such county has established a road fund and shall make the reports herein required; *provided, however*, that in cases where the actual domicile, residence or place of abode of an owner, or part owner, of any motor vehicle, trailer or semitrailer is in a different county than the place which such owner has designated as his place of residence in his registration certificate, the county auditor of the county receiving such funds from the state as hereinabove provided may draw his warrant in favor of the county containing the actual domicile, residence Payment of money to counties.

or place of abode of such owner, or part owner, in such sums as may properly be attributed to the latter county.

State high-
way mainte-
nance fund.

(f) All moneys remaining in the motor vehicle fund after the expenditures hereinbefore in this section authorized, together with all sums that have been heretofore or that may be hereafter appropriated by the Legislature for the same purpose, shall be paid into the state highway maintenance fund and shall be expended under the direction of the state department of public works for the maintenance, repair, widening, resurfacing and reconstruction of state roads and highways under the jurisdiction of said department and for the maintenance, repair, widening, resurfacing and reconstruction of roads and highways in state parks, subject to the approval of the official or officials charged by law with the management and control of such parks, such money to be so drawn from the motor vehicle fund for the purpose of such maintenance, repair, widening, resurfacing and reconstruction upon warrants executed by the state controller upon demands made by the state department of public works and allowed and audited by the state board of control.

Stats. 1923,
p. 570,
amended.
Counsel for
division.

SEC. 42. Said act is hereby amended by adding thereto a new section to be numbered 159½ to read as follows:

Sec. 159½. The chief of the division of motor vehicles is authorized and empowered, in his discretion, to employ such counsel whenever matters affecting the enforcement of this act or the administration of this act by the division may be deemed necessary. The compensation for such counsel shall be made upon verified claims therefor, audited by the chief of the division and approved by the department of finance. Such claims, when approved, shall be paid with the funds of the division of motor vehicles.

CHAPTER 753.

An act to establish the California state historical association, providing for the appointment of a board of trustees for said association and making an appropriation for its support during the seventy-ninth and eightieth fiscal years.

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

State
historical
association.

SECTION 1. The California state historical association is hereby established by the State of California for the purpose of promoting interest in and disseminating knowledge of the history of California.

Trustees.

SEC. 2. The full control and responsibility for the conduct of the affairs of said association, subject only to the constitution and statutes of the State of California, shall be vested in the state board of education as trustees of the said state historical association.

SEC. 3. The trustees of the state historical association are hereby authorized to receive contributions, donations and bequests from members of the said association or from other sources. All the funds of the said association shall be deposited in the state treasury and drawn upon only in accordance with the statutes and rules governing the expenditure of other public money. All income of the association apart from state appropriations shall be deposited with the state treasurer as a state historical association fund to be used solely for the support of the said association. Funds.

SEC. 4. The title to all property, records and archives formerly held by the California historical survey commission is hereby vested in the State of California to be administered through the state board of education as trustees of the California state historical association. Title to property.

SEC. 5. Out of any money in the state treasury not otherwise appropriated, the sum of ten thousand dollars is hereby appropriated for the support of the California state historical association during the seventy-ninth and eightieth fiscal years. Appropriation.

CHAPTER 754.

An act to provide for the creation of a commission for the study of the problem of public education beyond the elementary grade in California, and providing an appropriation therefor.

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. The state department of education is hereby directed to investigate the educational, geographical, financial and organizational problems of public education in California and the grade of elementary education, and to report to the governor for submission to the forty-eighth session of the Legislature its findings and recommendations. Secondary education investigation.

SEC. 2. The superintendent of public instruction is hereby authorized to employ such temporary, expert and clerical assistance as may be necessary, to fix the compensation for the persons so employed, with the approval of the state board of control, and to sign claims upon the treasury for the payment of the expenses incurred in making said study, which claims shall be audited by the state board of control and paid upon warrant drawn by the state controller as provided by law. Employees and expenses.

SEC. 3. Out of any funds in the state treasury not otherwise appropriated the sum of five thousand dollars is hereby appropriated for the expenses of the study authorized by the provisions of this act. Appropriation.

CHAPTER 755.

An act to amend section seven hundred fifty-two of the Code of Civil Procedure, providing who may bring actions for partition.

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats 1919,
p. 319,
amended
Who may
bring actions
for partition.

SECTION 1. Section 752 of the Code of Civil Procedure is hereby amended to read as follows:

752. When several cotenants own real property as joint tenants, or tenants in common, in which one or more of them have an estate of inheritance, or for life or lives, or for years, or when real property is subject to a life estate with remainder over, an action may be brought by one or more of such persons, or, where property is subject to a life estate with remainder over, by the life tenant, for a partition thereof according to the respective rights of the persons interested therein, and for a sale of such property, or a part thereof, if it appears that a partition can not be made without great prejudice to the owners.

CHAPTER 756.

An act to amend section seven hundred sixty-three of the Code of Civil Procedure, in relation to judgments in partition actions and the procedure thereunder.

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1913,
p. 235,
amended.
Question
of sale or
partition.

SECTION 1. Section 763 of the Code of Civil Procedure is hereby amended to read as follows:

763. If it appears by the evidence, whether alleged in the complaint or not, that the property or any part of it is so situated that partition cannot be made without great prejudice to the owners, or where property is subject to a life estate and the remainder is a contingent remainder, the court may and in the latter case must order the sale thereof; otherwise, upon the requisite proofs being made it must order a partition according to the respective rights of the parties as ascertained by the court, and appoint three referees therefor, and must designate the portion to remain undivided for the owners whose interests remain unknown, or are not ascertained; or the court, with the consent of the parties, may appoint one referee instead of three, and he when appointed, has all the powers and may perform all the duties required of three referees; and the court must appoint as referee any person or persons to whose appointment all the parties have consented, and no person shall be appointed as referee who is

disqualified from acting as an appraiser under the provisions of section 1444 of the Code of Civil Procedure.

When the site of an incorporated city or town is included within the exterior boundaries of the property to be partitioned, the court must direct the referees to survey and appraise the entire property to be partitioned by actual lots and subdivisions then existing in the actual possession of the several tenants in common, exclusive of the value of improvements thereon, first setting apart necessary portions of the property for ways, roads and streets, as in section 764 provided, and to report such survey and separate appraisement on each lot and subdivision to the court.

Site of
incorporated
city.

The court may confirm, change, modify, or set aside the report in whole or in part, and if necessary appoint new referees.

Action
of court.

When, after the final confirmation of the report of such survey and appraisement, it appears by evidence to the satisfaction of the court that an equitable partition of the whole property is impracticable, and a sale of the site of such city or town, or any portion thereof, will be for the best interests of the owners of the whole property, it must order a sale thereof; *provided*, that within sixty days thereafter any tenant in common or tenants in common, having improvements erected on any town or city lot or subdivision included in such order of sale, shall have the prior right to purchase the same at such appraised valuation, and may pay into court the amount so appraised as the value thereof, and upon such payment the title shall vest in such purchaser or purchasers, and the court shall cause to be executed by such referees a deed for such lot or subdivision in fee and in severalty to such purchaser or purchasers; such further proceedings shall then be had as to the remainder of the property, and the money so paid to the court, as by this chapter provided.

Sale.

If, during the pendency of this action, any of the parties die, or become insane, or otherwise incompetent, the proceedings shall not for that cause be delayed or suspended, but the attorney who has appeared for such party may continue to represent such interest; and in case any such party has not appeared by an attorney, the court must appoint an attorney to represent the interest which was held by such party, until his heirs or legal representatives, or successors in interest, shall have appeared in the action; and an attorney so appointed must be allowed by the court a reasonable compensation for his services, which may be taxed as costs against the share or interest represented by such attorney, and may be adjudged a lien thereon in the discretion of the court.

Death or
insanity
of party.

CHAPTER 757.

An act to amend section seven hundred eighty-one of the Code of Civil Procedure, providing for the action of the court where property is sold in partition suits and there are contingent future rights or estates or life estates.

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Original
section
amended.
Securing
value of
contingent
future rights
or estates or
life estates.

SECTION 1. Section 781 of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

781. In all cases of sales, when it appears that any person has a vested or contingent future right or estate in any of the property sold, the court must ascertain and settle the proportional value of such contingent or vested right or estate, and must direct such proportion of the proceeds of the sale to be invested, secured, or paid over, in such manner as to protect the rights and interests of the parties; or where property is subject to a life estate with remainder over, the court may direct the entire proceeds of the sale of such interests to be paid to a trustee to be appointed by the court, upon security satisfactory to the court, to be invested and reinvested, the income thereof to be paid to the life tenant and the corpus of the trust estate, upon the termination of the life estate, to be delivered or paid to the remaindermen as in the decree determined; and the court shall retain jurisdiction for the settlement of the accounts of such trustee and in all matters necessary for the proper administration of such trust and final distribution of the trust fund.

CHAPTER 758.

An act to add a new section to the Code of Civil Procedure, to be numbered one thousand three hundred eight a, relating to orders admitting wills to probate and the certification and recordation of wills.

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

New section.

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered 1308a, and to read as follows:

Clerk's
record.

1308a. When the court admits a will to probate it must be recorded in the minutes by the clerk, with the notation: "Admitted to probate (giving date)."

CHAPTER 759.

An act to amend sections three thousand four hundred fifty-seven, three thousand four hundred sixty-five, three thousand four hundred sixty-six and three thousand four hundred eighty of the Political Code and section three thousand four hundred eighty and one-half thereof, as enacted by chapter two hundred eighty-seven of the statutes of 1923 of the State of California, relating to reclamation districts, and to add a new section, three thousand four hundred sixty-eight, providing for an annual levy or call of assessment to pay warrants of said districts, and to add a new section, three thousand four hundred ninety-three a, providing for payment of expenses of county treasurers in proceedings to collect assessments to pay principal or interest of bonds of said districts, and to add a new section, three thousand four hundred ninety-three b, providing for issuance of duplicate bonds and warrants for lost, destroyed, mutilated, and defaced bonds and warrants of said districts.

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 3465 of the Political Code is hereby amended to read as follows:

Stats. 1917,
p. 1206,
amended.
Payments.

3465. The lists must remain in the office of the county treasurer for thirty days and during said time said assessment shall not bear interest except as otherwise provided by section 3480 of this code; and as long as bonds have not been authorized and sold on the basis of said assessment any landowner may pay in gold coin of the United States or approved warrants of the district the whole or any part, both principal and interest, of said assessment on any tract of land. If any bonds shall have been authorized before payment on said assessment but shall not have been sold the amount to be sold shall be reduced by the amount paid on the principal of said assessment. The reduction shall be only in the latest maturities; and such changes and cancellation shall be made by the proper officials in the unsold bonds as shall be necessary to accomplish said reduction.

SEC. 2. Section 3480 of the Political Code is hereby amended to read as follows:

Stats. 1923,
p. 598,
amended.
Special bond
elections.

3480. Whenever in any reclamation district in this state, now formed or which may hereafter be formed, any assessment has been levied and assessed upon the lands of said district, and remains unpaid in whole or in part, where in the judgment and opinion of the board of trustees of said district it would be for the best interest of said district or the landowners therein to issue bonds for the purpose of obtaining money to pay the costs of reclamation, the indebtedness of the district, or any

other legal charge, or when a petition signed by the owners of more than one-half of the land in the district is filed with the secretary of the board, the board of trustees of such district shall by order entered upon the records of said board, order a special election to be held at some place in said district to be designated by said board of trustees, at which said special election shall be submitted to the owners of land in said district the question of whether or not bonds of said district shall be issued in an amount equal to the amount of such assessment, or the part of such assessment remaining unpaid, which said amount shall be entered by said board of trustees in its records and stated by them in the order for such special election.

Evidence of ownership and value.

For all purposes of this article relating to signing petitions and by-laws and voting at any election of reclamation districts the equalized assessment roll for the year last preceding, in each county wherein any land of the district is situated shall be sufficient evidence of ownership and of value of lands in the district as hereinafter provided. Guardians, executors, administrators and other persons holding land in a trust capacity under appointment of court may sign such petitions or by-laws or may vote without obtaining special authority therefor.

Notice of election.

Notice of such special election must be given by the board of trustees by posting notices thereof in at least three public places in the district at least twenty-one days prior thereto, and also by publication for the same length of time in some newspaper of general circulation published in each county in which any portion of said district may be situated; and such notice must specify the time and place of holding such election, the aggregate face value of bonds proposed to be issued and the names of three landholders of the district to act as a board of election. Affidavits of the publication and posting of such notice must be filed with the county clerk of the county in which said district or the greater part thereof is situated (herein designated as the main county), together with a copy of said order calling the election, certified by the president of the board of trustees.

Who may vote.

At such election each owner of lands in the district shall be entitled to vote in person or by proxy and shall have the right to cast one vote for each dollar's worth of real estate owned by him in the district, such value and ownership thereof to be determined from the next preceding assessment roll of the county or counties in which the lands of said district are situate, and the board of trustees of the district shall, prior to the election, cause to be prepared and certified by the proper officer and furnished to the board of election, a true and correct copy of the said next preceding assessment roll of the said county or counties, which said certified roll shall be used by the said board of election in determining the number of votes each voter is entitled to cast. Executors, administrators, special administrators and guardians may cast the votes of the estates represented by them.

No person shall vote by proxy at such election unless authorized to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property and filed with the board of election. The ballots cast at such election shall contain the words: "Bonds—Yes" or the words "Bonds—No," and also the name of the person casting the ballot with the number of votes cast by him. A list of the ballots cast shall be made by the board of election, containing the name of each voter, and, if the ballot be cast by proxy, the name of the person casting it, and the number of votes cast by each and whether the same be cast for or against the issuing of the bonds.

Proxies.

Ballots.

If any person appointed as a member of the board of election shall fail to attend at the opening of the polls, the voters then present may appoint in his place any landholder of the district. Each member of such board of election, must, before entering upon his duties take and subscribe an official oath, which oath may be administered by an officer authorized to administer oaths or by any landholder in the district. The polls shall be kept open from ten o'clock a.m., of the day of election until four o'clock p.m. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall forward a certificate showing such result and the number of votes cast for and against the issuing of bonds, to the county clerk of the main county, and shall deliver a duplicate thereof to the board of trustees of the district, and shall also deliver to the said county clerk of the main county all ballots cast at such election and all documents and papers used at such election. Any person interested may contest such election within twenty days after such filing of said certificate with the said county clerk by bringing suit in the superior court of the main county; otherwise the declaration of the result by the board of election shall be final and conclusive.

Election officers.

Canvass of votes.

Contest

If a majority of the votes cast at such election are in favor of the issuance of bonds, the board of trustees of the district shall cause bonds in the amount stated in the order for the election to be executed and delivered, together with the assessment list, to the treasurer of said main county. Said bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each; they shall be signed by the president of the board of trustees of the district and attested by the county auditor of said main county, and shall be numbered consecutively in the order of their maturity, and shall bear interest at a rate not to exceed six per cent per annum, payable semiannually on the first day of January and the first day of July in each year at the office of said county treasurer upon the presentation of the proper coupons therefor. Coupons for each installment of interest shall be attached to said bonds and shall bear the facsimile signature of the county auditor. The principal of said bonds shall be made payable on the first day of July, or the first

Issue of bonds.

day of January, and in such years as the trustees may pre-
scribe, but said bonds shall be payable serially within twenty
years from their date in the manner following, to wit:

(1) Not less than ten per centum of the aggregate face value
of bonds issued shall be payable within ten years from their
date.

(2) Not less than ten per centum of the aggregate face value
of bonds remaining unpaid at the end of ten years shall be
payable each year beginning with the eleventh year from
their date, until the whole amount of said bonds has been
paid. Said bonds shall be substantially in the following form:

Form
of bonds.

United States of America

State of California

County of-----

No.----- \$-----

Reclamation District No.-----

Reclamation district No. -----, for value received hereby
acknowledges itself indebted to and promises to pay to the
holder hereof at the office of the treasurer of said county, in
the State of California, on the first day of -----, 19____,
the sum of \$-----, in gold coin of the United States of
America, with interest thereon in like gold coin from date
hereof until paid, at the rate of ----- per cent, per annum,
payable at the office of said treasurer semiannually on the first
day of January, and the first day of July in each year on
presentation and surrender of the interest coupons hereto
attached. This bond is one of a series of ----- bonds of like
tenor and effect, except as to denomination and maturity, num-
bered from ----- to ----- inclusive, amounting in the aggre-
gate to ----- dollars, issued in accordance with section
3480 of the Political Code of the State of California pursuant
to an election held in said reclamation district on the -----
day of -----, 19____, authorizing its issuance, and is
based upon and secured by an assessment levied on the lands
in said district, and filed in the office of the county treasurer
of said county of ----- on the ---- day of -----,
19____, and the said reclamation district does hereby certify
and declare that said election was duly called and held upon
due notice, and the result thereof was duly canvassed and
ascertained, in pursuance of and in strict conformity with
the laws of the State of California applicable thereto, and that
all of the acts and conditions and things required by law to be
done, precedent to and in the issue of said bonds have been
done and have been performed in regular and in due form and
in strict accordance with the provisions of the law authorizing
the issuance of reclamation bonds.

In testimony whereof, the said district, by its board of
trustees, has caused this bond to be signed by the president

of said board and attested by the auditor of said county of _____ with his seal of office affixed this _____ day of _____, 19____.

_____,
President of said board.

Attest: _____,

Auditor of the county of _____, State of California.

And the interest coupons may be substantially in the following form:

Form of interest coupons.

No. _____ \$ _____

The county treasurer of _____ county, California, will pay to the holder hereof on the _____ day of _____ 19____, at his office in said county of _____ the sum of \$ _____ in gold coin of the United States out of the funds of reclamation district No. _____ for interest on bond of said district numbered _____.

County Auditor.

The treasurer of said main county shall place the bonds prepared pursuant to this act to the credit of the district. Thereafter when directed by resolution of the trustees of the district, the treasurer of said county may sell the whole or any designated number of said bonds for the best price obtainable therefor, but in no event for less than ninety per cent of the face value of said bonds and the accrued interest thereon. Before making a sale of said bonds, notice shall be given by the said county treasurer by publication at least once a week for two weeks in a newspaper of general circulation published in said main county, that he will sell a specified amount of said bonds, and stating the day, hour and place of such sale, and asking sealed proposals for the purchase of said bonds, or any part thereof. At the time appointed the county treasurer shall open the bids and award the bonds to the highest responsible bidder. He may, and upon written request of a majority of the trustees must, reject any and all bids. Any sale by the county treasurer and delivery of the bonds thereunder shall be conclusive evidence in favor of the purchaser and all subsequent holders of the bonds that such sale was made upon due authority and notice. The proceeds of sale of said bonds shall be placed in the county treasury to the credit of said district, and a proper record of such transaction shall be made upon the books of said county treasurer. At any time within thirty days after said bonds shall have been delivered to the treasurer of the county, an action may be commenced in the superior court of said main county by the trustees of said reclamation district in its name against the lands in said district and all persons owning the same or interested therein, to have it determined that said bonds are a legal obligation of such reclamation district, and in the event no such action is brought then the same may be commenced by any landowner in the district within thirty days

Sale of bonds.

Legality of bonds.

thereafter. It shall be sufficient to describe said lands as all lands in the district (naming it) without a more specific description. The summons shall be published once a week for two weeks in some newspaper of general circulation published in the county where the action is pending. Within thirty days after the first publication of summons any owner of land in such district, or any person interested, may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions in such court, and judgment rendered declaring such matter so contested either valid or invalid. Any party not in default may have the right to appeal to the supreme court within thirty days after the entry of judgment. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein and all owners thereof and other interested persons.

Warrants. The board of trustees of said district may draw warrants upon the said county treasurer against the funds provided by sale of bonds, which said warrants shall be approved by the board of supervisors of said main county.

Bond fund. All moneys collected by any county treasurer upon any assessment upon which bonds shall have been issued, including all moneys derived from sale of land for delinquent installments, or from redemption thereof, or from sale of lands bought by the treasurer at any such sale, shall be by such treasurer forthwith paid into the main county treasury to the credit of the bond fund of such reclamation district, and shall be used exclusively for the payment of principal and interest of said bonds issued on such assessment, and of the principal and interest of any refunding bonds issued thereon.

Bonds as legal investments. The bonds of reclamation districts issued pursuant to this code which have been investigated and certified by any officer of this state now or hereafter authorized to make such investigation and certification and by the authority of which certification are declared to be legal for investments by savings banks of this state may be lawfully purchased, or received in pledge for loans by savings banks, trust companies, insurance companies, guardians, executors, administrators and special administrators, or by any public officer or officers of this state or of any county, city or city and county or other municipal or corporate body within this state having or holding funds which they are allowed by law to invest or loan.

Election prior to assessment. If the trustees deem it advisable they may order a special election to be held prior to making any assessment, to determine whether or not bonds shall be issued for an amount to be stated in the order for such election, but no bonds shall, in such instance, be issued until an assessment for the amount of the bonds authorized at such election shall have been made and filed with the county treasurer.

The lien of any unpaid assessment upon which bonds shall have been issued shall continue until all said bonds, and any refunding bonds which may be issued, shall have been paid in full, and if for any reason any part of such principal or interest of said bonds, or of refunding bonds shall remain unpaid after enforcement of said assessment as in this article provided, the board of supervisors of the main county shall order an additional or supplemental assessment to be made as provided in section 3459, sufficient to pay such unpaid principal and interest; which additional or supplemental assessment shall be enforced and collected in the same manner as the original assessment.

Additional
assessments.

If any district having authorized the issuance of a series of bonds shall issue an additional series of bonds based on another assessment, the dates of maturity of such additional series of bonds shall be such that the latest maturities thereof shall not exceed thirty years and the earliest maturity of bonds of such additional series shall be later than the latest maturity of bonds of any earlier series, excepting refunding bonds. All provisions of this section relative to the original issue of bonds shall apply to such additional series of bonds so far as applicable and also so far as applicable shall affect existing reclamation districts as well as those hereafter formed.

Additional
bonds.

Any district which has issued bonds of different denominations, may, by an order entered in its minutes, upon request of holders thereof, and upon the deposit of the bonds issued and outstanding with the board of trustees, issue to the holders of such deposited bonds, bonds of the district in the same form but in different denominations, but having the same aggregate face value and maturity. Such bonds shall be executed by all of the persons who are required by law to execute the original bonds for which such exchange is made, and the said bonds so deposited shall be thereupon canceled by the treasurer of the main county and the board of trustees of the district.

Bonds of
different
denomina-
tions.

Whenever in any reclamation district in the state a bond issue of said district has been authorized prior to this amendment then the provisions of this section hereby amended in respect to the manner of procedure by which the assessments are called in to meet payments on account of principal or interest of such bonds, and also the provision herein contained by which the assessment shall continue in full force and effect as constituting a lien upon the several tracts of land within said district under the provisions of section 3463 of this code until the principal and interest of all bonds issued on the basis of said assessment shall have been paid in full, and also the provisions in reference to refunding bonds, shall apply to and inure to the benefit of the bonds which may have been issued by any reclamation district in this state prior to the date of the enactment of this amendment.

Bonds
heretofore
issued.

Warrants
accepted.

Upon a sale of any of the bonds provided herein (except refunding bonds) the county treasurer of the main county is hereby authorized to accept in payment for said bonds, either in whole or in part, outstanding warrants of such district at their face value, together with the accrued interest thereon.

Interest
on unpaid
assessments.

Where bonds of the district have been authorized to be issued on such assessments all unpaid assessments shall bear interest at the rate of seven per cent per annum from the date of the bonds originally issued thereon until such bonds and any refunding bonds issued thereon shall have been fully paid and discharged, and the interest due at any time on said unpaid assessments may be called without calling any installment of the said assessment. The word installment as used in this section shall be construed as applying to interest as well as the principal as the case may be.

Estimate of
amount to
pay interest
and prin-
cipal.

At least ninety days before any interest date of the bonds, including refunding bonds, the county treasurer of the main county shall estimate the amount of money necessary to pay interest and principal maturing on such interest date after crediting thereon the funds in the treasury applicable to the payment thereof, and shall add thereto fifteen per cent of such aggregate sum to cover possible delinquencies, and said county treasurer shall thereupon cause to be published once a week for two weeks in some newspaper of general circulation published in each county in which any of the district may be situate a notice substantially in the following form:

Form
of notice.

(Name of reclamation district.) Notice is hereby given that an installment of assessment (describing it) of (amount or proportion thereof including interest thereon or only for interest) is payable within thirty days from (date) by all assessed landowners of said district in the county of (name of county) to the treasurer of said county. All or any part of said installment or interest which shall remain unpaid on the (day fixed) will be delinquent, together with accrued interest thereon, with twenty per cent of such installment and interest added as penalty.

Dated (date).

(Signed)-----
Treasurer of-----county.

Delinquent
installments.

If no newspaper is published in said county, such publication shall be made in a newspaper published in an adjoining county. If any part of such installment or any interest thereon shall remain unpaid at the expiration of thirty days from the date of said notice, it shall become delinquent and twenty per cent of the unpaid amount of said installment and interest shall be added thereto and collected by said treasurer. When any installment shall have become delinquent, said treasurer shall publish once a week for two weeks in a newspaper of general circulation in each county in which any portion of

the said delinquent land may lie (or if no newspaper is published therein, then in a newspaper published in an adjoining county), a notice containing a description of each parcel of land assessed in the district whereon such installment is delinquent, as such description appears on the assessment list, the name of the person to whom it is assessed, to unknown owners if such is the fact; the amount of the installment delinquent on such parcel, the amount of interest thereon reckoned to the day of sale, the amount of said twenty per cent penalty thereon, and a notice that each of said parcels will be sold at public auction by said county treasurer in front of the courthouse of said main county, at a specified day and hour which shall not be less than thirty days nor more than sixty days from the date of delinquency, to pay said delinquent installment, with said accrued interest and penalty. At the time stated in said notice, the county treasurer shall sell each parcel of land described in said notice to the highest bidder, unless prior thereto he shall have received payment in full of said delinquent installment together with such interest and penalty. No bid for any parcel shall be accepted less than the aggregate sum then due on said installment thereon, with interest and penalty, and such sale shall be made for cash (except the treasurer may receive from any purchaser at their face value in lieu of cash, bonds of said district or their interest coupons, issued on said assessment and then matured or to mature within sixty days after such sale). Any bond or coupon so received in payment shall be by the treasurer forthwith canceled and filed in his office. If the entire amount of any such bond or coupon tendered in payment shall not be required to complete payment of the purchase money, the treasurer shall endorse thereon as paid, the amount of such purchase money credited thereon. If no bid is made for any parcel at such sale equal to the amount of the installment delinquent thereon, with interest and penalty, the treasurer shall bid in and sell said parcel to himself and his successors in office, as trustee of the bond fund of said district, as purchaser, for the amount of said installment, interest and penalty. The treasurer shall execute to each purchaser, including himself as trustee, a certificate of sale, and shall record a duplicate in the county recorder's office. Any person interested in the said property may redeem the same at any time within one year after the date of sale, by paying to the county treasurer for such purchaser a sum equal to the purchase price stated in the certificate, with interest thereon at the rate of twelve per cent per annum from the date of sale to such redemption. If no redemption shall be made within one year, the treasurer upon demand and surrender of such certificate of purchase, shall execute to the purchaser, his heirs or assigns, a deed of conveyance of the parcel of land described in such certificate, which deed shall convey to the grantee therein named the said land free and clear of all encumbrances, except state, county and municipal taxes,

Sale of land

Sale to
treasurer.Redemption
of propertyDeed to
purchaser.

and any taxes or assessments of irrigation, conservation or water storage districts, and except any portion of any reclamation assessment remaining unpaid at the date of said sale; each installment whereof may be called and collected as herein provided, except that no parcel sold and conveyed to the district shall thereafter be subject to sale by the treasurer for delinquent installments. Every deed by a county treasurer purporting to be executed under this section shall be prima facie evidence of the truth of the matters therein recited, and of ownership by the grantee of the lands therein described. The treasurer shall credit to the bond fund of the district all money collected by him by sale or otherwise, upon assessment against which bonds shall have been issued, including interest and penalties, and he shall likewise credit to said fund the amounts of purchase money paid in bonds or coupons on sales made for said assessment. The treasurer shall charge to the general fund of the district, or to its bond fund if he has no money to the credit of its general fund, the expense of publication of notices and of recording certificates of sale. Any parcel of land bid in and purchased by a treasurer as aforesaid, as trustee of the bond fund of the district, may be sold and conveyed by him or his successor in office at any time after the expiration of said redemption period of one year, at public or private sale and with or without notice to any person paying him the amount for which said parcel was bid in by said treasurer at delinquent sale, with interest thereon at the rate of seven per cent per annum, compounded yearly, from the date of said delinquent sale, and also the amount of all subsequent installments then delinquent, with accrued interest and penalties thereon. Such payment may be made either in cash or in matured bonds and coupons issued on said assessment, taken at their face value, and the treasurer shall execute a deed to such purchaser upon such sale, conveying said property free of encumbrance except state, county and municipal taxes, and the unpaid balance of said assessment. If any land so held by a county treasurer as trustee of the bond fund of a district shall remain unsold after the final installment of the assessment shall have been collected by payment or sale, then such treasurer shall sell all said land so held by him at public auction to the highest bidder for cash, upon two weeks published notice, and shall deposit the proceeds of such sale in the treasury of the main county, to the credit of the bond fund of the district. Any balance remaining in such bond fund, after payment in full of the principal and interest of all outstanding bonds of the district, shall be by the treasurer transferred to the general fund of the district.

Credit to
bond fund.

Sale of land
purchased by
treasurer

Sale at
public
auction.

Voting

In the event that ownership of any property in the district is changed after the making of the last assessment roll for the district, the owner thereof shall be entitled to vote thereon upon production of the original or of certified copy of the record thereof in the office of the county recorder of the county

in which the property is situate. Any person not legally qualified to vote who shall make any false statement in respect to his right to vote shall incur all of the penalties provided in the Penal Code of the State of California for persons illegally voting at elections.

Any landowner of the district who shall desire at any time to lessen or remove the lien upon his land of any assessment on which bonds have been or hereafter may be issued may deliver to the county treasurer for cancellation any bonds payable out of said assessment, and the treasurer shall credit against the assessment on his land the principal and accrued interest of said bonds.

Cancellation
of bonds for
landowners

The board of trustees, in their discretion, may provide at any time before sale of said bonds or before sale of any refunding bonds under section 3480a of this code that said bonds shall be callable at face value in the manner provided by law at any interest payment date together with accrued interest thereon, and either with or without a premium to be specified by said board and inserted in said bonds; and the method of calling and retiring said bonds shall be as follows:

Calling and
retiring
bonds.

Not less than ninety days before any interest payment date the trustees, by a two-thirds vote, may adopt an order calling bonds of the district, in any amount, for payment on such date. The order shall specify the maturities of the bonds called, commencing with the earliest maturities. If less than all bonds of any maturity are called then the trustees, by a drawing, shall ascertain the bonds to be called in such maturity and the order shall designate the numbers of the bonds so drawn. A certified copy of the order shall be delivered to the county treasurer and he shall add the principal of said bonds, with any premium provided by the terms thereof, to the amount which he is required to collect for payment of the next maturing interest coupons. In his notice of call of assessment the county treasurer shall specify the amount which is included for payment of principal of bonds and premium. Bonds shall be paid in order of presentation.

Order.

Not less than once a week for four weeks prior to the date on which bonds are called for payment the county treasurer, in a newspaper of general circulation printed and published in the main county, shall publish a notice wherein he shall set forth said order of the trustees and shall notify all holders of said bonds to present the same for payment on the date specified and that whenever, on or after such date, funds are received by him for payment of said bonds with any said premium all interest thereon shall cease.

Notice

If within one year after any issue of bonds is deposited with the county treasurer, none of such bonds shall have been sold, or if within one year from the date of the election authorizing the issuance of bonds, none of the bonds have been deposited with the county treasurer, the board of trustees, in their discretion, may by an order entered in their minutes cancel all proceedings taken in connection with such bond issue. A certified

Cancellation
of
proceedings

copy of such order shall be filed with the county treasurer of each county wherein lands affected by the assessment on which said bonds were based are situated. The county treasurer with whom said bonds have been deposited, shall thereupon cancel said bonds together with all coupons attached thereto. Such cancellation shall not affect the validity of the assessment upon which said bonds were issued, and the board of trustees may call for the payment of such assessment, or any part thereof, in such installments from time to time as they shall determine and as provided in section 3466 of this code, or, in their discretion, and either before or after any installment of said assessment shall have been paid, they may cause bonds to be authorized and issued upon the unpaid portion of such assessment after proceedings therefor shall have been taken in the manner hereinabove in this section provided.

Stats. 1923,
p 608,
amended.

SEC. 3. Section 3480½ of the Political Code, as enacted by chapter 287 of the chaptered laws of the State of California for the session of the Legislature for the year 1923, is hereby amended to read as follows:

Refunding
installments
of outstand-
ing bonds.

*3480a. Any reclamation district now existing or hereafter created may refund the whole or any part of the installments of the principal of any bond issue now or hereafter outstanding in manner as follows:

Special
election.

Whenever in the judgment and opinion of the board of trustees of said district it would be for the best interests of said district or the landowners therein to refund any installment or installments of any outstanding bonds of the said district or any portion of said installment or installments, the board of trustees of said district may, by order entered upon the records thereof, order a special election to be held at some place in said district to be designated by the board at which said election shall be submitted to the owners of land in said district the question of whether or not any installment or installments of the outstanding bonds of said district or any part of any said installment or installments, shall be refunded. Said order for said special election shall set forth the maturities and rate of interest of said refunding bonds, the date and the total amount of the principal thereof, and also the portion of each installment of the bonds which are to be refunded. The principal of the refunding bonds shall not exceed one hundred ten per cent of the installment, or the part of an installment which is to be refunded.

Notice
of election.

Notice of such special election shall be given by the board of trustees by posting notices thereof in at least three public places in the district at least twenty-one days prior thereto, and, also, by publication for the same length of time in some newspaper of general circulation published in each county in which any portion of the district may be situate, and such notices shall be substantially in the following form:

“Notice of special election to determine whether or not refunding bonds shall be issued.

* There is another section of this number. See Stats. 1923, p. 311.

Notice is hereby given that at a meeting of the board of trustees of reclamation district No.----- held on the ----- day of -----, 19--, a resolution and order was duly adopted by the said board calling a special election of the landowners of this district, for ----- the ----- day of -----, 19--, at ----- in the county of ----- in said district, to determine whether or not \$----- of the installments of the principal of the outstanding bonds of this district, dated the ----- day of -----, 19--, and maturing on the first day of ----- in the years ----- shall be refunded by the issuance of refunding bonds dated and maturing and in the following principals, all bearing interest at the rate of ----- per cent per annum:

Dated: ----- Principals: ----- Maturing: -----

And notice is hereby further given that ----- and ----- and ----- three land owners of said district, are hereby appointed to act as the board of election for said election.

The polls at said election will be open from ten a.m. of said day until four p.m.

Witness the name and the seal of the seal of the said district this ----- day of -----, 19--.

Reclamation District No.-----

By -----

President.

[SEAL]

By -----

Secretary."

Affidavits of publication and posting of such notices must be filed with the county clerk of the county within which the said district or the greater part thereof is situate, together with a copy of the said order calling said election, certified by the president of the board of trustees, and attested by the secretary thereof, with the seal of the district affixed.

Affidavits to be filed.

At such election each owner of lands in the district shall be entitled to vote in person or by proxy and shall have the right to cast one vote for each dollar's worth of real estate owned by him in the district, such value and ownership thereof to be determined from the next preceding assessment roll of the county or counties in which the lands of said district are situate, and the board of trustees of the district shall, prior to the election, cause to be prepared and certified by the proper officer and furnished to the board of election, a true and correct copy of the said next preceding assessment roll of the said county or counties, which said certificate roll shall be used by the said board of election in determining the number of votes each voter is entitled to cast. Executors, administrators, special administrators and guardians may cast the votes of the estates represented by them.

Who may vote

In the event that ownership of any property in the district is changed after the making of the last assessment roll for

Changed ownership.

the district, the owner thereof shall be entitled to vote thereon upon production of the original or of certified copy of the record thereof in the office of the county recorder of the county in which the property is situate. Any person not legally qualified to vote who shall make any false statement in respect to his right to vote shall incur all of the penalties provided in the Penal Code of the State of California for persons illegally voting at elections.

Proxies. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing, duly acknowledged and certified in the same manner as grants of real property and filed with the board of election. The ballots cast at such election shall contain the words: "Refunding Bonds—Yes," or the words "Refunding Bonds—No," and also the name of the person casting the ballot with the number of votes cast by him. A list of the ballots cast shall be made by the board of election, containing the name of each voter, and, if the ballot be cast by proxy, the name of the person casting it, and the number of votes cast by each, and whether the same be cast for or against the issuing of the bonds.

Ballots.

Election officers. If any person appointed as a member of the board of election shall fail to attend at the opening of the polls, the voters then present may appoint in his place any landholder of the district. Each member of such board of election, must, before entering upon his duties take and subscribe an official oath, which oath may be administered by an officer authorized to administer oaths or by any landholder in the district. The polls shall be kept open from ten o'clock a.m. of the day of election until four o'clock p.m. At the close of the polls the board of election shall at once proceed to canvass the votes and declare the result and shall forward a certificate showing such result and the number of votes cast for and against the issuing of said refunding bonds, to the county clerk of the main county, and shall deliver a duplicate thereof to the board of trustees of the district, and shall also deliver to the said county clerk of the main county all ballots cast at such election and all documents and papers used at such election.

Canvass of votes. Any person interested may contest such election within twenty days after such filing of said certificate with the said county clerk by bringing suit in the superior court of the main county; otherwise the declaration of the result by the board of election shall be final and conclusive.

Contest.

Issue of bonds. If a majority of the votes cast at such election are in favor of the issuance of such refunding bonds, the board of trustees of the district shall cause refunding bonds in the amounts, dates and maturities and bearing the interest coupons, set out in the said order for said election, to be executed and delivered, together with a copy of said order of election, certified as aforesaid, to the treasurer of the said main county. Said refunding bonds shall be of the denomination of not less than one hundred dollars nor more than one thousand dollars each;

**Denom-
ination.**

they shall be signed by the president of the board of trustees of the district and attested by the county auditor of the said main county, and shall be numbered consecutively in the order of their maturity and said refunding bonds shall bear interest at a rate not to exceed six per cent per annum from their dates, respectively, and such interest shall be payable semi-annually on the first day of January and the first day of July of each year at the office of said county treasurer upon the presentation of the proper coupons therefor. Coupons for each installment of said interest shall be attached to said refunding bonds and shall bear the facsimile signature of the county auditor. The principal of said refunding bonds shall be made payable on the first day of July, or the first day of January, and in such years as the trustees may prescribe, but said bonds shall, in any event, be payable serially within at least fifty years from and after their date.

Interest.

Coupons.

Payment.

Said bonds shall be in substantially the following form :

Form of bonds.

United States of America

State of California

County of-----

No.----- \$-----

Reclamation District No.-----

Reclamation district No.-----, for value received, hereby acknowledges itself indebted to and promises to pay to the holder hereof at the office of the treasurer of said----- county, in the State of California, on the-----day of-----, 19----, the sum of \$----- in gold coin of the United States of America, with interest thereon in like gold coin from the date hereof until paid at the rate of----- per cent per annum, payable at the office of said treasurer semiannually on the first day of January, and the first day of July in each year on presentation and surrender of the interest coupons hereto attached. This bond is one of a series of refunding bonds of like tenor and effect, except as to denomination and maturity, numbered from-----to----- inclusive, amounting in the aggregate to the sum of----- dollars, issued in accordance with section 3480a of the Political Code of the State of California pursuant to an election held in said reclamation district on the-----day of-----, 19----, authorizing their issuance, and are issued for the purpose of refunding-----\$----- of the installments of the principal of the bonds of this district dated the-----day of-----, 19----, and outstanding on the-----day of-----, 19----, as and when said outstanding bonds may become due and payable, and this bond is based upon and secured by the assessment levied on the lands in said district, and filed in the office of the county treasurer of said county of----- on the-----day of-----, 19----, and the said reclamation district does hereby certify and declare that said

election was duly called and held upon due notice, and the result thereof was duly canvassed and ascertained, in pursuance of and in strict conformity with the laws of the State of California applicable thereto, and that all of the acts and conditions and things required by law to be done, precedent to and in the issue of said bonds have been done and have been performed in regular and in due form and in strict accordance with the provisions of the law authorizing the issuance of reclamation bonds.

This bond is one of the bonds issued to refund \$_____ of the principal of bonds numbered _____ of this district, dated the said _____ day of _____, 19____, and maturing _____, 19_____.

In testimony whereof, the said district, by its board of trustees, has caused this bond to be signed by the president of said board and attested by the auditor of said county of _____ with his seal of office affixed this _____ day of _____, 19_____.

 President of said board.

Attest:-----

Auditor of the county of _____, State of California.

Form of interest coupons.

And the interest coupons may be substantially in the following form:

No. _____ \$_____

The county treasurer of _____ county, California, will pay to the holder hereof on the _____ day of _____, 19____, at his office in said county of _____ the sum of \$_____ in gold coin of the United States out of the funds of Reclamation District No. _____ for interest on refunding bond of said district numbered _____.

 County Auditor.

Legality of bonds.

At any time within thirty days after said refunding bonds shall have been delivered to the treasurer of the county, an action may be commenced in the superior court of said main county by the trustees of said reclamation district in its name against the lands in said district and all persons owning the same or interested therein, to have it determined that said refunding bonds are a legal obligation of such reclamation district, and in the event no such action is brought then the same may be commenced by any landowner in the district within thirty days thereafter. It shall be sufficient to describe said lands as all lands in the district (naming it) without a more specific description. The summons shall be published once a week for two weeks in some newspaper of general circulation published in the county where the action is pending. Within thirty days after the first publication of summons any owner of land in such district, or any person interested, may appear and answer the complaint, which answer shall set forth the facts relied upon to show the invalidity of said

refunding bonds. The default of all defendants not so appearing may be entered. Such action shall be given precedence in hearing and trial over all other civil actions in such court, and judgment rendered declaring such matter so contested either valid or invalid. Any party not in default may have the right to appeal to the supreme court within thirty days after entry of judgment. Judgment for the plaintiff in such proceedings shall be considered as a judgment in rem and shall be conclusive against said district and against all lands therein and all owners thereof and other interested persons.

Thereafter and on or before February first or August first of any year (as the case may be) prior to the date of maturity of the outstanding bonds of the district next maturing and to be so refunded, either in whole or in part, the board of trustees of the said district may declare by resolution that that portion of the said refunding bonds applicable to the refunding of the said outstanding bonds so next maturing shall be sold as herein provided. Sale of refunding bonds.

Said resolution shall direct the treasurer of the county to sell said refunding bonds on a date which shall not be less than five days nor more than ten days, prior to April first or October first of such year, as the case may be. Said resolution also shall declare whether or not, in the judgment of the board of trustees, said refunding bonds can be sold for not less than the par value thereof, plus accrued interest, and also whether or not, in the judgment of said board, it is necessary or advisable that provision be made for payment of interest upon said refunding bonds to the date of maturity of the bonds to be refunded, and whether or not a supplemental assessment should be levied for either or both of said purposes; and if said resolution shall declare either that said refunding bonds can not be sold for as much as the par value thereof, plus accrued interest, or that it is necessary or advisable that provision be made for payment of interest upon said refunding bonds to the date of maturity of the bonds to be refunded and that a sufficient assessment should be levied for either or both said purposes, such supplemental assessment shall be levied and collected in the following manner, to wit:

The board of trustees shall prepare and certify an assessment list for said assessment in the form prescribed by section 3461 of this code. The amount of said assessment shall not exceed ten per cent of the principal of the refunding bonds to be sold, plus the amount (if any) to be raised by such assessment to pay interest on said refunding bonds to the date of maturity of the bonds to be refunded as aforesaid. The amount of said assessment shall be spread only upon the tracts of land in the district upon which an assessment is then outstanding for payment of the bonds to be refunded and shall be spread on said tracts in proportion to the amounts then assessed against said tracts under said outstanding assessment. Supplemental assessments.

Said list when completed shall be filed with the clerk of the board of supervisors of the county. The board of supervisors Hearing.

shall appoint a time when it shall meet for the purpose of hearing objections to said assessment and notice of such hearing shall be given by publication for two weeks in some newspaper of general circulation published in said county. At any time before the date of such hearing any person interested may file written objections to such assessment stating the ground of such objections, which statement shall be verified by affidavit of such person or some other person who is familiar with the facts. At said hearing the board of supervisors may correct any errors appearing in said assessment and shall then make an order approving said assessment and shall endorse such order upon said assessment list, which said endorsement shall be signed by the chairman of the board of supervisors and attested by the clerk thereof. Such decision of said board of supervisors except as hereinafter provided, shall be final and thereafter said assessment list shall be conclusive evidence that the said assessment has been made and levied according to law. The list shall then be filed with the county treasurer, or if the district is situated in more than one county then the original list must be filed in the county where the greater portion of the lands of said district is situated and copies thereof certified by the treasurer must be filed with the treasurer of each of the other counties. No objection to such assessment shall be considered by the board of supervisors or allowed in any other action or proceeding unless such objection shall be made in writing to the board of supervisors as above specified.

Order.

Filing
of list.

Actions.

Any person aggrieved by the decision of the board of supervisors may commence an action in the superior court of the county in which the greater part of such district is situated to have said assessment corrected, modified or annulled. Such action must be commenced within five (5) days after said assessment list has been filed in the office of the county treasurer. If said action shall not be commenced within five (5) days, no action or defense shall thereafter be maintained attacking the legality of said assessment in any respect.

Lien.

Payment.

After said approved assessment list has been so filed the charges therein specified shall be a lien upon the parcels of land so assessed and shall impart notice thereof to all persons. Said assessment shall be called for immediate payment and shall become delinquent by declaration made in said resolution at a specified date at least five days prior to the date fixed for the sale of said refunding bonds; and at least thirty days time to pay said assessment shall be given to the landowners between the date of call and the date of delinquency. Said assessment shall not bear interest and shall be payable only in gold coin of the United States. Notice of said assessment and of said call thereon must be personally served upon each owner of land in said district or in lieu of personal service must be sent through the mail addressed to said owner at his place of residence if known, or entered upon the assessment roll of the county and if not known, at the place where the principal office

Notice.

of the district is situated or be published once a week for two weeks successively in some newspaper of general circulation and devoted to the publication of general news within the district and if no such newspaper be published within the district then publication may be made in some newspaper published in the county seat of the county where the greater portion of said district is situated. Upon delinquency a penalty of ten per cent shall be added. If the landowners in any district shall voluntarily pay to the treasurer of the county, on the call of the board of trustees without the levy of such assessment, the amount required by the board of trustees for the aforesaid purposes as prorated on the lands in the district as herein provided then no such assessment shall be levied.

Voluntary
payment.

If a sale of said refunding bonds is consummated by payment of the purchase price thereof and the delivery of the bonds then the board of trustees of the district shall proceed to enforce payment of any delinquencies in the said assessment in the manner set forth in section 3466 of this code, and the provisions of said section 3466 shall apply to all subsequent proceedings in enforcing collection of said assessment. For the sale of said bonds the said treasurer shall give notice by publication at least once a week for at least two weeks in a newspaper of general circulation published in the main county, that he will sell a specified amount of said refunding bonds, and stating the day, hour and place of said sale, and asking for sealed proposals for the purchase of said refunding bonds, or any part thereof. At the time appointed for said sale, which shall be in any event at least ninety-five days prior to the date of maturity of the principal of said outstanding bonds to be so refunded by the sale of said refunding bonds, the county treasurer shall open the bids and award the said refunding bonds, or any designated number thereof, to the highest responsible bidder, but at a price in no event less than ninety per cent of the full face value of said refunding bonds. The county treasurer may, and upon written request of a majority of the trustees, must, reject any and all bids. Any sale by the county treasurer shall be conclusive evidence in favor of the purchaser and all subsequent holders of said refunding bonds that such sale was made upon due authority and notice. A proper record of such transaction shall be made upon the books of the county treasurer and the proceeds of the sale of the said refunding bonds shall be placed in the county treasury to the credit of the bond fund of the district, and the said proceeds shall be used and applied only in payment, in whole or in part, of the principal of the outstanding bonds to be refunded by the said refunding bonds so sold.

Delin-
quencies.

Sale
of bonds

All refunding bonds not so sold and issued at least ninety-five days prior to the day on which the outstanding bonds to be refunded thereby shall mature, shall be forthwith canceled by the said county treasurer and shall never be an obligation of the district.

Unsold
bonds.

Payment
of bonds

The principal and interest of refunding bonds shall be based on and payable out of the assessment or assessments upon which the bonds so refunded were payable, in accordance with the provisions of section 3480 of this code.

Payment
for bonds.

The purchaser of any refunding bonds may use in payment at their par value with accrued interest any bonds of the maturities and series which will be paid by the proceeds of the sale.

Use of
proceeds.

If the amount for which any portion of said refunding bonds shall be sold exclusive of accrued interest shall be less than the face value thereof then to the extent necessary for the purpose the county treasurer shall use the proceeds of said assessment together with the proceeds from the sale of said refunding bonds to meet the principal of said bonds so next maturing. Interest on said refunding bonds from date of sale to the first interest payment date shall be paid from the proceeds of said assessment. Thereafter any surplus of said assessment shall be returned by the county treasurer pro rata to those who paid it.

New section.

SEC. 4. A new section is hereby added to the Political Code to be numbered 3468 and to read as follows:

Payment of
outstanding
matured
warrants.

3468. If, upon the first day of January in any year, there shall be any outstanding unpaid matured warrants of the district, then

(a) The board of trustees shall proceed forthwith under section 3466 of this code to call and collect such portion of the principal and interest of any available outstanding assessment upon the lands in the district as shall be necessary to pay said warrants and any other warrants of the district which shall mature for payment within ninety days after said January first;

(b) If there is no available outstanding assessment upon the lands in the district then the board of trustees shall proceed at once and with due diligence to have such assessment levied under any appropriate method provided in section 3456 of this code and thereafter shall call and collect said assessment in the manner provided by law to the amount necessary to pay said warrants, but nothing in this section contained shall prevent said board of trustees from making other arrangements with holders of warrants of the district.

New section.

SEC. 5. A new section is hereby added to the Political Code to be numbered 3493a and to read as follows:

Expenses
of county
treasurer.

3493a. The county treasurer shall present to the board of trustees of the district, from time to time, a statement of all expenses incurred or to be incurred by him in performing his duties under section 3480 and 3480a of this code concerning bonds and refunding bonds of the district and thereupon said board shall issue warrants to the county treasurer due immediately, in payment thereof.

SEC. 6. Section 3457 of the Political Code is hereby amended to read as follows: Stats. 1921, p. 343, amended.

3457. Form of reclamation district warrants. Except as herein otherwise provided, all warrants drawn by the trustees must be in substantially the following form: Form of reclamation district warrants.

FACE.
No. _____ \$ _____

Office of the board of trustees of
Reclamation District No. _____

The treasurer of _____ county will pay to the order of _____ out of Reclamation District No. _____ fund the sum of _____ dollars for _____ allowed by the board of trustees of said Reclamation District No. _____
Dated _____ 192__

Attest:

Trustees.

Secretary.

REVERSE.

Pay to _____ or order
Presented for payment but not paid for want of funds, this _____ day of _____ 192__
Treasurer of _____ county.

Approved by the board of supervisors of _____ county this _____ day of _____ 192__

Chairman of board of supervisors.
Attest:

Clerk of board of supervisors.

When registered this warrant bears interest at the rate of seven per cent per annum, computed from the date thereof.

This warrant will outlaw and can not legally be paid four years after date, unless it is payable by its terms at a future date, in which event it will outlaw and can not be legally paid four years after maturity, or unless extended one or more times.

Interest on warrants. The warrants drawn by the trustees must be presented to the treasurer of the county, and if they are not paid on presentation, such indorsement must be made thereon, and they must be registered and bear interest from their date at the rate of seven per cent per annum, and such warrants are and shall be considered as contracts in writing Interest on warrants

for the payment of money, and the period prescribed for the commencement of an action based upon said warrants, or connected therewith, is and shall be the term of four years from the date of said warrants, unless said warrants are payable by their terms at a future date, in which event the said term of four years shall not commence until the maturity of said warrants; *provided, however*, that all warrants shall be approved by the board of supervisors before the same shall be paid or registered by the county treasurer.

All warrants shall be paid by the county treasurer strictly in the order in which they have been registered, except warrants which are by their terms payable at a future date and such warrants shall be considered as being registered as of the date of their maturity, if actually registered at or prior to maturity, otherwise as of the date of actual registration.

Warrants
outstanding
one year
or more

Warrant outstanding one year or more. Whenever a warrant shall have been outstanding one year or more, or where a warrant is by its terms not payable upon demand but is payable at a future date and payment thereof is overdue one year or more, the board of trustees shall on demand of the holder of said warrant cancel the same and issue a new warrant for the face value of the old warrant and a separate warrant for the amount of interest then due thereon in the event of any interest being due and unpaid; or, the board of trustees may allow a claim for the amount of any interest due and unpaid on any warrant so outstanding one year or more and may draw a warrant therefor; upon drawing this warrant they shall indorse on the reverse of the old warrant the fact that interest has been paid to the date of drawing the warrant for interest and the warrant drawn for the interest must state that it is for interest on warrant No. _____ to _____ (date); the board of trustees shall notify the county treasurer upon drawing those warrants for interest and he shall note on his register of warrants the fact that interest has been paid on such warrants; *provided*, that any warrant not paid or presented for reissuance may within four years after its date or within four years after its maturity if payable by its terms at a future date upon the demand of the holder, be extended one or more times until repayment or reissuance, for a like period of four years from the date of each extension, upon presentation to the board of trustees of the district, such extension being indorsed thereon by said board. The board of trustees and the county treasurer may cancel all warrants which have not been paid or reissued or which have not been extended one or more times, within four years after their date, or within four years after their date of maturity, if payable by their terms at a future date. Warrants issued for interest shall not bear interest. All warrants which have been issued since January 1, 1915, by any reclamation district, and which have been extended one or more times, and which have not,

before the passage of this act, been paid, reissued or canceled, are declared to be as valid and binding against said district as when originally issued.

In case an action or proceeding based upon any warrant or connected therewith, be commenced within four years after the date of such warrant, or within four years after the maturity thereof, if payable by its terms at a future date, and final judgment be obtained in favor of the holder or owner thereof, such warrant shall be paid the same as if it has been paid before the expiration of said four years from the date of said warrant.

Determination of amount due. In any proceeding for a writ of mandate to compel the trustees to issue a warrant, if a controversy arises as to the amount that may be due to the plaintiff, the court must determine the same in the manner provided for determining controversies in other civil actions, and shall cause a writ to issue for such sums as may be found to be due. The date of a warrant shall be the day on which the same is signed by the board of trustees.

The trustees may issue warrants payable at a future date, and more than three years from the date thereof, and for this purpose may use the form of warrant herein provided for, adding thereto upon the face thereof that it is not due or payable until a certain date, which shall be specified.

Warrants when assessment is unpaid. Where there is an existing assessment on the lands in any district which is wholly or in part unpaid the trustees may issue warrants, including warrants payable at a future date, on which the interest shall be paid semiannually on January first and July first of each year, until such warrant is paid, and for this purpose may use the form of warrant herein provided for, adding thereto upon the face thereof that interest thereon is payable semiannually on January first and July first of each year upon presentation of the warrant to the county treasurer. Said interest shall be paid upon presentation to the county treasurer who shall indorse upon the reverse side of such warrant the fact of such interest payment, specifying the amount thereof and date of payment.

The interest due at any time on any unpaid assessment, or any part or installment thereof, may be called at any time by the trustees of the district without calling any installment of the said assessment. All interest hereafter paid on any assessment or any part or installment thereof shall be deposited with the county treasurer in a fund to be known as the "warrant interest fund" and shall not be used for any purpose except the payment of interest on warrants unless the trustees of the district request the county treasurer to transfer the same, or a part thereof, to the general fund of the district.

At least ninety days before any installment of interest is due on any warrants interest on which is payable semiannually the trustees of the district shall estimate the amount of money necessary to pay such interest after crediting thereon

Determination of amount due.

Warrants when assessment is unpaid.

the funds in the "warrant interest fund" applicable to the payment thereof and shall add thereto fifteen per cent of such aggregate sum to cover possible delinquencies and make a call on interest due on any unpaid assessment equivalent to said amount. All laws relative to the making of calls on any assessment, or installment thereof, and the sale of property for nonpayment thereof, and redemption thereof, shall be applicable to the making of calls for interest only as herein provided and for the sale of property for nonpayment thereof, and redemption thereof.

Payment
before
maturity.

Payment before maturity. Notwithstanding anything herein contained to the contrary it shall be the duty of the county treasurer to pay all or any warrants payable at a future date, before the maturity thereof, upon the request of the trustees of the district providing there is in the hands of such treasurer sufficient funds so to do, after payment of all outstanding warrants of the district payable upon demand.

New section.

SEC. 7. A new section is hereby added to the Political Code to be numbered 3493b and to read as follows:

Replacement
of lost, de-
stroyed,
mutilated or
defaced
bonds and
warrants.

3493b. Whenever it shall be made to appear to the board of trustees of a district by clear and unequivocal proof that any bond or warrant of the district, without bad faith on the part of the holder, has been lost or destroyed or has been so mutilated or defaced as to impair its value to the holder thereof and such instrument is capable of being identified by number and description the board of trustees may issue or cause to be issued a duplicate thereof having the same maturity, bearing like interest and having the same number as the bond or warrant so proved to have been lost, destroyed, mutilated or defaced. The holder of such bond or warrant desiring to have a duplicate issued for the same shall make a written application therefor to said board of trustees setting forth the facts, and shall accompany such application with a deposit of such sum of money as shall be deemed sufficient by said board of trustees to cover the cost of preparing and issuing said duplicate. In case of a lost or destroyed bond or warrant said holder shall also file with said application a bond in double the face value of said lost or destroyed bond or warrant to be approved by said board of trustees and conditioned to indemnify and save harmless said district for any claim upon said lost or destroyed bond or warrant; and, in case of a mutilated or defaced bond or warrant, said holder shall deliver the same to said board of trustees for cancellation. Said bond of indemnification shall be executed jointly and severally by said holder and a corporate surety approved by the board of trustees of the district and duly authorized to do business and doing business in the State of California under the laws thereof. The board of trustees thereupon shall pass a resolution setting forth the facts, the filing of said application and the compliance with the conditions herein prescribed and directing the officer or officers who had charge in the first

instance of preparing and issuing the original bond or warrant to issue or caused to be issued a duplicate thereof as herein provided. Said duplicate bond or warrant shall be signed by the same officers and issued in all respects as nearly as possible as the original instrument, and thereafter the duplicate issued in accordance with the provisions of this act shall have all the force, effect and validity of the original bond or warrant.

SEC. 8. Section 3466 of the Political Code is hereby amended to read as follows: Stats. 1917,
p 1206,
amended.

3466. At the end of thirty days unless bonds shall have been authorized the treasurer must return the list to the board of trustees of the district, and all unpaid assessments shall thereafter bear interest at the rate of seven per cent per annum. Thereafter all unpaid assessments and accrued interest shall be collected by and paid to the county treasurer, or the board of trustees may designate an agent to effect such collection who shall deposit said moneys with the county treasurer to the credit of the district. Whenever the board of trustees shall appoint an agent to collect assessments, they shall require that such agent give a bond in such an amount as they may consider sufficient for the faithful performance of his duties. All such payments shall be made in separate installments, of such amounts, and at such times, respectively, as the said board, from time to time, in its discretion by order entered in its minutes may direct. Upon making such order the secretary shall also enter in the minutes of the board a notice in substantially the following form: Collection
of unpaid
assessments.

(Name of reclamation district, location or principal place of business.) Notice is hereby given that at a meeting of the board of trustees held on the (date), an installment of (amount) was ordered paid within sixty days from date thereof to ----- at ----- Any installment which shall remain unpaid on the (day fixed) will be delinquent together with the accrued interest thereon. Installment
notice.

The notice must be personally served upon each owner of land in said district, or in lieu of personal service, must be sent through the mail addressed to such owner at his place of residence, if known or entered upon the assessment roll of the county, and if not known, at the place where the principal office of the district is situated, or be published once a week for two weeks successively in some newspaper of general circulation and devoted to the publication of general news, within the district, and if no such newspaper be published within the district then publication may be made in some newspaper published in the county seat of the county where the greater portion of said district is situated. Service
of notice.

If any such installment shall remain unpaid at the expiration of said sixty days from the date of the order, then the whole remaining uncalled portion of said assessment shall become delinquent together with the accrued interest thereon and a penalty of ten per cent of the amount of said installment Delinquent
installments.

and interest shall be added thereto and collected for the use of the district.

Delin-
quency list

Immediately after the said installment has become delinquent, the trustees of the district must publish in one notice a list of all of said delinquencies at least once a week for two weeks in some newspaper of general circulation published in the county where said district or the greater part thereof is situated, which notice shall contain a description of the property assessed, the name of the person to whom it is assessed, or a statement that it is assessed to unknown owners, if such is the fact; the amount then due on said property, and a notice that the property assessed will be sold on the date therein stated, in front of the courthouse of said county to pay the amount then due on said property. The date of said sale shall be not less than ten days after the date of the last publication of said notice. And at said time stated in said notice, or such other time to which said sale may have been postponed, the trustees must sell said property to the highest bidder for gold coin of the United States. Out of the proceeds of said sale the trustees must pay the amount due on said property as shown in said notice to the county treasurer who shall place the same in the proper funds of said district. The trustees must pay to the owner of said property any surplus remaining after such payment to the county treasurer. The trustees may postpone said sale from time to time for not less than ten nor more than thirty days at any one time by a written notice posted at the place of sale.

Sale of
property.

Purchase
by district.

If no bid is made for said property equal to the amount due thereon, the district shall become the purchaser, and the said property must be struck off to the district for said amount. A certificate of such sale shall be executed by the trustees to the purchaser, or to the district, if the property shall have been struck off to the district, and said certificate of sale shall be recorded in the office of the county recorder of said county.

Redemption.

Any person interested in said property may redeem the same at any time within one year after the date of said sale, by paying to the county treasurer the amount for which said property was sold, and interest on the said sums at the rate of two per cent per month from the date of said sale. If no redemption shall be made within said one year the purchaser, or the district, if said property shall have been sold to the district, shall be entitled to a deed executed by said trustees and the effect of such deed shall be to convey said property free of all liens and incumbrances excepting state, county and municipal taxes and any prior or subsequent district assessment and any taxes or assessments of irrigation, conservation or water storage districts. The trustees may sell said property

Deed to
purchaser.

Sale at pub-
lic auction.

at any time at public auction after notice given for the said period and in the same manner as is herein provided for sales for delinquent assessments, but not for a sum less than the amount for which said property was sold together with any

call that has been made upon any prior or subsequent assessment and the deed executed in pursuance of such sale shall convey said property free of all liens and incumbrances excepting state, county and municipal taxes and any prior or subsequent district assessment and any taxes or assessments of irrigation, conservation or water storage districts.

Assessments heretofore made in any reclamation district shall be validated and collected in the manner provided by law at the time such assessments were made. Prior assessments

CHAPTER 760.

An act to amend the "workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, by repealing section twenty-five thereof, relating to principal and contracting employers.

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 25 of the "workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, is hereby repealed. Stats. 1917, p. 853, repealed

CHAPTER 761.

An act to amend section fifty-one of an act entitled "workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, relating to disposition of moneys; abolishing the accident prevention fund and disposing of balance in said fund; and making an appropriation for support of industrial accident commission.

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 51 of an act entitled "workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, is hereby amended to read as follows: Stats. 1917, p. 855, amended.

Sec. 51. All fees imposed and collected under prosecution for violation of the provisions of sections 30 to 54 of this act shall be paid into the state treasury to the credit of the general fund. In addition to other sources of income heretofore provided by law to be deposited to the credit of the "Accident prevention fund," the state compensation insurance fund shall pay into the state treasury to the credit of the general fund, on or before the first Monday in July, 1924, and annually thereafter, the sum of two and six-tenths per cent upon the amount Payments to state treasury.

of the gross premiums received by it upon its business done in this state during the preceding calendar year, less the return premiums and reinsurance in companies or associations authorized to do business in this state which payment is intended to be the equivalent to the taxes imposed upon private insurance companies by the laws of this state relating to revenue and taxation. The commission shall account to the state board of control and the state controller all moneys so received, furnishing proper vouchers therefor. The accident prevention fund is hereby abolished and the balance in such fund when this act takes effect shall be transferred to the general fund. Out of any funds in the state treasury, not otherwise appropriated, there is hereby appropriated the sum of two hundred four thousand dollars for support of industrial accident commission for the seventy-ninth and eightieth fiscal years.

Appropriation

CHAPTER 762.

An act to amend section eleven of the workmen's compensation, insurance and safety act, approved May 26, 1913, as amended, and repealing an act entitled "An act creating an 'industrial accident fund' and appropriating moneys therein," approved May 26, 1913.

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1913,
p. 233,
amended.

SECTION 1. Section 11 of the "workmen's compensation, insurance and safety act," approved May 26, 1913, as amended, is hereby amended to read as follows:

Powers.

Sec. 11. The commission shall also have power and authority:

Fees.

1. To charge and collect the following fees: For copies of papers and records not required to be certified or otherwise authenticated by the commission, ten cents for each folio; for certified copies of official documents and orders filed in its office or of the evidence taken on proceedings had, fifteen cents for each folio.

Reports.

2. To publish and distribute in its discretion from time to time, in addition to its annual report to the governor of the state, such further reports and pamphlets covering its operations, proceedings and matters relative to its work as it may deem advisable.

Charges.

3. To fix and collect reasonable charges for publications issued under its authority.

Disposition
of fees.

4. Fees charged and collected under this section shall be paid monthly into the treasury of the state and credited to the general fund and shall be accompanied by a detailed statement thereof.

SEC. 2. An act entitled "An act creating an 'industrial accident fund' and appropriating moneys therein," approved May 26, 1913, is hereby repealed. Stats 1913, p. 326, repealed.

CHAPTER 763.

An act to provide that the department of natural resources, through the state park commission, shall have control of the state park system; to establish and define the state park system; to define certain powers and duties of the state park commissioner; to make an appropriation for carrying out the purposes of this act; and to establish a contingent fund and a revolving fund.

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. The department of natural resources, through the state park commission, shall have control of the state park system of California. Control of state parks.

SEC 2. All parks, public camp grounds, monument sites, and landmark sites, and sites of historical interest, outside the limits of incorporated cities, heretofore or hereafter created or acquired by the state or which are under its control shall constitute the state park system. State park system.

SEC. 3. The state park commission shall administer, protect and develop the state park system for the use and enjoyment of the public, and it shall have power to establish rules and regulations for the government and administration of the state park system, not inconsistent with law; to enter into contracts with cities, counties, or other subdivisions of the state, for the care, and maintenance of park areas; and to expend all moneys of the state park commission from whatever source derived for the care, protection, supervision, extension and improvement or development of the state park system. Administration of state park system

It shall be the duty of the state park commission to gather, digest and summarize in its annual reports to the governor of the state information concerning the state park system and the relation thereto of other available means for conserving, developing and utilizing the scenic and recreational resources of the state.

SEC. 4. The state park commission shall have the power, right, and authority within its discretion to receive and accept in the name of the people of the State of California any gift, devise, grant, or other conveyance of real property or any interest therein including water rights, roads, trails, and rights of way, to be added to or used in connection with the said park system; to receive and accept by gift, donation, contribution, or bequest money to be used in acquiring real property Acquisition of property.

or any interest therein; or improving the same, as a part of or in connection with the state park system; or for any of the purposes for which this commission is created; also to receive and accept personal property in the same manner for purposes connected with said park system. The state park commission with the consent of the governor and the board of control may acquire by purchase or by condemnation proceedings brought in the name of the people of the State of California such real and personal property or any interest therein as the commission shall deem necessary or proper to the extension, improvement, or development of the state park system.

Contracts
with cities,
counties, etc

SEC. 5. Contracts may be entered into between the state park commission and cities, counties and other political subdivisions of the state for the care, maintenance, and control for the purposes of the state park system by either party to such a contract of lands under the jurisdiction of the other party to such a contract and the expenses of such care, maintenance, and control may be paid from the general fund of such city, county, or other political subdivision of the state or from the funds of the state park commission as the case may be.

Police
regulations.

SEC. 6. It shall be the duty of the state park commission to protect the state parks from damage and to preserve the peace therein.

Any person who violates the rules and regulations established by the state park commission shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding ninety days, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

The commission shall have the power to confer on the chief of the division of parks and such other employees as they may designate, the full authority and powers of peace officers for said parks.

Contingent
fund

SEC. 7. There is hereby created the state park contingent fund. All moneys collected or received from gifts or bequests, or from municipal or county appropriations or donations for the improvement and/or additions to the state park system shall be deposited in the state treasury to the credit of said contingent fund. All moneys so deposited shall be used for the improvement and/or administration of state parks and/or the acquisition of additional lands and properties for the state park system, in accordance with the terms of the gift, bequest or municipal or county appropriation or donation from which the said moneys are derived. All moneys collected by the state park commission from fees or charges shall be deposited in the general fund of the State of California.

Revolving
fund

SEC. 8. There is hereby created a revolving fund for the use of the state park commission. With the approval of the state board of control the California state park commission may draw from the funds appropriated or the contingent fund

herein provided, without first submitting vouchers and itemized accounts to a sum not to exceed five thousand dollars to be used for cash advances, which sum must at any time upon demand of the state board of control or state controller be accounted for by the said commission.

SEC. 9. Out of any money in the state treasury not otherwise appropriated there is hereby appropriated the sum of twenty-five thousand dollars for the purpose of this act. Appropriation.

SEC. 10. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of the act. The Legislature hereby declares that it would have passed this act with each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional. Constitutionality

SEC. 11. All acts or parts of acts inconsistent with this act are hereby repealed. Repealed

CHAPTER 764.

An act authorizing the state park commission to make a survey and report on sites suitable for state parks; authorizing the commission to receive gifts of money for the purpose of carrying on this survey; and providing for an appropriation for the carrying on of this survey and repealing an act entitled "An act relating to the acquisition by the state of forest land for park purposes; authorizing the state board of forestry to make a survey and report on all suitable forest park sites in the state; providing a method for procuring such parks by purchase, gift, devise, donation or condemnation proceedings, or proceedings in eminent domain and for procuring money for the acquisition and maintenance thereof, and prescribing the procedure therefor; reserving certain rights to the owners of land adjacent to the lands so acquired; providing for assistance by the attorney general; vesting the state board of forestry with jurisdiction and control of such parks after their acquisition by the state and of any funds provided for the purchase or maintenance thereof; providing for the expenses of said board in carrying out the purposes of this act; and prescribing the procedure for carrying out the provisions of this act," approved May 29, 1923.

(I object to the item of twenty-five thousand dollars in Section 4 of Senate Bill Number 440, and reduce the amount to fifteen thousand dollars. With this reduction, I approve the bill Dated May 25, 1927
C. C. YOUNG, Governor.)

[Approved by the Governor May 25, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. The department of natural resources, through the state park commission is hereby authorized and directed State parks sites survey.

to make a survey to determine what lands are suitable and desirable for the ultimate development of a comprehensive, well-balanced state park system, and to define the relation of such a system to other means of conserving and utilizing the scenic and recreational resources of the state; to make a report embodying the results of the survey; to make recommendations regarding the means by which such a park system can be acquired. Said report and recommendations shall be filed with the secretary of state on or before December 31, 1928.

Gifts.

SEC. 2. The state park commission is hereby authorized to receive and accept at any time, by gift, donation, contribution, or bequest, money to be used for said survey.

Stats 1923,
p. 495,
repealed.

SEC. 3. An act entitled "An act relating to the acquisition by the state of forest land for park purposes; authorizing the state board of forestry to make a survey and report on all suitable forest park sites in the state; providing a method for procuring such parks by purchase, gift, devise, donation or condemnation proceedings, or proceedings in eminent domain and for procuring money for the acquisition and maintenance thereof, and prescribing the procedure therefor; reserving certain rights to the owners of land adjacent to the lands so acquired; providing for assistance by the attorney general; vesting the state board of forestry with jurisdiction and control of such parks after their acquisition by the state and of any funds provided for the purchase or maintenance thereof; providing for the expenses of said board in carrying out the purposes of this act; and prescribing the procedure for carrying out the provisions of this act," approved May 29, 1923, is hereby repealed.

Appropriation.

SEC. 4. Out of any moneys in the state treasury not otherwise appropriated, the sum of twenty-five thousand dollars is hereby appropriated to be expended in accordance with law for the purpose of carrying out the provisions of this act.

CHAPTER 765.

An act to provide for the issuance and sale of state bonds to be known as "California state park bonds," to provide for and create a fund for the acquisition of lands and other properties in California for state park purposes; authorizing the expenditure of said funds for the purposes herein enumerated, creating a state park finance board, creating an interest and sinking fund for the payment of interest on said bonds and the redemption of the same, and making appropriation therefor, making an appropriation of ten thousand dollars for the expense of printing, lithographing and selling said bonds, designating the name by which

this act shall be known, and fixing the time at which this act shall be and become effective.

[Approved by the Governor May 25, 1927.]

The people of the State of California do enact as follows:

SECTION 1. In accordance with the provisions and subject to the limitations hereinafter in this act set forth, the state park commission of the State of California is hereby authorized and directed to acquire as a part of the California state park system such lands and other properties as in the judgment of the state park commission shall be suitable for that purpose. For the purpose of meeting the cost of such acquisition, the State of California shall incur an indebtedness in the manner provided by this act in the sum of six million dollars. Acquisition of state park lands.

SEC. 2. Immediately upon the taking effect of this act, Bonds. the state treasurer shall prepare six thousand suitable bonds of the State of California negotiable in form and payable to the bearer and expressing on their face the obligation of the State of California to pay in gold coin of the United States the principal amount thereof at the respective dates of maturity hereinafter specified, together with interest as hereinafter provided for, in the denomination of one thousand dollars each. Said bonds shall be known and designated as California state park bonds and shall be numbered consecutively from one to six thousand, and shall bear date the second day of January, 1929. Said bonds as originally prepared shall not contain a statement of the interest to be paid, but appropriate blanks shall be left upon the face of each of said bonds for the insertion of the rate of interest to be paid as hereinafter provided. The total issue of such bonds shall not exceed the principal sum of six million dollars. Said bonds and interest thereon shall be payable in gold coin of the United States at the office of the state treasurer at the time and in the manner following, to wit:

The first two hundred fifty of said bonds shall be due and payable on the second day of January, 1934, and two hundred fifty of said bonds in consecutive numerical order shall be due and payable on the second day of January of each and every year thereafter until and including the second day of January, 1957.

The interest accruing on all of said bonds that shall be sold shall be payable at the office of the state treasurer on the second day of January and on the second day of July of each and every year after the sale of the same. The interest on all bonds issued and sold shall cease on the day of their maturity and the said bonds so issued and sold shall on or after the day of their maturity be paid as herein provided and shall thereupon be canceled by the state treasurer. All bonds issued pursuant to the provisions of this act shall be signed by the governor of the state, countersigned by the state controller, and indorsed

by the state treasurer, and the said bonds shall be so signed, countersigned and indorsed by the officers who are in office on the second day of January, 1929; *provided*, that in the event of the death, resignation, removal from office, expiration of term of office or disability of any or either of said officers prior to the signing, countersigning or indorsing of said bonds, as the case may be, the officer authorized by law to succeed to or perform such officer's general duties, may sign, countersign or indorse the same, as required, in his place and stead, with like authority and effect. Each of said bonds shall have the seal of this state impressed thereon. The said bonds signed, countersigned, indorsed and sealed, as herein provided, when sold shall be and constitute a valid and binding obligation upon the State of California, though the sale thereof be made at a date or dates after the person so signing, countersigning and indorsing, or any of them, shall have ceased to be the incumbents of said office or offices, and though the rate of interest shall be inserted upon the face of said bonds or any of them as hereinafter authorized and provided, at a date or dates after said bonds shall be so signed, countersigned, indorsed and sealed.

Interest.

SEC. 3. Attached to each of said bonds, there shall be an interest coupon for each semiannual payment of interest thereon, negotiable in form and payable to bearer and expressing the obligation of the State of California to pay the amount of the semiannual payment of interest in gold coin of the United States at the time of maturity thereof. Said interest coupons shall be so attached that each may be detached without injury to or mutilation of said bond or injury to, mutilation of, or detachment from said bond of the remainder of such coupons, the time of payment of which has not yet been reached, which coupons shall be consecutively numbered in the chronological order of their time of payment and shall bear the lithographed signature of the state treasurer. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the day of sale thereof, except to the extent to which accrued interest shall have been paid to the state at the time of such sale by the purchaser of said bond.

Finance
board

SEC. 4. There is hereby created a state park finance board composed of the governor, state controller, state treasurer, chairman of the state board of control and chairman of the state park commission, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said board. Said state park finance board shall from time to time, so long as the bonds herein authorized or any part of them remain unsold, determine when the same or any part thereof shall be sold, the number to be sold, and the interest rate thereon, which rate shall be fixed by the said board according to the then prevailing market conditions, but

shall at no time exceed six per cent per annum, and the determination of said board as to the rate of interest shall be conclusive as to the then prevailing market condition. When requested by said board, the state treasurer shall prepare such number of bonds as may be requested, inserting upon the face of each of said bonds such interest rate as said board has determined and authorized, and when so prepared said bonds shall be sold and delivered as in this act provided. In the event that any bonds prepared as herein provided cannot in the judgment of said state park finance board be sold at the time fixed for the sale thereof or thereafter, said board may withdraw said bonds from sale and direct the state treasurer to cancel and destroy the same and may at said time or thereafter at its option direct the preparation and sale, as herein provided, of the same or a different number of bonds, but not to exceed in all the amount herein authorized, and at the same or a different rate of interest, but not to exceed six per cent per annum, and it shall be the duty of the state treasurer to obey any and all directions of said board as herein authorized to cancel and destroy bonds and prepare and sell new bonds. In the event that bonds in addition to those directed in section 2 of this act originally to be prepared must be prepared in order to fulfill the provisions of the sentence immediately preceding this, such bonds shall be signed by the governor of the state, countersigned by the state controller, and indorsed by the state treasurer, who hold office at the time of the preparation of such additional bonds, with like authority and effect as if the same were signed by the governor of the state, countersigned by the state controller, and indorsed by the state treasurer who were in office on the second day of January, 1927.

SEC. 5. When the bonds authorized by this act to be issued shall have been signed, countersigned, indorsed and sealed, as in this act provided, the state treasurer shall from time to time sell such number thereof as the said state park finance board may direct, to the highest bidder for cash. The state park finance board shall from time to time issue such direction to sell such bonds as in the opinion of a majority of said state park finance board shall be deemed necessary or expedient; *provided*, that said state park finance board shall issue to the state treasurer such direction immediately after being requested so to do through and by resolution duly adopted and passed by a majority vote of the state park commission. Such resolution of the state park commission shall specify the amount of money which in the judgment of said state park commission shall be required at such time, and the said state park finance board shall direct the state treasurer to sell such number of bonds as will at the par value thereof equal said amount of money so required according to such resolution of the state park commission. Each such resolution of the state park commission shall embody and contain a certificate of the following facts:

Sale of
bonds.

Sale of
bonds
(cont'd)

1. That the amount of money specified is required to enable the state park commission to fulfill the terms of a certain contract (describing it in general terms sufficient to identify it), and that said contract has been duly executed by all of its parties; or that an award or valuation in condemnation proceedings has been made which is equal to the amount of money specified.

2. That there are not available funds in the California state park fund of 1927, hereinafter referred to, sufficient to pay the purchase price or money obligation specified in said contract, or award in condemnation proceedings, to be paid by the State of California; or if there are funds in amount sufficient for such purpose, that such funds have been and are allocated to the payment of other obligations incurred or contracted for by the said state park commission; or if some or all of said funds in said California state park fund of 1927 are not allocated to the payment of other obligations, that the amount of money required by said resolution, together with such nonallocated funds in the California state park fund of 1927, is not more than ten per cent, more than the amount which will be required to perform the contract or pay the award in condemnation proceedings relating to the project for which funds are required, as stated in said resolution of the state park commission.

Gift of
half of
total value

Anything to the contrary in this act appearing notwithstanding, the state park finance board shall direct the sale of bonds only when there has been deposited with the state treasury a fund from private gift, city or county appropriation, or from some source other than appropriation by the people of the State of California, or the sale of state bonds, which shall be equal to the amount to be realized for the project intended to be accomplished from the sale of bonds as hereinabove provided, except that the state park finance board shall authorize the sale of bonds for the purposes indicated in this act to carry out any park project for the acquisition of lands and properties when it is shown to the satisfaction of the state park finance board that half the total value involved in such project has been provided from sources other than appropriation by the people of the State of California or the sale of state bonds, in the form of land, timber or other properties, or in money, or in any or all such properties. Any and all directions of the state park finance board requiring the state treasurer to sell any of the bonds herein provided for shall be deemed conclusive evidence that all conditions requisite to a valid issuance and sale of the bonds so directed to be sold have been met, performed and complied with.

Bids.

Said bonds shall be sold in consecutive numerical order, save and except that the state treasurer may sell two or more bonds at the same time in one lot, which lot, however, shall be made up of bonds consecutively numbered, the first of which in number shall be the first bond in number yet unsold. The state treasurer shall not accept any bid which is less than the

par value of the bond or bonds bid for and to the amount of the accepted bid there shall be added in each case as a part of the purchase price to be paid by the bidder the amount of interest which shall have accrued on the bond or bonds bid for between the date of purchaser's payment for said bond or bonds and the last preceding interest maturity date. Each bid shall be in writing and signed by the bidder and sealed and shall be deposited with the state treasurer not later than the last business day preceding the date of sale. Each bid shall be accompanied by a deposit with the state treasurer either in cash or by certified check on a reputable bank within the State of California to the order of the State of California of a sum equal to one-tenth of the amount of the par value of the bond or lot of bonds bid for. Such deposit of each unsuccessful bidder shall be returned to him immediately upon the rejection of his bid and such deposit of the successful bidder shall immediately upon acceptance of his bid become and be the property of the State of California and be placed in the California state park fund of 1927, hereinafter referred to, and shall be credited to the successful bidder upon the purchase price of the bond or bonds paid for in case such price is paid in full by him within the time hereinafter prescribed. At the time of sale the state treasurer shall open said bids and accept the bid of the highest bidder for cash, save and except that no bid shall be accepted which shall be lower in amount than the par value of the bonds bid for and that the state treasurer shall reject all bids if instructed so to do by the state park finance board. The purchase price of the bonds sold shall be payable within ten days after the acceptance of the bid therefor, and if not so paid, the successful bidder shall have no right in or to said bonds or by reason of said bid or to the recovery of said deposit accompanying said bid or to any allowance or credit by reason of such deposit.

In case the purchase price is not so paid, the bonds so sold but not paid for shall be resold by the state treasurer upon notice as hereinafter provided in case of original sale. Bonds sold shall be delivered to purchaser immediately upon and not before the payment of the purchase price therefor. Before delivering any of said bonds, the state treasurer shall detach therefrom all interest coupons which have matured before the date of payment of the purchase price therefor. The state treasurer may by public announcement at the time and place fixed by him for said sale continue such sale to such time and place as he may at the time of said continuance designate. When a sale is continued no notice thereof need be given other than the public announcement of such continuance by the state treasurer as just hereinbefore provided. The state treasurer shall give notice of the time and place of sale by publication in one newspaper published in the city and county of San Francisco, and one newspaper published in the city of Los Angeles, and one newspaper published in the city of

Bids
(cont'd).

Notice
of sale.

Oakland, and in one newspaper published in the city of Sacramento, once a week for four weeks next preceding the date fixed for said sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised.

Fund.

SEC. 6. There is hereby created in and for the state treasury a fund to be known and designated as "The California state park fund of 1927," and immediately upon the receipt of the purchase price from each sale of bonds sold as provided in this act, the state treasurer shall pay into the state treasury and cause to be placed in the said California state park fund of 1927, the amount received as the purchase price of said bonds, except such amount as may have been paid as accrued interest thereon. Whenever any of the bonds authorized by this act shall be sold pursuant to a resolution of the state park commission, as provided in section 5 of this act, the funds realized from such sale shall be deemed to be allocated to the accomplishment of the purpose specified in said resolution of the state park commission and shall not be used for any other purpose; *provided, however*, that if after such sale the said state park commission shall certify in writing to the state treasurer and to the state park finance board that the contract intended to be performed by application of the funds realized from such sale of said bonds has been canceled, rescinded or become impossible of performance, or that the project intended to be accomplished through condemnation proceedings has been abandoned or become impossible of performance, and that such contract or award is no longer a valid charge or the basis of a valid claim against the State of California or the said state park commission, then upon the filing of such certificate the said funds shall be released from the purpose to which they were allocated and shall be and become available for the acquisition of any lands and other properties which the said state park commission shall deem suitable to be included in the California state park system. *Provided*, that none of said funds shall be expended unless there shall have been deposited in the state treasury a fund from some source other than appropriation by the people of the State of California, or the sale of state bonds, equal to the amount to be expended from said funds, or a donation equal in value to the amount of said funds intended to be expended shall have been made from sources other than appropriation by the people of the State of California, or the sale of state bonds, in the form of land, timber or other property, or in money, or in any or all of such properties.

Interest
and sinking
fund.

Each and every amount that shall have been paid in any sale of the bonds herein authorized as accrued interest on the bonds sold shall be, by the state treasurer, immediately after such sale, paid into the treasury of the state and placed

in the fund hereinafter mentioned, to be known as the "interest and sinking fund of the California state park bonds."

SEC. 7. Moneys shall be drawn from the California state park fund of 1927 for the purposes of, and specified in, this act upon warrants duly drawn by the controller of the state upon claims made by the state park commission and approved by the state board of control. Warrants.

SEC. 8. There is hereby appropriated from the general fund in the state treasury such sum annually as will be necessary to pay the principal of and interest on bonds issued and sold pursuant to provisions of this act as said principal and interest become due and payable. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum. There is hereby created in the state treasury a fund to be known and designated as the "interest and sinking fund of the California state park bonds." The state treasurer shall on the first day of July, 1927, and on the first day of each January and the first day of each July thereafter transfer from the general fund of the state treasury to said interest and sinking fund of the California state park bonds such an amount of money as shall be required to pay the interest maturing at the next interest payment date on the amount of said bonds sold and outstanding, and shall likewise on the first day of January of the year 1934, and the first day of January of each year thereafter in which any of said bonds sold and outstanding mature, transfer from the general fund of the state treasury to said interest and sinking fund of the California state park bonds such an amount of money as may be required to pay the principal of such bonds sold and outstanding as mature in such year. Recurrent appropriation.

SEC. 9. The principal and interest of all of said bonds which may be sold shall be paid at the time the same become due from said interest and sinking fund of the California state park bonds, and the faith of the State of California is hereby pledged for the payment in full of the principal and interest of said bonds so sold as the same mature. Both principal and interest of the bonds or coupons so maturing shall be so paid upon presentation thereof to the state treasurer on or after the day of the maturity of the same, and the state treasurer is hereby authorized and required to make such payment. Warrants for such payment shall be duly drawn by the state controller upon the request of the state treasurer. Payment of principal and interest.

SEC. 10. The sum of ten thousand dollars is hereby appropriated to pay the expenses that may be incurred by the state treasurer in the printing, lithographing and selling of Expense of issue

said bonds. Said amount shall be paid out of the general fund of the state treasury on the state controller's warrants duly drawn for that purpose.

Records
and reports.

SEC. 11. The state controller and the state treasurer shall keep full and particular account and record of all of their proceedings under this act and they shall transmit to the governor an abstract of all such proceedings thereunder with an annual report to be by the governor laid before the Legislature biannually and all books and papers pertaining to the matters provided for in this act shall at all times be open to the inspection of any party interested, or the governor or the attorney general or a committee of either branch of the Legislature or a joint committee of both or any citizen of the state.

"State
park com-
mission."

SEC. 12. The words "state park commission," whenever used in this act, shall be construed to mean and to designate the commission so entitled and existing at the date of approval of this act by the governor, if any such commission there be, and if not, or in event that said commission shall hereafter be abolished or cease to exist, then said words "state park commission" shall be construed to mean and designate such other board, department, officer or commission as may from time to time be charged with the development and maintenance of the California state park system.

Short title.

SEC. 13. This act shall be known and may be cited as the "California state park bonds act of 1927."

Effective.

SEC. 14. This act shall take effect upon the adoption by the people of the State of California of an amendment to the constitution of the State of California approving, adopting, legalizing, validating and making fully and completely effective this act.

CHAPTER 766.

An act appropriating two hundred thousand dollars to be expended by and under the direction of the department of public works for the purpose of operating and maintaining such of the flood control works of the Sacramento and San Joaquin drainage district as may by law be imposed upon the state.

(I object to the item of two hundred thousand dollars in Section 1 of Senate Bill No 217, and reduce the amount to one hundred and fifty thousand dollars. With this reduction, I approve the bill. Dated May 26, 1927.
C. C. YOUNG, Governor.)

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Appropriation Sacramento and San Joaquin drainage district.

SECTION 1. The sum of two hundred thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, which shall be available July 1, 1927, to be expended by and under the direction of the

department of public works in the operation and maintenance of such of the flood control works of the Sacramento and San Joaquin drainage district as by law may be imposed upon the State of California.

SEC. 2. The sum herein appropriated shall be deposited in the state treasury in a fund to be designated "maintenance fund Sacramento and San Joaquin drainage district" and money shall be drawn therefrom only for the purposes herein stated and upon claims of the department of public works duly supported by vouchers in the manner and through the channels provided by law; *provided, however*, that not more than one hundred thousand dollars of the money contained in said fund shall be expended in any one fiscal year for the purposes herein set forth unless in case of emergency, and then only with the express written consent of the board of control.

CHAPTER 767.

An act to regulate the hunting of deer and to provide for the tagging of the carcass of any deer killed, and to provide for the transportation of lawfully killed deer from an open district into a closed district, and to provide revenue therefrom for fish and game preservation, propagation and protection, and providing a penalty for violation.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Every person who in the State of California hunts, pursues or kills any deer without first procuring a duplicate license tag therefor as provided in this act is guilty of a misdemeanor. Protection
of deer.

SEC. 2. Duplicate license tags granting the privilege to hunt, pursue and kill deer shall be issued and delivered to any person holding a hunting license, for the current license year, upon application by such person in the form herein provided, by the fish and game commission, or their agents, and upon the payment of one dollar by such applicant. Said license shall be prepared by the fish and game commission of suitable size in the form of a duplicate tag and have printed or stamped thereon the words "Deer Hunting License Tag No.----, State of California. Expires December 31, 19----, to accompany Hunting License No.----" with said tag number and appropriate year written or printed thereon together with the other matters and things provided in section 3 hereof; and said fish and game commission shall account to the state controller every three months beginning with the first day of July of each year for all tags sold and on hand. Duplicate
license tags.

SEC. 3. All duplicate license tags issued as herein provided shall be valid authority for the person to whom issued to hunt, Use of tags.

pursue and kill deer during the open season therefor and in such numbers as may be allowed by law. Such duplicate license tag or tags shall continue in force until the licensee shall have killed the number of deer allowed by law to be killed in the open season therefor by any one person of this state; *provided*, such duplicate tags shall be void from and after the date of expiration written or printed thereon. Such licensee shall carry said duplicate license tag at any and all times while hunting deer and upon the killing of any deer said licensee shall immediately write the place, date and time of day of such killing and sign his name on said license tag and attach the original of said license tag to the horns of such deer, and keep the same attached thereto during the open season and for a period of ten days next succeeding the close of the open season; and shall write the place, date, and time of day of such killing and sign his name and address on the duplicate of said license tag and mail the same immediately to the fish and game commission; and shall exhibit upon demand any deer or parts thereof that may be in his possession, or any duplicate license tag or tags obtained as herein provided, to any officer authorized to enforce the fish and game laws of this state or any peace officer of this state.

Application
for tags.

SEC. 4. Every person applying for and securing a license tag or tags as herein provided shall exhibit his hunting license, and furnish to the fish and game commission, or agent appointed by the fish and game commission, his name, resident address, together with a written description of himself by age, weight, nationality and color of eyes and hair, and said application shall set forth the date of issuance and the number of the license tag or tags issued to such person, and the number of his hunting license. The person issuing any license tag or tags as herein provided shall write his name thereon together with the place and date of issuance, and shall write the number of such duplicate license tag or tags, so issued, on the hunting license of the applicant.

Number
issued.

SEC. 5. Any one person holding a hunting license for the current license year shall be entitled upon compliance with the provisions of this act to receive only one duplicate tag for each deer allowed to be killed in the open season under the laws of this state, except upon affidavit by the applicant that a duplicate tag so issued has been lost or destroyed and then only upon payment of the original fee; *provided*, that no duplicate license tag or tags issued as herein provided shall be mutilated, defaced, changed or altered for the purpose of evading the provisions of this act, or transferred to another person, or used by any person other than the one to whom it was issued.

Penalties.

SEC. 6. Every person who makes any false statement as to any of the facts required by this act for the purpose of obtaining a duplicate license tag or tags, and every person violating any of the provisions of this act shall be guilty of a misdemeanor; and, upon conviction, shall be punished by a fine of

not less than fifty dollars, nor more than five hundred dollars, or by imprisonment in the county jail of the county in which the conviction shall be had of not less than twenty-five days, nor more than one hundred fifty days, or by both such fine and imprisonment, and shall forfeit such duplicate license tag or tags as may have been obtained, and no new license tag or tags shall be issued to such person for the remainder of the license year.

SEC. 7. All moneys collected from the sale of license tags, as provided herein, and all fines and forfeitures imposed and collected for the violation of any of the provisions of this act, shall be paid into the state treasury to the credit of the fish and game preservation fund. Disposition
of receipts.

SEC. 8. Any person legally killing a deer in this state may transport said deer into a closed district; *provided*, he shall, before transporting such deer, have the tag herein provided for countersigned by a regular salaried deputy fish and game commissioner or by an officer authorized to administer oaths, and if such officer has an official seal such tag shall, in addition, bear the imprint of such seal. Taking
into closed
districts.

CHAPTER 768.

An act to amend section one thousand one hundred sixty-eight of the Penal Code, relating to sentences under the indeterminate sentence law and prescribing minimum terms of imprisonment to be served in certain cases before parole is granted.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 1168 of the Penal Code is hereby amended to read as follows: Stats. 1917,
p. 685,
amended.

1168. Every person convicted of a public offense, for which public offense punished by imprisonment in any reformatory or the state prison is now prescribed by law, if such convicted person shall not be placed on probation, a new trial granted, or imposing of sentence suspended, shall be sentenced to be confined in the state prison, but the court in imposing such sentence shall not fix the term or duration of the period of imprisonment. Sentence to
confinement.

It is hereby made the duty of the warden of the state prison to receive such person, who shall be confined until duly released as provided for in this act; *provided*, that the period of such confinement shall not exceed the maximum or be less than the minimum term of imprisonment provided by law for the public offense of which such person was convicted. Term limits.

It shall be the duty of the judge before whom such convicted person was tried, and of the district attorney conducting the prosecution, to obtain and with the commitment furnish Information
regarding
convicts.

to the state board of prison directors in writing all information that can be given in regard to the career, habits, degree of education, age, nativity, nationality, parentage, and previous occupation, of such convicted person, together with a statement to the best of their knowledge as to whether such person was industrious or not, of good character or not, the nature of his associates and his disposition.

Period of
confinement.

The governing authority of the reformatory or prison in which such person may be confined, or any board or commission that may be hereafter given authority so to do, shall determine after the expiration of the minimum term of imprisonment provided by law has expired, what length of time, if any, such person shall be confined, unless the sentence be sooner terminated by commutation or pardon by the governor of the state; and if it be determined that such person so sentenced be released before the expiration of the maximum period for which he is sentenced, or before the expiration of the minimum period recommended by the trial court, then such person shall be released at such time as the governing board, commission or other authority may determine, but the following shall be the minimum term of sentence and imprisonment in certain cases, notwithstanding any other provision of this code or any provision of law specifying a lesser sentence:

Minimum
terms.

For a person not previously convicted of a felony, but armed with a deadly weapon either at the time of his commission of the offense or a concealed deadly weapon at the time of his arrest, seven years; for a person previously convicted of a felony either in this state or elsewhere, and armed with a deadly weapon either at the time of his commission of the offense or a concealed deadly weapon at the time of his arrest, fifteen years; and for a person previously convicted of a felony, but not armed with a deadly weapon at the time of his commission of the offense or a concealed deadly weapon at the time of his arrest, seven years; *provided*, that in all such cases the authority authorized by law to fix the term of imprisonment to be served may fix the same upon the expiration of one year from and after the actual commencement of such imprisonment; *and further provided*, that in all such cases there may be allowed to apply upon the term of imprisonment fixed including the minimum term prescribed by this section such credits for good behavior or otherwise as are or may be authorized by law.

Regulations
and forms.

The state board of prison directors shall make all necessary rules and regulations to carry out the provisions of this act not inconsistent therewith, and may provide the forms of all documents necessary therefor:

Discharge.

Any convicted person undergoing sentence in either of the state prisons of this state, not sooner released under the provisions of this act shall, in accordance with the provisions of existing law, be discharged from custody on serving the maximum punishment provided by law for the offense of which such

person was convicted. Nothing in this section contained shall be deemed in any wise to affect or control the admission to parole of any person whose term of imprisonment shall have commenced prior to the first day of September, 1927.

The words deadly weapon as used in this section are hereby defined to include any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sand club, sand bag, metal knuckles, any dirk, dagger, pistol, revolver or other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade and any metal pipe or bar used or intended to be used as a club.

Deadly
weapon.

CHAPTER 769.

An act appropriating money to pay the claim of Percy E. Towne and Peter A. Breen against the State of California.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. The sum of four thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of Percy E. Towne and Peter A. Breen against the State of California.

Appropriation: claim
of Towne
and Breen.

CHAPTER 770.

An act to amend section one thousand two hundred three of the Penal Code, relating to probation of persons arrested for crime, after plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation or the imposition of jail sentence or fine or both or other conditions to fit the crime in connection with probation, and the disposition of such accusation after full compliance with the terms of probation and providing for the creation of offices of adult probation officer, assistant adult probation officer and deputy adult probation officer and fixing their compensation and duties and providing for adult probation boards in said counties and cities and counties.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 1203 of the Penal Code is hereby amended to read as follows:

Stats 1923,
p. 291,
amended.

1203. After the conviction by plea or verdict of guilty of a public offense in cases where discretion is conferred on the court or any board or commission or other authority as to the

Summary determination
of probation.

Investigation
by probation
officer.

Probation.

extent of the punishment the court, upon application of the defendant or of the people or upon its own motion, may summarily or at a time fixed, hear and determine, in the presence of the defendant, the matter of probation of the defendant, and the conditions of such probation, if granted, or in its discretion the court may refer the matter to the probation officer to investigate and to report to the court at a specified time, upon the circumstances surrounding the crime and concerning the defendant and his prior record, which may be taken into consideration either in aggravation or mitigation of punishment. At such time or times fixed by the court, the court may hear and determine such application and in connection therewith may consider any report of the probation officer. And if it should determine that there are circumstances in mitigation of punishment prescribed by law or that the ends of justice would be subserved the court shall have power in its discretion to place the defendant on probation as hereinafter provided; *further provided, however*, that probation shall not be granted to any defendant who at the time of the perpetration of the crime or at the time of his arrest was armed with a deadly weapon (unless at the time he had a lawful right to carry the same) nor to one who used or attempted to use a deadly weapon in connection with the perpetration of the crime, nor to one who in the perpetration of the crime inflicted great bodily injury or torture, nor to any defendant unless the court shall be satisfied that he has never in any place been previously convicted of a felony, nor to any public official or employee of the state, county, city, city and county, or other political subdivision thereof who in the discharge of the duties of his public office or employment accepts or gives or offers to accept or give a bribe or embezzles public money or is guilty of extortion in the discharge of his official duty.

Court's
almost un-
limited
powers of
punishment.

1. The court, judge or justice thereof, in the order granting probation, may suspend the imposing, or the execution of the sentence and may direct that such suspension may continue for such period of time not exceeding the maximum possible term of such sentence, except as hereinafter set forth, and upon such terms and conditions as it shall determine. The court, judge or justice, in the order granting probation and as a condition thereof may imprison the defendant in the county jail for a period not exceeding the maximum time fixed by law in the instant case; may fine the defendant in such sum not to exceed the maximum fine provided by law in such case; or may in connection with granting probation, impose either imprisonment in county jail, or fine, or both, or neither; may provide for reparation in proper cases; and may require bonds for the faithful observance and performance of any or all of the conditions of probation. In counties or cities and counties where road camps, farms, or other public work is available the court may place the probationer in such camp, farms, or other public work instead of

in jail, and subdivision twenty-nine of section 4041 of the Political Code shall apply to probation and the court shall have the same power to require adult probationers to work, as prisoners confined in the county jail are required to work, at public work as therein provided; and supervisors of the several counties are hereby authorized to provide public work and to fix the scale of compensation for such adult probationers in their respective counties. In all cases of probation the court is authorized to require as a condition of probation that the probationer go to work and earn money for the support of his dependents or to pay any fine imposed or reparation condition, to keep an account of his earnings, to report the same to the probation officer and to apply such earnings as directed by the court.

The court may impose and require any or all of the above mentioned terms of imprisonment, fine and conditions and other reasonable conditions, as it may determine are fitting and proper to the end that justice may be done, that amends may be made to society for the breach of the law; for any injury done to any person resulting from such breach and generally and specifically for the reformation and rehabilitation of the probationer; *provided*, that if the probationer should violate the terms and conditions of his probation and the court should deem it just or necessary to revoke such probation, then and in that event any period of time which such probationer may have served in jail or other detention place or any fine paid, under the terms and conditions of his probation, shall be taken into consideration as a part of his punishment, and he shall have a credit therefor to be deducted from his term of confinement or from the amount of any fine imposed upon final judgment. Upon the defendant being released from the county jail under the terms of probation or sooner by order of court, and in all cases where he is not confined in the county jail at the time of granting probation, the court shall place the defendant in and under the charge of the probation officer of the court, during such suspension or period of probation; *provided, however*, that upon the payment of any fine imposed and the fulfillment of all conditions of probation, probation shall cease at the end of the term of probation, or sooner, in the discretion of the court. In counties and cities and counties in which there are facilities for taking finger prints, such marks of identification of each probationer must be taken and a record thereof kept and preserved.

2. At any time during the probationary period of the person released on probation in accordance with the provisions of this section, any probation or peace officer may without warrant, or other process, at any time until the final disposition of the case, rearrest any person so placed on probation under the care of a probation officer, and bring him before the court, or the court may in its discretion issue a warrant for the rearrest of any such person and may thereupon revoke

Additional
punishment.

Rearrest and
revocation of
probation.

and terminate such probation, if the interests of justice so require, and if the court in its judgment, shall have reason to believe from the report of the probation officer, or otherwise, that the person so placed upon probation is violating any of the conditions of his probation, or engaging in criminal practices, or has become abandoned to improper associates or a vicious life. Upon such revocation and termination the court may, if the sentence has been suspended, pronounce judgment after said suspension of the sentence for any time within the longest period for which the defendant might have been sentenced, but if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the person shall be delivered over to the proper officer to serve his sentence, less any credits herein provided for.

Execution of
sentence or
discharge

3. The court shall have power at any time during the term of probation to revoke or modify its order of suspension of imposition or execution of sentence. It may at any time when the ends of justice will be subserved thereby, and when the good conduct and reform of the person so held on probation shall warrant it, terminate the period of probation and discharge the person so held, but no such order shall be made without written notice first given by the court or the clerk thereof to the proper probation officer of the intention to revoke or modify its order, and in all cases, if the court has not seen fit to revoke the order of probation and impose sentence or pronounce judgment, the defendant shall at the end of the term of probation or any extension thereof, be by the court discharged subject to the provisions herein.

Change
of plea.

4. Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, shall at any time prior to the expiration of the maximum period of punishment for the offense of which he has been convicted, dating from said discharge from probation of said termination of said period of probation, be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty; or if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusation or information against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right and privilege in his probation papers. The probationer may make such application and change of plea in person or by attorney authorized in writing; *provided*, that in any subsequent prosecution of such defendant for any other offense such prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed.

5. The offices of adult probation officer, assistant adult probation officer, and deputy adult probation officer are hereby created; *provided*, that except as hereinafter specified the probation officers, assistant probation officers and deputy probation officers appointed under an act known as the juvenile court law and entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, or under any laws amending or superseding the same shall be ex officio adult probation officers, assistant adult probation officers and deputy adult probation officers respectively except in the case of offenses committed in any city and county and in any county or counties not operating under a freeholders' charter and having a population of more than three hundred thousand and under five hundred thousand and also in any county or counties having a population of more than one hundred thousand and under one hundred ten thousand, as the same is determined by the federal census taken in the year anno Domini 1920, in which counties and cities and counties the adult probation officers, assistant and deputy adult probation officers appointed under subdivision six of this section shall serve under this act; *provided, however*, that in all cases of offenses defined by section 21 of said act, known as the juvenile court law and by section 270 of the Penal Code, the same probation officers, assistants and deputies shall serve under this act as are appointed under said juvenile court law.

Adult
probation
officers.

6. In any county having a population of more than nine hundred thousand in any city and county, and in any said county or counties having a population of more than three hundred thousand and under five hundred thousand and also in any county or counties having a population of more than one hundred thousand and under one hundred ten thousand, the judges presiding in the departments designated for the hearing and disposition of criminal cases and proceedings by a majority vote shall by order entered in the minutes of the court in the criminal department or departments thereof,

Adult
probation
boards.

Adult proba-
tion boards
(cont'd).

appoint seven citizens of good moral character to be known as the adult probation board and shall fill all vacancies occurring in such board. The clerk of said court shall immediately notify each person appointed on said board and thereupon said persons shall appear before a judge of the superior court and qualify by taking an oath, which shall be entered in said record, to perform faithfully the duties of such adult probation board.

The members of such adult probation board shall hold office for four years and until their successors are appointed and qualified; *provided*, that of those first appointed, one shall hold office for one year, two for two years, two for three years and two for four years, the terms for which the respective members shall hold office to be determined by lot as soon after their appointment as may be. When any vacancy occurs in any adult probation board by expiration of the term of office of any member thereof, the successor shall be appointed to hold office for the term of four years. When any vacancy occurs for any other reason the appointee shall hold office for the unexpired term of his predecessor. Any member of the probation board may be removed for cause at any time by an affirmative vote of four members of said board at a meeting called for the special purpose of considering the question of said removal and the subsequent written approval of a majority of said judges designated for the hearing and disposition of criminal cases and proceedings, said written approval to be filed with the clerk of the court within thirty days after the written report of the said board has been received by said judges. Written notice as to said special meeting shall be served on each of the members of said board at least ten days prior to the date therefor and shall specify the purpose thereof. The member sought to be removed shall be informed in writing of the charges against him and be given an opportunity to be heard.

It shall be the duty of the members of such adult probation board to work in cooperation with the adult probation officer to meet at stated times, to familiarize themselves with the charges against the probationers under the charge of the adult probation officer and the conditions of such probation, to exercise a friendly supervision of probationers when so directed by the court, to furnish the court and the adult probation officer information, and to render special assistance when requested by the court, and from time to time to advise and recommend to the court any changes or modification of the order made in the case of a probationer, as may be for the best interests of such person. Members of the adult probation board shall serve without compensation.

7. In any county having a population of more than nine hundred thousand there shall be one adult probation officer and eight assistant adult probation officers who shall receive salaries as follows: One adult probation officer three hundred dollars per month; one assistant adult probation officer two

Salaries of
adult proba-
tion officers.

hundred twenty-five dollars per month; and seven assistant adult probation officers each one hundred seventy-five dollars per month. In any city and county there shall be one adult probation officer and nine assistant adult probation officers who shall receive salaries as follows: The adult probation officer three hundred fifty dollars per month; one assistant adult probation officer two hundred seventy-five dollars per month; seven assistant adult probation officers each two hundred ten dollars per month; and one assistant adult probation officer who shall act as cashier and clerk, one hundred ninety dollars per month.

Salaries of
adult proba-
tion officers
(cont'd).

In any county or counties of more than three hundred thousand and under five hundred thousand, there shall be one adult probation officer, one assistant adult probation officer and two deputy probation officers who shall receive salaries as follows: The adult probation officer two hundred fifty dollars per month; one assistant probation officer two hundred dollars per month; one deputy adult probation officer one hundred seventy-five dollars per month and one deputy adult probation officer fifty dollars per month. One deputy adult probation officer in such county shall be a woman and shall be a competent stenographer and typist of sufficient ability to perform the clerical and stenographic work of the office in addition to her other duties.

In any county or counties of more than one hundred thousand and under one hundred ten thousand, there shall be one adult probation officer and one deputy adult probation officer who shall receive salaries as follows: The adult probation officer two hundred dollars per month and one deputy adult probation officer one hundred twenty-five dollars per month; *provided, however*, that if in the judgment of the majority of the judges regularly sitting in or assigned to the criminal department or departments of superior court in any county or city and county herein mentioned, the services of any assistant adult probation officer or deputy adult probation officer are not required, such assistant or deputy shall not be appointed until the efficiency of the probation system and number of probationers in such county or city and county require such appointment.

The salaries of the adult probation officer, assistant and deputies herein provided shall be paid out of the treasury of the county or city and county in which they are appointed in the same manner as the salaries of other county or city and county officers. The adult probation officer, assistants and deputies and members of the adult probation board shall be allowed such necessary incidental expenses incurred in the performance of their duties as required by any law of the State of California as may be authorized by a judge designated for the hearing and disposition of criminal cases and proceedings, or by the judge of a department to which criminal actions and proceedings are assigned, and the same shall be a charge upon the county or city and county and

said expenses shall be paid out of the county or city and county treasury upon the written order of said judge, directing the county auditor to deliver his warrant upon the treasurer for the specified amount of such expenses and the adult probation officer shall keep a list of expenses and file a copy monthly with the board of supervisors.

Appointment
and terms.

8. In counties and cities and counties herein mentioned the adult probation officer, assistants and deputies herein provided shall be nominated by the adult probation board and shall be appointed by a majority vote of the judges presiding in the departments designated for the hearing and disposition of criminal cases. The term of office of the adult probation officer, assistants and deputies herein provided for shall be two years from the date of their appointment. The said officers may at any time be suspended or removed by an order of a majority of the judges presiding in the department designated for the hearing and disposition of criminal cases and proceedings for good cause shown and on the filing of written charges by the said judge or judges by a written resolution of the adult probation board or by the chief probation officer. Upon filing such charges, said judge or judges shall make an order setting the same for hearing at a specified time and place not less than ten days nor more than twenty days after filing such charges. Notice shall be served upon the person against whom such charges are made at least five days before such hearing together with a copy of such charges.

Official
bonds

Each adult probation officer, assistant and deputy shall give a bond in the sum of not more than two thousand dollars and approved by the judges of the superior court presiding in the departments designated for the hearing and disposition of criminal cases, conditioned for the faithful discharge of the duties of said office. If said bonds are furnished by a surety company licensed to transact business in the State of California, the premium thereon shall be paid out of the county treasury.

Deputies.

The adult probation officer may appoint as many additional deputies as he may desire; *provided, however*, that such deputy shall not have authority to act until their appointment shall be approved by a majority vote of the adult probation board and by a majority vote of the judges presiding in departments designated for the hearing and disposition of criminal cases. The term of office of such deputies shall expire with the term of the adult probation officer making such appointment, but the adult probation officer may at any time in his discretion revoke and terminate such appointment. Such deputies, except as herein provided, shall serve without compensation.

Offices.

Boards of supervisors of counties and cities and counties herein mentioned shall provide and maintain at the expense of such county or city and county in a location in the vicinity of the county jail, suitable offices and quarters for the adult probation officer. Nothing contained in this subdivision shall

apply to offenses defined by section twenty-one of the said juvenile court law.

9. Whenever any person is released upon probation under the provisions of this act, the case may be transferred to any court of the same rank in any other county, or city and county, of this state in which such person resides, or to which such person may remove, and such court shall thereupon commit such person to the care and custody of the probation officer of the county or city and county, to which such person has been transferred; such court shall thereafter have entire jurisdiction over such cases, with like power to make transfer whenever to such court such transfer may seem proper.

Transfer
of cases.

10. At the time of the plea or verdict of guilty of any person over eighteen years of age, the probation officer of the county of the jurisdiction of said criminal shall, when so directed by the court, inquire into the antecedents, character, history, family environment, and offense of such person, and must report the same to the court and file his report in writing in the records of such court. When directed, his report shall contain his recommendation for or against the release for such person on probation. If any such person shall be released on probation and committed to the care of the probation officer, such officer shall keep a complete and accurate record in suitable books or other form in writing of the history of the case in court, and of the name of the probation officer, and his act in connection with said case; also the age, sex, nativity, residence, education, habit of temperance, whether married or single, and the conduct, employment and occupation, and parents' occupation, and condition of such person committed to his care during the term of such probation and the result of such probation. Such record of such probation officer shall be and constitute a part of the records of the court, and shall at all times be open to the inspection of the court or of any person appointed by the court for that purpose, as well as of all magistrates, and the chief of police, or other heads of the police, unless otherwise ordered by the court. Said books of records shall be furnished for the use of said probation officer of said county, and shall be paid for out of the county treasury.

Report on
prisoner's
antecedents,
etc

11. Every probation officer, within fifteen days after the thirtieth day of June, and within fifteen days after the thirty-first day of December, of each year, shall make in writing and file as a public document with the county clerk a report to the superior court of the county or city and county in which such probation officer is appointed to serve, and shall furnish a copy of such report to each judge in said county or city and county who has released any person on probation, who at the time of such report remains on probation, and a further copy to the secretary of the state department of public welfare. Such report shall state, without giving names, the exact number of persons, segregating male and female, and segregating misdemeanors and felonies, who

Reports of
probation
officers.

have been released on probation to such probation officer as such number exists, deducting all cases of expiration, discharge, disaissal, and restoration of rights, on said thirtieth day of June, and said thirty-first day of December; and such report shall further segregate such person as having been released on probation, as the case may be, in one thousand nine hundred and three, one thousand nine hundred and four, one thousand nine hundred and five, and so on, up to and including the calendar year in which such report is made and filed.

Statement
of terms
of probation.

12. The probation officer shall furnish to each person who has been released on probation, and committed to his care, a written statement of the terms and conditions of his probation unless such a statement has been furnished by the court, and shall report to the court, judge or justice, releasing such person on probation, any violation or breach of the terms and conditions imposed by such court on the person placed in his care.

Peace
officer's
powers.

13. Such probation officer shall have, as to the person so committed to the care of said probation officer, the powers of a peace officer.

CHAPTER 771.

An act making an appropriation to pay the claim of Edward J. Kelly against the State of California.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Appro-
priation:
claim of
E. J. Kelly.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to pay the claim of Edward J. Kelly, against the State of California.

CHAPTER 772.

An act making an appropriation to pay the claim of Richard Kittrelle against the State of California.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Appro-
priation:
claim of
Richard
Kittrelle.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of five thousand dollars, to pay the claim of Richard Kittrelle against the State of California.

CHAPTER 773.

An act making an appropriation for the completion of the bridge across the Sacramento river at Rio Vista, and making same an urgency measure.

(I object to the item of one hundred twenty thousand dollars in Section 1 of Senate Bill Number 847, and reduce the amount to eighty thousand dollars. With this reduction, I approve the bill. Dated May 26, 1927.
C. C. YOUNG, Governor.)

[Approved by the Governor May 26, 1927. In effect immediately.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred twenty thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to be expended by the state highway commission in accordance with law for the completion of the permanent structure of the bridge across the Sacramento river at or opposite Rio Vista.

Appropriation:
Rio Vista
bridge

SEC. 2. Inasmuch as the non-permanent structure heretofore composing the portion of said bridge which has not been permanently constructed has been actually severed and rendered totally impassable, as the result of flood conditions in the Sacramento river following recent rains, and a temporary substitute bridge can not be so constructed as to resist the natural river flow conditions in the succeeding winter, and the public safety and welfare are endangered by the damaged condition of the present structure, and the immediate beginning of construction is necessary in order to complete a safe bridge structure before the occurrence of dangerous water conditions of the ensuing winter, this act is hereby declared an urgency measure deemed necessary for the immediate preservation of the public safety and welfare, within the meaning of section 1 of article IV of the constitution of the State of California, and as such shall take effect immediately.

Urgency
measure.

CHAPTER 774.

An act transferring the operation and control of certain of the flood control works of the Sacramento and San Joaquin drainage district to the department of public works, and providing that the cost thereof shall be paid by the State for a limited period and relieving said district and the reclamation board and its members from responsibility and liability for operation or maintenance of flood control works during said period; providing for the cancellation of bonds of said district authorized but not sold; authorizing the reclamation board to levy a supplementary assessment and to order called assessments levied in connection with project number six; authorizing the issuance of bonds of said district based on and secured by assessments upon the land within the boundaries of project number six of said district; authorizing the validation of said bonds;

authorizing the state board of control to purchase and invest in warrants and bonds of said district; authorizing land owners within said project number six to pay assessments in warrants or bonds of said district; adding to, taking away from and altering an act known as the reclamation board act, approved December 24, 1911, as amended, and repealing all other acts or parts of acts in so far as they are in conflict herewith.

[Approved by the Governor May 26, 1927. In effect immediately.]

The people of the State of California do enact as follows:

Interest of
state

SECTION 1. The State of California and the people thereof are hereby declared to have a primary interest in adequately protecting lands overflowed, or subject to overflow, in confining the waters of rivers, tributaries, by-passes and overflow channels and basins within their respective basins and boundaries within the Sacramento and San Joaquin drainage district, and freeing the lands within said district from the liens of indebtedness now existing thereon, and in preserving the welfare of the residents and holders of land therein.

Flood control work
transferred
to dept
of public
works

SEC. 2. For a period of ten years from and after the date upon which this act becomes effective, the operation and maintenance of the units or portions of the flood control work within the Sacramento and San Joaquin drainage district hereinafter enumerated shall be under the direction and control of the department of public works, and the cost of such operation, control and maintenance, during said period, shall be defrayed by the state:

(1) The east levee of the Sutter by-pass north of Nelson slough.

(2) The levees and channels of the Wadsworth canal, the intercepting canals draining into the same, and all structures incidental thereto.

(3) The collecting canals, sumps, pumps and structures of the drainage system of project number six east of the Sutter by-pass.

(4) The by-pass channels of the Butte slough by-pass, the Sutter by-pass, the Tisdale by-pass, and the Yolo by-pass, with all cuts, canals, bridges, dams, and other structures and improvements contained therein and in the borrow pits thereof.

(5) All weirs and all structures and works incidental thereto.

(6) The levees of the Sacramento by-pass.

(7) The channels and the overflow channels of the Sacramento river and its tributaries within the Sacramento and San Joaquin drainage district.

(8) The Sacramento river outlet enlargement project below Cache slough to the extent of the state's liability therefor.

The Sacramento and San Joaquin drainage district and the reclamation board and the members thereof, during said

period, are hereby relieved of all responsibility or liability for the operation or maintenance of all levees, overflow channels, by-passes, weirs, cuts, canals, pumps, drainage ditches, sumps, bridges, basins, or other flood control works within or belonging to the Sacramento and San Joaquin drainage district.

SEC. 3. It shall be the duty of the reclamation board to cancel all proceedings taken in connection with the bond issue of the Sacramento and San Joaquin drainage district based upon and secured by Sutter-Butte by-pass assessment number six of said district now authorized but not sold.

Cancellation of proceedings.

SEC. 4. It shall be the duty of the reclamation board to levy a supplementary assessment, to be known and designated as Sutter-Butte by-pass supplementary assessment number six, upon all the lands within the boundaries of Sutter-Butte by-pass project number six equal to the difference between the present Sutter-Butte by-pass assessment number six and the total outstanding obligations of Sutter-Butte by-pass project number six as of the date of the levying of such supplementary assessment plus a sum equal to fifteen per cent to cover delinquencies, interest, overhead, collection, validation and incidental expenses in connection therewith. Such supplementary assessment shall be levied and apportioned to each tract of land within the boundaries of said Sutter-Butte by-pass project number six in all respects as provided by law, with respect to projects of said Sacramento and San Joaquin drainage district adopted prior to April 1, 1923.

Supplemental assessment No. 6.

SEC. 5. The reclamation board is hereby authorized, and it shall be the duty of said reclamation board to issue bonds of the Sacramento and San Joaquin drainage district of an aggregate par value equal to the sum of said assessment number six, less any credits to said assessment number six, and said supplementary assessment number six, and based thereon and secured thereby. Said bonds shall be numbered serially from number one upwards; *provided*, that bonds of the denomination of one hundred dollars shall have preceding the number thereof the letter "C," those of five hundred dollars the letter "D" and those of one thousand dollars the letter "M," shall be in denominations of one hundred dollars or multiples thereof as said reclamation board may determine, shall bear interest not to exceed five per cent per annum, payable semiannually, shall mature forty years from and after their date, shall be callable at par on any interest payment date and shall be substantially in the following form:

Bond issue.

UNITED STATES OF AMERICA

State of California

SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT

No.----- \$-----

Sacramento and San Joaquin Drainage District in the State of California, for value received, hereby acknowledges

Bond issue
(cont'd).

itself indebted to, and promises to pay to, the holder hereof, at the office of the state treasurer of the State of California, on the first day of-----19----, the sum of \$-----, in gold coin of the United States of America, with interest thereon in like gold coin from date hereof until paid, at the rate of five per cent per annum, payable at the office of said state treasurer semiannually, on the first day of January and the first day of July in each year on presentation and surrender of the interest coupons hereto attached.

This bond is one of a series of ----- bonds of like tenor and effect, differing only as to serial number and denomination, amounting in the aggregate to \$-----, issued in accordance with an act of the Legislature of the State of California, approved----- 1927, authorizing the same, and is based upon and secured by assessments known and designated as (names and numbers of assessments) validated by judgment of the superior court of the State of California, in and for the county of ----- on the ----- day of ----- 19----, and filed in the respective offices of the treasurers of the counties wherein are situated the lands assessed thereby. And said Sacramento and San Joaquin drainage district does hereby certify and declare that the issuance of said bonds was duly authorized by law, and that all the acts, conditions and things required by law to be done, precedent to and in the issuance of said bonds have been done and performed in regular and due form and in strict accordance with the provisions of law authorizing the issuance of the bonds of said Sacramento and San Joaquin drainage district.

This bond is subject to redemption by lot upon two weeks' published notice on any interest payment date before its fixed maturity in the manner and upon the terms provided in said act authorizing the same at the par value thereof with accrued interest thereon.

In witness whereof, the said Sacramento and San Joaquin drainage district, acting through the reclamation board of said state, has caused this bond to be signed by the president of said board and attested by the secretary of said board with the seal of said board affixed this ----- day of ----- 192---

President of said reclamation board.

Attest:

Secretary of said reclamation board.

The interest coupons may be substantially in the following form:

No.----- \$-----

The treasurer of the State of California will pay to the holder hereof on the ----- day of ----- 19----, in his office in the City of Sacramento, State of California, the sum of \$-----, in gold coin of the United States, out of the

funds of the Sacramento and San Joaquin drainage district, applicable thereto for interest on bonds of said district No.-----

State Controller.

SEC. 6. The reclamation board shall deliver the bonds prepared pursuant to this act, duly signed and attested, to the state treasurer. Within ten days after said bonds have been delivered to the state treasurer, an action may be commenced by the reclamation board to have it determined that said bonds are a legal obligation of said drainage district, which said validation proceedings shall be commenced and carried to a final judgment in the manner prescribed by section 32 of an act entitled "An act to authorize the issuance and sale of bonds of the Sacramento and San Joaquin drainage district based upon assessments levied by the reclamation board upon lands in said district," approved May 27, 1919.

Legality of bonds.

SEC. 7. The bonds of the Sacramento and San Joaquin drainage district issued pursuant to this act which are investigated and approved by any commission or officer now or hereafter authorized by any law of this state to conduct such investigation and give such approval, and by authority of which approval said bonds are declared legal investments for savings banks, may be lawfully purchased or received in pledge for loans by banks, trust companies, insurance companies, guardians, executors, administrators and special administrators or by any public officer or officers of this state or of any county, city or city and county, or other municipality or corporate body within this state having or holding funds which they are allowed by law to invest or loan.

Bonds as legal investments

SEC. 8. The state board of control is hereby authorized out of the funds of the state which said board of control is authorized by law to invest, to purchase warrants of the Sacramento and San Joaquin drainage district drawn as provided by law and issued in connection with the carrying out of Sutter-Butte by-pass project number six of said district in the following manner, to wit:

Purchase of warrants by state.

The state board of control shall give notice from time to time to holders of such warrants in such manner as it may deem best that it will purchase warrants of said district issued in connection with said project number six in an amount sufficient to exhaust a specified sum of money at such price as may be deemed by said board to be fair, not exceeding, however, the face value thereof plus accrued interest; *provided, however*, that said board of control may reject any or all offers at which said warrants may be offered by holders thereof if, in the opinion of said board of control, the price at which such warrants are offered does not justify the investment of moneys in the state therein.

The board of control is hereby further authorized to exchange warrants so purchased by it for bonds of said district authorized and issued in accordance with this act at

Exchange of warrants for bonds.

the price paid for such warrants by said board of control, and it shall be the duty of said reclamation board to accept said warrants at such price in payment for said bonds, and said bonds shall not be sold except to said board of control in exchange for warrants as herein provided.

Sale of
bonds

SEC. 9. Said board of control is hereby further authorized to sell all or any part of said bonds to be taken in exchange for warrants, provided that any such sale shall be effected without loss to the state.

Payment
and use of
assessment

SEC. 10. Immediately upon the said bonds herein authorized and directed to be canceled being canceled, said reclamation board is hereby authorized, and it shall be the duty of said reclamation board to order that said assessment number six shall be paid in semiannual installments equal to not less than three and one-half per cent of the principal of said assessment for each installment; *provided, however*, that immediately upon said supplementary assessment number six becoming a lien upon the lands, it shall be the duty of said reclamation board to rescind and cancel its then existing order and to order that thereafter said assessment number six and said supplementary assessment number six shall be paid in semiannual installments equal to three and one-half per cent of principal amount of said assessments for each installment. The money so received from such installments shall be used for the following purposes and in the order hereinafter provided, and not otherwise:

(a) For the payment of the cost of levying and prorating said supplementary assessment number six and for the payment of expenses incidental to the carrying out of the provisions of this act; *provided, however*, that the sum of money that may be used by the reclamation board for the purposes of this subdivision (a) shall at no time exceed seven per cent of the total amount of money received from said assessments;

(b) For the redemption of such warrants of said district issued in connection with said project number six as may be entitled, by reason of any law in force prior to the time that this act becomes effective, to be redeemed out of money received from said assessments before the application of such money to the other purposes provided in this act;

(c) For the payment of interest on the bonds issued and sold pursuant to the provisions of this act;

(d) For the redemption of bonds issued and outstanding under the provisions of this act.

Redemption
of bonds

SEC. 11. Whenever there shall be on hand the sum of one thousand dollars or more, over and above the sum of money necessary to meet the requirements of subdivisions (a), (b) and (c) of the preceding section and applicable to the redemption of said bonds, said reclamation board shall, at any time, not less than sixty days before any semiannual interest date of said bonds, publish notice of the amount of money on hand available for the purchase or redemption of said bonds and inviting offers to be submitted to said reclamation board,

within a period in such notice fixed, for the sale of such bonds, at prices to be named in such offers by the holders thereof. Said notice shall be published in a daily newspaper published in each of the following named cities of the State of California, Sacramento, Los Angeles and San Francisco, at least once in each week for three consecutive weeks. Upon receipt of such offers, the lowest and best offers shall be accepted up to the limit of the moneys on hand available for purchase of said bonds; *provided, however*, that no offer or offers so accepted shall exceed the par value of said bond or bonds plus accrued interest. In the event sufficient offers shall not be received to exhaust the moneys designated in such notice, said reclamation board shall select by lot so many of said bonds as shall be sufficient to exhaust the money designated in such notice. Immediately after such selection has been made, the reclamation board shall cause to be published in a daily newspaper once each week for two successive weeks, in a newspaper published in the city and county of San Francisco, in a newspaper published in the city of Sacramento, and in a newspaper published in the city of Los Angeles, a notice stating that at a specified semiannual interest date, the bonds specified in such notice will be redeemed, and the time, and fixing the place for the redemption thereof. If any bond designated in such notice shall not be presented for redemption at the time and place specified, it shall cease to bear interest.

SEC. 12. If any bond or interest coupon shall not be presented to the state treasurer for payment when the same becomes due, it shall cease to bear interest, but if presented at or after such time and not paid for want of funds, the state treasurer shall so endorse such bond or coupon together with the date of such presentation, and thereafter such bond or coupon shall bear interest at the rate expressed in the bond until paid or until funds have been provided in the state treasury applicable to its payment. The bonds purchased or redeemed pursuant to this section together with all unmatured coupons appertaining thereto, shall immediately be canceled.

SEC. 13. Any owner or holder of lands within the boundaries of said district whose lands are subject to the lien of said assessment number six or said supplemental assessment number six levied in connection with said project number six shall have the right to present to any officer authorized by law to collect such assessments, or any part thereof, warrants of said district issued in connection with said project number six prior to the date this act becomes effective in payment of his assessment, or any part thereof, and it shall be the duty of such officer to accept such warrants so presented or tendered in payment of such assessment, or any part thereof, at the face value of such warrant or warrants so presented, plus accrued interest, and any such owner or holder of land shall have the further right and privilege of presenting and tendering a bond or bonds of said district issued pursuant to this act in payment of any such assessment or any part thereof, and it shall be the duty of the

Interest.

Payment of
assessment
with
warrants
and bonds.

officer authorized to collect such assessment to accept such bond or bonds in payment of such assessment or any part thereof at the par value thereof, plus accrued interest.

Short title.

SEC. 14. This act shall be known and may be referred to as "Sacramento and San Joaquin drainage district refunding act."

Urgency measure.

SEC. 15. Inasmuch as this act concerns and is necessary to the immediate preservation of the public welfare, safety and peace, for the reason that the state and the people thereof have a primary interest of protecting the construction of flood control works affecting said district, and to which the state is a party, this act shall take effect upon approval by the governor.

Effect of act.

SEC. 16. This act, in so far as it does not add to, take away from or alter an act entitled, "An act approving the report of the California debris commission transmitted to the speaker of the house of representatives by the secretary of war on June 27, 1911, directing the approval of plans of reclamation along the Sacramento river or its tributaries, or upon the swamp lands adjacent to said river, directing the state engineer to procure data and make surveys and examinations for the purpose of perfecting the plans contained in said report of the California debris commission and to make a report thereof, making an appropriation to pay the expenses of such examinations and surveys, and creating a reclamation board and defining its powers," approved December 24, 1911, as now amended, shall be construed as a continuation thereof, and all other acts or parts of acts in so far as they are in conflict with this act, are hereby repealed.

CHAPTER 775.

An act to amend section seven of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, relating to certain narcotic drugs.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 138,
amended.

SECTION 1. Section 7 of an act entitled "An act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as amended, is hereby amended to read as follows:

Penalties for
unlawful
sale of nar-
cotics, etc.

Sec. 7. Any person convicted under section 8 of this act for selling, peddling, furnishing, or giving away, or offering to sell, furnish, or give away, any of the narcotic drugs or their derivatives mentioned in section 8, shall upon conviction for the first offense be punished by imprisonment in the county jail or in the state prison for not less than six

months nor more than six years and for the second and each subsequent offense, shall be imprisoned in the state prison for not less than one year nor more than ten years.

Penalties for
unlawful
sale of nar-
cotics, etc.
(cont'd).

Any person convicted under section 8 of this act for having in possession any of the narcotic drugs or their derivatives mentioned therein, shall upon conviction for the first offense be punished by imprisonment in the county jail or in the state prison for not more than six years; for the second and each subsequent offense of which said person so convicted shall be found guilty, said person shall be punished by imprisonment in the county jail or in the state prison for not more than ten years.

Any person who shall hire, employ, or use, any minor under the age of sixteen years in unlawfully transporting, carrying, selling, preparing for sale, peddling, or using any morphine, cocaine, heroin, opium, shall upon conviction thereof be deemed guilty of a felony and shall be punished by imprisonment in the state prison for not less than one year nor more than five years, and for each subsequent offense upon conviction, be imprisoned in the state prison for not less than six years.

Any person who shall forge or alter any prescription for any narcotic drugs specified in section 8 of this act or who obtains any such drugs by any forged or altered prescription or who has in possession any such drugs secured by such forged or altered prescription shall upon conviction for the first offense be punished by imprisonment in the county jail or in the state prison for not less than six months nor more than six years, and for a second or subsequent offense in the state prison for not less than one year nor more than ten years.

Any person violating any of the other provisions of this act, except those contained in section 8 and 8½ shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than thirty dollars, nor more than two hundred dollars, or by imprisonment for not less than thirty days, and not more than fifty days, or by both such fine and imprisonment. All moneys, forfeited bail or fines received under the operation of this act shall be sent without delay by the magistrate receiving same, seventy-five per cent to the state treasurer to be deposited in the state treasury and twenty-five per cent to the city treasurer of the city, if incorporated, or to the county treasurer of the county in which the prosecution is conducted.

CHAPTER 776.

An act to amend section two thousand three hundred twenty-two x nineteen of the Political Code, relating to the horticultural commissioner of counties of the nineteenth class.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 204,
amended.
Counties of
19th class:
horticultural
commis-
sioner.

SECTION 1. Section 2322x19 of the Political Code is hereby amended to read as follows:

2322x19. In counties of the nineteenth class the commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One inspector at a monthly salary of one hundred fifty dollars per month during the time actually employed; three inspectors at a compensation of five dollars per day each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed four thousand seven hundred ninety dollars.

(b) One clerk at a monthly salary of ninety dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed one thousand and eighty dollars.

CHAPTER 777.

An act appropriating money to pay the claim of W. H. Stitt against the State of California.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Appropriation: claim
of W. H.
Stitt.

SECTION 1. The sum of one hundred twenty dollars and fifty cents is hereby appropriated out of any money in the third highway fund in the state treasury to pay the claim of W. H. Stitt against the State of California.

CHAPTER 778.

An act to amend section two thousand three hundred twenty-two x twenty-six of the Political Code, relating to salaries of the county horticultural commissioner, his deputies and inspectors and clerks, of the counties of the twenty-sixth class.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 2322x26 of the Political Code is hereby amended to read as follows:

Stats 1925,
p. 207,
amended.

2322x26. In counties of the twenty-sixth class, the commissioner shall receive a compensation of three thousand dollars per annum; *provided*, that in counties of this class there may be and there is hereby allowed to the commissioner the following deputy, inspectors, and clerk to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

Counties of
26th class
horticultural
commis-
sioner.

(a) One deputy horticultural commissioner at a salary of two thousand one hundred dollars per annum.

(b) Three inspectors at a salary of one hundred fifty dollars per month.

(c) One clerk at a salary of one hundred dollars per month.

Provided, that the appointment of such deputy, clerk and inspectors shall be subject to the approval of the board of supervisors; *and provided, further*, that inspectors shall be appointed at such times and for such periods only as may be approved by the board of supervisors.

CHAPTER 779.

An act to amend section four thousand two hundred fifty-five of the Political Code, relating to the salaries, fees and expenses of officers in counties of the twenty-sixth class.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 4255 of the Political Code is hereby amended to read as follows:

Stats. 1925,
p. 788,
amended.

4255. In counties of the twenty-sixth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

Counties of
26th class:
officers and
employees.

1. The county clerk three thousand dollars per annum, and shall be allowed in addition the sum of six hundred dollars a year for every year that an election is held throughout the

Clerk.

State of California; he shall be allowed in addition the sum of ten cents per name for each voter registered in the county, which shall be in full for all service required in registering voters and making up the great register and performing all other acts incident to or pertaining to elections; *provided, further*, that in counties of this class there shall be and there is hereby allowed to the county clerk, two deputies and one copyist, who shall be appointed by the county clerk, and who shall be paid the following compensation, one at two thousand one hundred dollars per annum, one at one thousand eight hundred dollars per annum, and one at one thousand two hundred dollars per annum. All deputies and copyists shall be paid in the same manner and out of the same funds as the salary of the county clerk is paid. Commencing on the first day of January, 1928, said county clerk shall be allowed one additional deputy which office is hereby created at a salary of one hundred twenty-five dollars per month.

Sheriff.

2. Sheriff, three thousand dollars per annum; *provided*, that there shall be and there is hereby allowed to said sheriff an undersheriff who shall receive a salary of two thousand one hundred dollars per annum, and one deputy sheriff, who shall act as night jailer, at a salary of one thousand eight hundred dollars per annum, also one deputy who shall receive a salary of three hundred dollars per annum, and two deputy sheriffs who shall receive salaries of one hundred eighty dollars each per annum; also one deputy who shall receive a salary of two thousand seven hundred dollars per annum and four deputies who shall receive salaries of two thousand four hundred dollars each per annum. Each of the last named five deputy sheriffs shall provide his own motorcycle while employed as such deputy and they shall also provide all necessary gas and oil while so employed. The said undersheriff and the said deputies to be appointed by the sheriff and the salaries of whom shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid; *and also provided*, that the sheriff may employ from one to two persons to act as deputy sheriffs at salaries not to exceed five dollars per day each when in the judgment of the sheriff such deputies are necessary; *provided, however*, that the total amount of the compensation of such additional deputies to be paid per diem shall not in any fiscal year exceed the total sum of six hundred dollars per annum; *and also provided*, that the compensation of the last mentioned deputies shall be paid on presentation of duly verified claims filed with the board of supervisors of the said county and in the same manner that other claims are filed and paid; *and provided, further*, that in addition thereto, the sheriff shall receive and retain for his own use and benefit all of the fees, per diem, mileage and expenses which are now or which may hereafter be allowed by law; and the fees and commissions for the service of all papers whatsoever issued by any court in the state outside of the county in and for which the sheriff is elected. It is

hereby found as a fact that the provisions in this section do not work an increase in compensation of the office and is intended that the same shall apply immediately to the present incumbent.

3. The recorder three thousand dollars per annum and he shall be allowed the following deputies who shall be appointed by said recorder and shall be paid salaries and compensations as follows: One chief deputy at a salary of one thousand eight hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum; one deputy at a salary of one thousand two hundred dollars per annum; the said deputies to be paid at the same time and out of the same fund as the recorder's salary is paid. Said recorder may employ as many copyists as may be required for the recording of all papers, notices or documents in his office and shall be entitled to the actual cost incurred by him not exceeding seven cents per folio upon certifying to the auditor the actual number of folios so recorded. The said copyists may be appointed deputies without extra compensation. Recorder.

4. The auditor, three thousand dollars per annum; *provided*, that in counties of this class the auditor shall be allowed one deputy at a salary of one thousand five hundred dollars per annum; *and provided, further*, that in counties of this class the auditor shall be allowed such additional clerks and copyists as he may require and whose compensation in the aggregate shall not exceed the sum of one thousand dollars in any one calendar year. The deputy, clerks and copyists named herein shall be appointed by the auditor and their salaries shall be paid in the same manner and at the same time and out of the same fund as the salary of the auditor is paid. Auditor.

5. The treasurer and tax collector, three thousand dollars per annum and such fees as are allowed by law; *provided*, that in counties of this class the treasurer and tax collector shall be allowed one deputy who shall be paid a salary of one thousand eight hundred dollars per annum; one deputy who shall be paid a salary of one thousand five hundred dollars per annum and one deputy who shall be paid a salary of one thousand two hundred dollars per annum; *and provided, further*, that in counties of this class there shall be and hereby is allowed to the treasurer and tax collector such additional assistants as may be required and whose compensation in the aggregate shall not exceed the sum of one thousand two hundred dollars in one calendar year. Treasurer and tax collector.

6. The assessor, three thousand dollars per annum; *provided*, that in counties of this class the assessor shall be allowed one office deputy at a salary of one thousand eight hundred dollars per annum; one draftsman at a salary of two thousand one hundred dollars per annum; and one rural appraiser who would be employed the entire year at an annual salary of one thousand eight hundred dollars and necessary equipment to perform the duties of his office. Said deputy and said draftsman and said rural appraiser shall be appointed by Assessor.

said assessor and said salaries shall be paid by said county at the same time and in the same manner and out of the same funds as the salary of the assessor is paid; *and provided, further,* that said assessor shall be allowed such field deputies, assistants, clerks and copyists as he may require and whose compensation in the aggregate shall not exceed the sum of seven thousand five hundred dollars in any one year. Said field deputies, assistants, clerks and copyists shall be appointed by the said assessor and their salaries shall be paid by said county, in monthly installments, at the same time and in the same manner and out of the same funds as the assessor is paid, upon the assessor duly certifying to the county auditor, the names of, the position filled and the amount due to each. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation for the officer, and it is intended that the same shall apply immediately to the present incumbents.

Attorney.

7. The district attorney two thousand four hundred dollars per annum; *provided,* in counties of this class there shall hereby be allowed to the district attorney, one deputy at an annual salary of one thousand five hundred dollars and one deputy who shall receive a salary of nine hundred dollars per annum; *provided,* that one of these deputies shall be employed in a place other than the county seat. In addition to the two deputies the district attorney shall be allowed a clerk and stenographer who shall be paid an annual salary of one thousand two hundred dollars. In counties of this class the district attorney is also allowed an additional stenographer, which office is hereby created, who shall receive a salary of six hundred dollars per annum. All salaries herein provided shall be paid in monthly installments out of the same fund as the district attorney's salary is paid. The said stenographer shall perform all services required by the district attorney in his official capacity in civil and criminal actions in which the county is interested. The deputies shall be admitted to practice law.

Coroner.

8. The coroner, such fees as are now or may be hereafter allowed by law.

Administrator.

9. The public administrator, such fees as are now or may be hereafter allowed by law.

Supt. of Schools.

10. The superintendent of schools, two thousand one hundred dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided,* that in counties of this class there shall be and there is hereby allowed to the superintendent of schools, a deputy which office is hereby created, at a salary of one thousand two hundred dollars per annum, and who shall be appointed by the superintendent of schools. The salary of said deputy herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

11. The county surveyor shall receive three thousand dollars per annum. The surveyor shall be allowed a clerk and stenographer at an annual salary of one thousand two hundred dollars. Surveyor.

12. Board of supervisors, each member of the board of supervisors one hundred twenty-five dollars per month and no mileage, which shall be in full for all services and expenses incurred within the county; *provided*, that whenever it shall be necessary for any member of the board of supervisors to leave the county in and for which he is elected for the purpose of performing any of his duties, that then and in that event, said supervisor shall be allowed his actual expenses. Supervisors.

The supervisors while acting as road commissioners shall give their personal attention to the repair, maintenance, construction and improvement of all roads under their supervision. The supervisors in addition to the meetings otherwise provided by law shall meet on the seventh of each month or on the next legal day following the seventh.

13. In counties of this class there shall be two judicial townships and the board of supervisors shall on or before the first day of July, 1926, so designate and fix the boundaries thereof. Townships which shall contain a city of the fifth class shall be a township of the first class and the other shall be a township of the second class. In townships of the first class the justice of the peace shall receive a salary of three thousand dollars per annum and clerical help not to exceed three hundred dollars in each year. In townships of the second class the justice shall be paid a salary of one thousand five hundred dollars per annum and clerical help not to exceed nine hundred dollars in each year, and the board of supervisors shall provide him with the necessary office room. Justices.

14. In each of the townships herein provided for, there shall be one constable who shall receive a salary of one thousand two hundred dollars per annum; *provided*, that in addition to the salaries herein allowed, each constable shall be paid out of the general fund of the county for traveling expenses incurred for the services of the warrant of arrest or any other process in a criminal case (where said service is in fact made) his actual expenses each way for each mile traveled outside of the county both going to and returning from the place of arrest or other services of process; also the transportation of prisoners to the county jail, the constable shall be allowed his actual expenses each way. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases, and also all fees now allowed him by law for the arrest of violators of the fish and game laws. Constables.

15. The official reporter of the superior court shall receive the fees allowed by law. Reporter.

Compensation and receipts.

16. In fixing the compensation of the above named officers in the amounts hereinabove specified, it is hereby expressly provided that the salaries and fees above provided shall be in full compensation for all services of every kind and description rendered by the officers named herein, either as officers or ex officio officers, their deputies and assistants; and it is hereby further expressly provided, that all of the fees, commissions, per diem and expenses provided for in section 4290 of the Political Code of the State of California, and all other moneys coming into the hands of the county and township officers, no matter from what source derived or received, shall belong to and be the property of the county, in counties of this class, and shall be paid into the county treasury by said officers at the same time and in the same manner that other moneys are required by law to be paid into the county treasury by him; save and except, however, that the provisions of this subdivision shall not apply to the offices of sheriff, treasurer, district attorney, county surveyor and superintendent of schools, and they are expressly exempted from the provisions of this subdivision, and as to said offices herein last named, to wit, sheriff, treasurer, district attorney and superintendent of schools, they shall receive the salaries, fees and commissions provided for by law, and as provided for in subdivisions two, three, five, seven and ten of this act.

Extra compensation.

17. All officers who are allowed extra compensation for carrying out the work of their offices shall certify to the auditor the names of the persons to whom the money is paid and the amount.

Jurors.

18. In counties of this class grand jurors, and trial jurors in the superior court, shall each receive for each day's attendance, per day the sum of three dollars and for each mile actually and necessarily traveled from their residence to the county seat, in going only, the sum of fifteen cents per mile, such mileage to be allowed but once during each session such jurors are required to attend.

Sealer.

19. The sealer of weights and measures shall receive a salary of two thousand one hundred dollars per annum and he is hereby allowed his actual and necessary traveling expenses while engaged in the performance of his duties as such sealer of weights and measures.

CHAPTER 780.

An act to amend section four thousand two hundred forty-one of the Political Code, relating to salaries of officers and employees of counties of the twelfth class.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 4241 of the Political Code is hereby amended to read as follows: Stats. 1921, p. 1468, amended. Counties of 12th class: officers and employees.

4241. In counties of the twelfth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit:

1. The county clerk, three thousand six hundred dollars per annum, and twelve and one-half cents for each elector registered, also such compensation as is now or may hereafter be allowed by law; *provided*, that in counties of this class there shall be and there is hereby allowed to the county clerk, which said positions are hereby created, the following deputies, who shall be appointed by the county clerk of the said county and shall be paid salaries as follows: One chief deputy at a salary of two thousand five hundred fifty dollars per annum, two deputies at a salary of two thousand two hundred fifty dollars each per annum, three deputies at a salary of two thousand one hundred dollars each per annum, one deputy at a salary of one thousand nine hundred fifty dollars per annum; *provided*, that in such years as the compilation of a great register of voters is required by law, to be made, the county clerk in counties of this class, shall be, and he is hereby allowed the following additional deputies: As many deputies as are necessary, in his discretion, from January first to November twentieth, at one hundred twenty-five dollars, each, per month, and whose compensation shall not exceed two thousand five hundred dollars in the aggregate for all deputies so employed; *provided, further*, the county clerk may appoint such number of registration deputies in any precinct as he may deem necessary for the convenient registration of voters in their respective precincts and that each of said deputies so appointed for such purpose shall receive as compensation therefor the sum of eight cents for each elector registered by each of said deputies, said compensation to be paid out of the general fund of the county on presentation and filing with the board of supervisors of said county the duly verified claim therefor approved by said county clerk. The deputies herein provided for shall be paid by such county at the same time and in the same manner and out of the same fund that the salary of the county clerk is paid. In counties of this class the county clerk shall pay into the county treasury all fees received by him in his official capacity. The pro- Clerk.

visions herein contained shall apply to the deputies of the present incumbent.

Sheriff.

2. The sheriff, four thousand eight hundred dollars per annum. The sheriff shall receive for his own use the fees for mileage which are now, or which may hereafter be allowed by law, and the fees and commission for the service of all papers whatsoever issued by any court in this state, outside of this county. The sheriff shall also receive the necessary expenses incurred in the pursuit of criminals; *provided*, that no constructive mileage shall be allowed. In counties of this class there shall be, and there is hereby allowed to the sheriff, which said positions are hereby created, the following deputies, who shall be appointed by the sheriff of such county, and shall be paid salaries as follows: One undersheriff at a salary of two thousand five hundred fifty dollars per annum; two deputies at a salary of two thousand two hundred fifty dollars, each, per annum; two deputies at a salary of two thousand one hundred dollars, each, per annum; six deputies at a salary of one thousand nine hundred fifty dollars, each, per annum; one deputy, who shall be a woman, at a salary of one thousand eight hundred dollars per annum, and one stenographer at a salary of one thousand five hundred dollars per annum. The deputies herein provided for shall be paid by said county at the same time, and in the same manner, and out of the same fund, that the salary of the sheriff is paid. In counties of this class the sheriff shall make no charge for the boarding of prisoners over and above the actual cost of materials. The provisions herein contained shall apply to present incumbents.

Recorder.

3. The recorder, four thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed to the recorder, which said positions are hereby created, the following deputies and copyists, who shall be appointed by the recorder of such county, and shall be paid salaries as follows: One chief deputy recorder at a salary of two thousand one hundred dollars per annum; two deputies at a salary of one thousand eight hundred dollars, each, per annum; two copyists at a salary of one thousand five hundred dollars, each, per annum; three copyists at a salary of one thousand two hundred dollars, each, per annum; and as many copyists as are necessary, in his discretion, at a salary of ninety dollars, each, per month, and whose compensation shall not exceed one thousand five hundred dollars in the aggregate per annum for all copyists so employed; *provided*, that said copyists being eligible, may also be appointed deputy recorders without further compensation. The compensation of such additional copyists shall be paid out of the general fund of said county at the rate of ninety dollars a month, and proper claims therefor shall be presented to and allowed by the board of supervisors. The deputies and copyists herein provided for, other than additional copyists, shall be paid by said county at the same time,

and in the same manner, and out of the same fund that the salary of the recorder is paid; *provided*, that in counties of this class the recorder may be allowed the actual necessary expenses incurred by him in the performance of his official duties and shall pay into the county treasury all fees received by him in his official capacity from whatever source they may be derived. The provisions herein contained shall apply to the deputies of present incumbents.

4. The auditor, four thousand dollars per annum; *provided*, Auditor, that in counties of this class there shall be, and there is hereby allowed to the auditor, which said positions are hereby created, the following deputies and assistants, who shall be appointed by the auditor of such county, and shall be paid salaries as follows: One chief deputy auditor at a salary of three thousand dollars per annum; one deputy at a salary of two thousand two hundred fifty dollars per annum; three deputies at a salary of two thousand one hundred dollars, each, per annum; and one deputy at a salary of one thousand eight hundred dollars per annum; and one deputy, who shall be a stenographer, at a salary of one thousand six hundred eighty dollars per annum; *provided, further*, that the auditor may appoint ten additional assistants for a period of employment not to exceed two months in each year, to be paid four dollars and fifty cents, each, per diem. The deputies and assistants herein provided for shall be paid by said county at the same time, and in the same manner, and out of the same fund, as the salary of the auditor is paid. In counties of this class the auditor shall pay into the county treasury all fees received by him in his official capacity. The provisions herein contained shall apply to the deputies of present incumbents.

5. The treasurer, four thousand dollars per annum; Treasurer, *provided*, that in counties of this class there shall be and there is hereby allowed to the treasurer, which said positions are hereby created, one deputy, who shall be appointed by the treasurer of said county, and shall be paid a salary of two thousand seven hundred dollars per annum, and one additional deputy, who may be appointed by the treasurer of said county, and shall be paid a salary of two thousand one hundred dollars per annum. The deputies herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the treasurer is paid.

In counties of this class the treasurer shall pay into the county treasury all fees received by him in his official capacity. The provisions herein contained shall apply to the deputies of present incumbents.

6. The tax and license collector, four thousand dollars per annum; Collector *provided*, that in counties of this class there shall be and there is hereby allowed to the tax and license collector, which said positions are hereby created, the following deputies and assistants, who shall be appointed by the tax and license collector of said county, and shall be paid salaries as follows: One chief deputy at a salary of two thousand four hundred

dollars per annum, one deputy at a salary of two thousand one hundred dollars per annum, and two deputies at a salary of one thousand five hundred dollars, each, per annum, and as many additional assistants as are necessary, in his discretion, at a salary of four dollars and fifty cents, each, per day. The total compensation of such additional assistants shall not exceed eleven thousand dollars in the aggregate in any fiscal year. The deputies and assistants herein provided for shall be paid by said county at the same time and in the same manner and out of the same fund that the salary of the tax and license collector is paid. The provisions herein contained shall apply to present incumbents.

Assessor.

7. The assessor, five thousand dollars per annum. In counties of this class there shall be, and there is hereby allowed to the assessor, the following deputies and employees, who shall be appointed by the assessor, and who shall be paid salaries as follows: One chief deputy at a salary of two thousand four hundred dollars per annum; one outside deputy at a salary of two thousand four hundred dollars per annum, and actual necessary expenses; one deputy at a salary of one thousand nine hundred fifty dollars per annum; one deputy assessor at a salary of one thousand six hundred fifty dollars per annum; one deputy assessor at a salary of one thousand five hundred dollars per annum, who shall be a stenographer; six extra deputies, not exceeding one hundred twenty days, at eight dollars, each, per day; ten extra deputies, not exceeding one hundred twenty days, at seven dollars, each, per day; and ten extra deputies, not exceeding one hundred twenty days, at four dollars and fifty cents, each, per day; such additional deputies whose aggregate compensation shall not exceed two thousand four hundred dollars in any fiscal year, as may be necessary to carry on the work of his office; *provided*, that the above salaries and compensations shall be in full payment for all services rendered by him as such assessor, and that no commission for the collection of state taxes or infirmity poll taxes for road taxes or personal property taxes shall be retained by him, nor shall the assessor receive any compensation for making out the military roll or persons returned to him as subject to military duty, as provided by section 1901 of the Political Code of the State of California, but that all fees and commissions shall be paid into the county treasury. The deputies herein provided for shall be paid at the same time, and in the same manner, and out of the same fund as the salary of the county assessor is paid; *provided*, that the assessor shall be allowed the actual and necessary expenses incurred by him in the performance of his official duties. The provisions herein contained shall apply to present incumbents.

Attorney.

8. The district attorney, four thousand eight hundred dollars per annum; *provided*, that in counties of this

class there shall be, and there is hereby allowed to the district attorney, which said positions are hereby created, the following: One assistant district attorney at a salary of four thousand dollars per annum; one deputy at a salary of three thousand six hundred dollars per annum; one deputy at a salary of three thousand six hundred dollars per annum; one stenographer at a salary of one thousand eight hundred dollars per annum; one stenographer at a salary of one thousand five hundred dollars per annum; and one detective at a salary of two thousand two hundred fifty dollars per annum. The district attorney, assistant district attorney, and the deputy district attorneys shall devote their entire time during office hours to the work of the county and state, and are prohibited from engaging in private work within such office hours. The assistant district attorney, deputies, detective and stenographers, herein provided for shall be appointed by, and hold office at the pleasure of, the district attorney, and shall be paid by said county at the same time, and in the same manner, and out of the same fund, that the salary of the district attorney is paid; *provided, further*, that the necessary traveling expenses of the detective shall constitute a county charge; *and provided, also*, that the assistant district attorney herein provided for shall possess the powers of, and may perform the same duties attached by law to the office as his principal; *provided, further*, that no employee of the district attorney's office shall accept any other compensation by reason of services rendered in any action or proceeding wherein fees or per diem would constitute a charge against the county. The provisions herein contained shall apply to the deputies of the present incumbents. It is understood that this provision relative to private work does not effect the district attorney until his salary is four thousand eight hundred dollars per annum.

9. The coroner and public administrator, three thousand six hundred dollars per annum, and his actual necessary expenses in traveling outside of the county seat. He shall hold inquests as prescribed by chapter II, title XII, part II, of the Penal Code. The coroner or other officer holding an inquest upon the body of a deceased person may subpoena a physician or surgeon to inspect the body, or a chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post-mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner in counties of this class shall be and he is hereby allowed one deputy at a salary of one hundred dollars per month, and his necessary expenses in traveling outside of the county seat; said deputy shall have the power, and it shall be his duty, when directed by the coroner, to hold inquests, and all power conferred by law upon the coroner may be exercised by said deputy; one reporter, which office is hereby created, at a salary of two thousand four hundred dollars per annum, and his

Coroner and
adminis-
trator.

actual necessary expenses in traveling outside of the county seat, whose duty it shall be when called upon by the coroner, to attend all inquests and take down in shorthand the testimony of all witnesses at such inquests; when such testimony is taken down by such reporter, his transcription thereof, duly certified to by him, shall constitute the depositions of the witnesses testifying at such inquests so reported by such reporter; the salary of the said deputy and reporter herein provided for shall be paid by the county, in the same manner, at the same time, and out of the same fund as the salary of the coroner and public administrator is paid. Said deputy and said reporter shall be appointed by the coroner and public administrator, and shall hold office at the pleasure of the coroner and public administrator. All fees and commissions collected by the coroner and public administrator in his official capacity and by his said deputy in his official capacity shall be paid into the county treasury. The coroner may appoint as additional deputies as many as may be necessary, to serve without compensation. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation of this office, and it is intended that the same shall apply immediately to the present incumbent.

Supt. of
schools.

10. The superintendent of schools, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the superintendent of schools, which said positions are hereby created, the following deputies, who shall be appointed by the superintendent of schools of such county, and shall be paid salaries as follows: Four deputies at a salary of two thousand two hundred fifty dollars, each, per annum. The deputies herein provided for shall be paid by said county, at the same time, and in the same manner, and out of the same fund that the salary of the superintendent of schools is paid. In counties of this class the superintendent of schools, and one deputy, shall receive their actual and necessary traveling expenses for visiting and examining schools and school properties of the county and in performing such other duties as are incident to the full discharge of the requirements of the office of superintendent of schools. The provisions herein contained shall apply to present incumbents.

Surveyor.

11. The surveyor, three thousand dollars per annum; *provided*, that in counties of this class there shall be, and there is hereby allowed to the surveyor, which said positions are hereby created, the following deputies, who shall be appointed by the surveyor of such county: One chief deputy surveyor at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand four hundred dollars per annum; and one deputy at a salary of one thousand eight hundred dollars per annum. The deputies herein provided for shall be paid by the county at the same time, and in the same manner, and out of the same fund, as the salary of the

surveyor is paid; *provided, further*, that the surveyor and his deputies shall during the time they are holding office be, and they are hereby prohibited from engaging in private employment at surveying. The provisions herein contained shall apply to the deputies of present incumbents.

12. Supervisors, four thousand dollars per annum, each, and actual and necessary expenses in the performance of the duties of their office; *provided*, that in counties of this class the board of supervisors shall have the power to provide for the maintenance and support of minor children under eighteen years of age who are orphans or half orphans, abandoned or destitute minors; to lease, construct, and maintain appropriate buildings therefor; to provide suitable salaries for the necessary teachers and superintendents thereof. In the event that any regularly organized corporation whose sole purpose is the care, welfare and support of orphans, half orphans, abandoned or destitute minors under eighteen years of age, has already a building, structure, grounds and officers and have been in the business of caring for such destitute minors for eight years prior to the passage of this act, then the board of supervisors of the county is authorized to pay to the directors of the said corporation so caring for said destitute minors a sum not to exceed the sum of twenty dollars per month for each minor so cared for. Supervisors.

Every institution receiving aid as above provided for must keep the following records which at all times must be open for inspection to the board of supervisors of such county, or to any person appointed by them to examine the same. Institutions receiving aid.

(1) A record on which must be entered the date of admission, name, age, sex, and place of birth of each and every orphan, half orphan, destitute or abandoned child, who is or may hereafter be received or admitted into such institution, and the date of discharge of any such child, when such discharge is made, the parentage, is known; the estate, if any, to which the child is heir, and the insurance, if any, on the father's or mother's life; so far as can be ascertained the place where either parent or both died, the nativity of the parents, where married, the marriage certificate, where recorded, when they came to California, place of residence in California, and habits of sobriety.

(2) A book entitled "monthly accounts." In it must be entered on the debtor side all the moneys received from any and all sources segregated under the proper heads; on the credit side must be entered all disbursements made, specifying for what purposes made, and the amount entered in detail so disbursed, segregated under their proper heads.

(3) A pay roll of the employees, and the amounts disbursed to each.

(4) A book in which must be entered in detail the amounts paid for the specific purpose of every orphan, half orphan, destitute or abandoned child, and the date of such payments.

Township
officers.

13. In counties of the twelfth class the township officers shall consist of the following, and shall receive the following compensation, to wit:

Judicial township number one, estimated population one thousand five hundred sixty, one justice of the peace at a salary of one thousand two hundred dollars per annum; one constable at a salary of one thousand two hundred dollars per annum.

Judicial township number two, estimated population five thousand five hundred twenty-six, one justice of the peace at a salary of one thousand five hundred dollars per annum; one constable at a salary of one thousand five hundred dollars per annum.

Judicial township number three, estimated population nineteen thousand four hundred eighty-five, one justice of the peace at a salary of one thousand nine hundred eighty dollars per annum; one constable at a salary of one thousand three hundred twenty dollars per annum; and one clerk at a salary of six hundred dollars per annum.

Judicial township number four, estimated population five thousand seven hundred thirty-nine, one justice of the peace at a salary of one thousand five hundred dollars per annum; one constable at a salary of one thousand five hundred dollars per annum.

Judicial township number five, estimated population one thousand two hundred thirty, one justice of the peace at a salary of one thousand eighty dollars per annum; one constable at a salary of nine hundred dollars per annum; one deputy constable to be appointed by the constable, who must be a resident of Annette, at a salary of two hundred forty dollars per annum.

Judicial township number six, estimated population twenty thousand four hundred ninety-three, one justice of the peace at a salary of two thousand four hundred dollars per annum; one constable at a salary of one thousand six hundred twenty dollars; and one clerk at a salary of one thousand two hundred dollars per annum.

Judicial township number seven, estimated population eighteen thousand four hundred fifty-three, one justice of the peace at a salary of one thousand nine hundred eighty dollars per annum; one constable at a salary of one thousand six hundred eighty dollars per annum.

Judicial township number eight, estimated population five thousand nine hundred four, one justice of the peace at a salary of one thousand two hundred dollars per annum; one constable at a salary of one thousand eighty dollars per annum.

Judicial township number nine, estimated population five thousand eight hundred forty-four, one justice of the peace at a salary of one thousand two hundred dollars per annum; one constable at a salary of one thousand five hundred dollars per annum.

Judicial township number ten, estimated population one thousand five hundred sixty, one justice of the peace, at a salary of one thousand eighty dollars per annum; one constable at a salary of nine hundred dollars per annum.

Township
officers
(cont'd).

Judicial township number eleven, estimated population one thousand three hundred seventy-one, one justice of the peace at a salary of one thousand eighty dollars per annum; one constable at a salary of one thousand five hundred dollars per annum.

Judicial township number twelve, estimated population one thousand five hundred twenty-one, one justice of the peace at a salary of one thousand two hundred dollars per annum; one constable at a salary of one thousand five hundred dollars per annum.

Judicial township number thirteen, estimated population one thousand thirty-eight, one justice of the peace, with a salary of three hundred dollars per annum; one constable at a salary of three hundred dollars per annum.

Judicial township number fourteen, estimated population two hundred, one justice of the peace at a salary of two hundred forty dollars per annum; one constable at a salary of two hundred forty dollars per annum.

Salaries of justices of the peace shall be in full compensation for all services rendered by them in both civil and criminal cases. Salaries of constables shall be in full compensation for all services rendered by them in criminal cases, and in addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury. The salaries of justices of the peace and constables shall be paid monthly by the county in the same manner that the salaries of county officers are paid.

14. In the superior court, jurors' fees and witness fees shall be as follows:

Jurors' and
witnesses'
fees.

For attending as a grand juror, for each day's actual attendance per day, three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

For attending as a trial juror, for each day's actual attendance, per day, three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

For attending as a witness in criminal cases and before the grand jury, for each days actual attendance, the sum of two

dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such witness for said per diem and mileage, and the treasurer shall pay the same; *provided, however*, that in criminal cases such per diem and mileage shall only be allowed on a showing to the court by the witness the same was necessary for the expenses of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

The fees for jurors in criminal cases in justice courts shall be two dollars per day, for each day of actual service as a juror, and the justice of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem, and the treasurer shall pay the same.

Librarian.

15. The county librarian shall receive three thousand dollars per annum.

CHAPTER 781.

An act to amend section two thousand three hundred twenty-two and twelve of the Political Code, relating to expenses, fees and salaries of the horticultural commissioner, his deputies, assistants and inspectors and fixing the number thereof, in counties of the twelfth class.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats 1925,
c. 201
amended
Counties of
12th class
horticultural
commis-
sioner.

SECTION 1. Section 2322~~x~~12 of the Political Code is hereby amended to read as follows:

2322~~x~~12. In counties of the twelfth class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One chief deputy at a salary of two thousand four hundred dollars per annum; two deputy commissioners at a salary of two thousand one hundred dollars each per annum.

(b) The commissioner is also authorized and empowered to appoint not to exceed nine inspectors at a monthly salary of one hundred fifty dollars each during the time actually employed; four inspectors at a monthly salary of one hundred thirty dollars each during the time actually employed; eight inspectors at a compensation of four dollars per diem each during the time actually employed; and eight inspectors at a compensation of five dollars per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not

exceed twenty-five thousand, one hundred forty dollars. The salary and compensations herein provided for the commissioner and deputy commissioners shall be paid out of the county treasury in equal monthly installments, where the employment is by the year, and monthly as earned in other cases, in the same manner and at the same time as other county officers are paid. In addition to the salaries and compensation herein provided, said commissioner, deputy commissioners and inspectors shall be entitled to receive their personal and traveling expenses necessarily incurred in the performance of their said duties and said expenses so incurred and all compensation earned by such officers or employees as shall not be employed by the year, shall be a county charge and the board of supervisors shall allow and pay the same out of the general fund of the county in the same manner as other claims against said fund are allowed and paid.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a salary of one hundred twenty-five dollars per month during the time actually employed, and two clerks at a monthly salary of one hundred dollars, each, during the time actually employed, but the aggregate amount which may be expended in any year for all such clerks shall not exceed two thousand dollars.

CHAPTER 782.

An act appropriating money to pay the claim of W. A. Sloane against the State of California.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. The sum of eight thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay the claim of W. A. Sloane against the State of California.

Appropriation: claim of W. A. Sloane.

CHAPTER 783.

An act to amend sections eight, twelve and twenty-five of and to add a new section to be numbered thirteen a to an act entitled "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds

thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats 1923,
f. 396,
amended

SECTION 1. Section 8 of "An act to provide for the formation, government, operation, reorganization, dissolution and alteration of boundaries of sanitary districts in any part of the state, for the construction of sewers, septic tanks and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity and making provision for the payment of such bonds and the disposal of their proceeds; to empower sanitary boards to make and enforce sanitary regulations and providing penalties for violations thereof," approved May 17, 1923, is hereby amended to read as follows:

Annual
assessment

Sec. 8. The sanitary assessor must, between the first Mondays in March and July of each year, assess all taxable property within the district to the persons by whom it was owned or claimed, or in whose possession or control it was at twelve o'clock meridian of the first Monday in March next preceding; but no mistake in the name of the owner or supposed owner of such property, or any informality in the description or in other parts of the assessments, shall render the assessment invalid.

The sanitary assessor shall verify his assessment book, and shall deposit the same with the sanitary board on the first Monday in July in each year, or as soon thereafter as is practicable.

All the provisions of law relating to assessment of property by county assessors shall, so far as is applicable, apply to and govern the acts of the sanitary assessor in the assessment of taxable property within the district.

The sanitary assessor shall receive such compensation as shall be fixed by the order of the sanitary board and shall perform such other duties and do such other acts as may be ordered or required by the sanitary board.

Stats 1923,
p. 399,
amended.
Collection
of taxes.

SEC. 2. Section 12 of the above entitled act is hereby amended to read as follows:

Sec. 12. As soon as practicable, but not later than the third Monday in August, after the taxes have been computed and extended on the assessment list, verified by the assessor and signed by the president and secretary of said board, the board shall transmit, or cause the assessor to transmit, the list so

made, or a duplicate thereof, to the tax collector of the county, who shall collect the taxes shown by said list to be due, in the same manner as he collects the county taxes, and all the provisions of the laws of the state as to the collection of taxes and delinquent taxes, and the enforcement of the payment thereof, so far as applicable, shall apply to the collection of taxes for sanitary purposes; and said tax collector, and the sureties on his official bond, shall be responsible for the due performance of the duties imposed upon him by this act; *provided*, that the sanitary board may, in its discretion, direct the district attorney of the county to commence and prosecute suits for the collection of the whole, or any portion of the delinquent taxes; and it shall be the duty of the district attorney to carry out such directions of the sanitary board, and he, and the sureties upon his official bond, shall be responsible for the due performance of the duty imposed upon him by this act.

All money collected for sanitary purposes by the district attorney under this act shall be at once paid to the county treasurer; *provided, further*, that the sanitary board may, at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection, which as to such taxes shall have the force of law.

SEC. 3. A new section is hereby added to the above entitled act, to be numbered 13a and to read as follows:

Sec. 13a. In lieu of the method herein provided for the assessment of all taxable property within the district, the sanitary board may elect to avail itself of the assessment made by the assessor of the county in which the district is situated, and may take such assessment as the basis for district taxation; *provided*, that the sanitary board shall declare its said election by resolution and file a certified copy thereof with the auditor and the assessor of the county in which the district is situated on or before the first Monday in February of the year the district proposes to use such assessment; thereafter all assessments shall be made and taxes collected by the county assessor and tax collector of the county in which the district is situated until the sanitary board, by resolution, elects otherwise. The said county auditor must on or before the second Monday in August of each year transmit to the sanitary board a statement in writing showing the total value of all property within the district, which value shall be ascertained from the assessment book of the county for that year, as equalized and corrected by the board of supervisors of such county. In case the sanitary board shall so elect, as hereinabove provided, it shall, on the third Monday in August, or if such day falls upon a holiday, then upon the first business day thereafter, fix the rate of taxation for sanitary purposes and for the payment of the principal and interest of such year upon outstanding bonds and the payment of the principal and interest that the sanitary board believes will

Stats. 1923,
p. 400,
amended.

Assessment
and collec-
tion of
taxes by
county.

become due during such year on bonds authorized but not sold, designating the number of cents on each one hundred dollars to be levied for each fund and the fund into which the same shall be paid, using as a basis the value of property as assessed by the county assessor and so returned to such sanitary board by the county auditor as hereinabove provided; said acts of said sanitary board are declared to be a valid assessment of such property and a valid levy of such taxes so fixed. The sanitary board must immediately thereafter transmit to the county auditor of the county in which the district is situated a statement of such rate so fixed by the sanitary board.

The said auditor must then compute and enter in a separate column in the county assessment book the respective sums to be paid as a sanitary district tax on the property enumerated and assessed as being in said district, using the rate of levy as fixed by the sanitary board of said district and the assessed value as found in such assessment book. Such taxes so levied shall be collected at the same time and in the same manner and form as county taxes are collected, and when collected shall be at once paid to the county treasurer. Such taxes shall be a lien on all the property in the sanitary district, and said taxes, whether for the payment of a bonded indebtedness, or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection shall be enforced by the same means as provided for the enforcement of liens for state and county taxes.

Stats. 1923,
p. 405,
amended.
Construction
of sewers.

SEC. 4. Section 25 of the above entitled act is hereby amended to read as follows:

Sec. 25. Whenever in the opinion of the sanitary board the public interest or convenience may require, it is hereby authorized and empowered, except in incorporated cities or towns, to order the construction of sewers and appurtenances in the whole or any portion or portions of any one or more of the streets, highways or public places of any such sanitary district, or in property or in rights of way owned by such sanitary district, and to provide that the cost thereof shall be assessed upon the lots and lands fronting thereon, or upon a district to be assessed therefor. The provisions of that certain act entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds," approved April 7, 1911, and the amendatory acts thereto, and the provisions of that certain act entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements made

in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities and upon property and rights of way owned by municipalities, and to provide for the collection of such assessments, the sale of the property affected thereby, and for the payment of the bonds so issued," approved June 11, 1915, and acts amendatory thereto, are hereby made applicable to sanitary districts. All proceedings shall be had in accordance with the provisions of said acts and the amendments thereto; *provided, however*, that the words "city council" and "council" used in said acts shall be understood to mean sanitary boards. The words "city" and "municipality" shall be understood to mean sanitary districts. The words "clerk" and "city clerk" shall be understood to mean "secretary" of the sanitary board. The words "superintendent of streets" and "street superintendent" and "city engineer" shall be understood to mean the engineer of such "sanitary district," "tax collector" shall be understood to mean the county tax collector and the terms "treasurer" and "city treasurer" shall be understood to mean any person or official who shall have charge of and make payment of the funds of such sanitary district. The term "right of way" shall mean any parcel of land through which a right of way has been granted to the sanitary district for the purpose of constructing and maintaining a sewer therein; *and provided, further*, that all the powers and duties conferred by the said provisions of said acts and acts amendatory and supplementary thereto upon city councils, superintendents of streets, clerk and city clerks, tax collectors and treasurers and engineers, are hereby conferred and imposed upon the respective officers and board above specified.

CHAPTER 784.

An act to reserve a part of San Francisco bay and lands bordering thereon, for park purposes only.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. That part of San Francisco bay and lands bordering on San Francisco bay described as follows: "Com-
 mencing at the point where the easterly line of the presidio reservation intersects the waterline front as established by the board of state tideland commissioners, thence easterly along said waterline front to the center of Webster street, thence northerly and along the center of Webster street extended to the northern boundary of the city and county of San Francisco, thence westerly and along the northern boundary of said city and county to a point due north of the place

San Fran-
cisco bay
tract
reserved for
park and
recreation
purposes.

San Fran-
cisco bay
tract
reserved for
park and
recreation
purposes
(cont'd).

of commencement and thence south to the place of commencement," shall be forever reserved and is hereby reserved for park purposes only.

SEC. 2. It shall be unlawful to build wharves, sink piles, or in any manner convert the area hereinbefore described in section 1 of this act to serve any other purpose than that of a public park or playground, and the said area described in section 1 of this act shall be reserved and limited to use for park and amusement purposes only.

SEC. 3. All laws enacted heretofore inconsistent with the provisions of this act are hereby repealed.

CHAPTER 785.

An act to amend an act entitled "An act providing for the organization of water districts by the board of supervisors of the different counties of the state upon petition therefor by the landowners; providing for the joint government and control thereof by the landowners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing for the transfer of the properties of such districts to any reclamation, drainage or irrigation project and the extension of contracts providing for such transfer in exchange for the right to receive and use waters; providing for the approval of the state superintendent of banks of such contracts or transfers; providing that said bonds and contracts or transfers may be investigated by an appointive board of three hydraulic engineers; providing for the approval of said bonds and such transfers or contracts providing therefor by the state superintendent of banks in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased, or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; and providing for the dissolution of said districts for nonuser of corporate power," approved June 13, 1913, as amended by amending sections one, one a, two and eight thereof and by adding new sections thereto, to be numbered two b, two c and two d,

relating to the formation of such districts, the selection of officers thereof and to district taxes or assessments.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act entitled "An act provid- Stats. 1913,
p 815,
amended
ing for the organization of water districts by the board of supervisors of the different counties of the state upon petition therefor by the landowners; providing for the joint government and control thereof by the landowners thereof and the board of supervisors of the county in which the same are formed; providing for the duties in connection therewith of the county officials of each county in which any of the lands contained in said district are located; providing for the acquisition and construction by said district of irrigation works, for the irrigation of the lands embraced therein and for the distribution thereby of water for irrigation purposes; providing for the payment of the debts thereof by a tax levied on the lands embraced therein; providing for the issuance and sale of bonds thereby; providing for the transfer of the properties of such districts to any reclamation, drainage or irrigation project and the extension of contracts providing for such transfer in exchange for the right to receive and use water; providing for the approval of the state superintendent of banks of such contracts or transfers; providing that said bonds and contracts or transfers may be investigated by an appointive board of three hydraulic engineers; providing for the approval of said bonds and such transfers or contracts providing therefor by the state superintendent of banks in case said investigation is favorably reported and that thereafter said bonds may be lawfully purchased, or received in pledge as security for any money or deposits or for the performance of any act, by banks, banking institutions, insurance companies, trust companies, guardians, executors, administrators and special administrators; providing in certain cases for the transfer of districts from the supervision of one county board of supervisors to another; and providing for the dissolution of said districts for nonuser of corporate power," approved June 13, 1913, as amended, is hereby amended to read as follows:

Section 1. The holders of title or evidence of title to a majority in area of lands which form a contiguous body and which are susceptible of irrigation from a common source and by the same system of works may propose the organization of a water district by signing and presenting to the board of supervisors of the county in which the lands or the greater part thereof are situated, at any of its regular meetings, a petition setting forth the following facts,—that they propose to form under the provisions of this act a water district to be known as the "(-----) water district"; a description of the boundaries thereof, specifying the county or counties in Petition for
organization
of water
district.

which the lands are located; the number of acres in the proposed district; the place where the principal business thereof is proposed to be transacted; and the source or sources (which may be in the alternative) from which said lands are proposed to be irrigated. The words "title or evidence of title" as used in this section include the possessory rights of entrymen or purchasers of public lands under any law of the United States or of this state whether evidenced by receipts or otherwise. The records of the United States land office for the district in which said lands are located; the records of the state land office; and the records in the office of the county recorder of the county in which said lands are situated shall be conclusive evidence of ownership for the purposes of this section.

'Evidence of title.'

Stats 1921,
p. 1143,
amended.

Lands within
irrigation
district.

SEC. 2. Section 1a of said act is hereby amended to read as follows:

Sec. 1a. All or any part of lands embraced within the boundaries of any irrigation district now or hereafter organized under any law or laws whatsoever of the State of California may be organized into or included in a water district formed under the provisions of this act; *provided*, that eighty per cent of the land within the boundaries of the proposed water district is not, at the time of the formation of the water district, under irrigation from the works of such irrigation district; *provided, further*, that no land within an irrigation district which is also within the boundaries of a water district formed under the provisions hereof shall be released from any of the burdens, obligations, liabilities, or control of or under said irrigation district by virtue of the formation of the water district and shall in every respect continue to be a part of said irrigation district despite the formation of said water district; *provided, further*, that such water district may not issue bonds in excess of such an amount as may be authorized and designated by the California bond certification commission created by the act entitled "An act relating to bonds of irrigation districts, providing under what circumstances such bonds shall be legal investments for funds of banks, insurance companies and trust companies, trust funds, state school funds and any money or funds which may now or hereafter be invested in bonds of cities, cities and counties, counties, school districts or municipalities, and providing under what circumstances the use of bonds of irrigation districts as security for the performance of any act may be authorized," approved June 13, 1913, or such other state commission, department or agency that may supersede said commission or succeed to its functions. The term irrigation district as used in this section means and includes any district organized under the laws of this state for the purpose of conserving or supplying water for irrigation.

SEC. 3. Section 2 of said act is hereby amended to read as follows:

Sec. 2. Said petition shall be accompanied with an undertaking in a sum not less than one thousand dollars, conditioned that the sureties will pay all of the costs in connection with

Stats 1913,
p. 816,
amended
Bonds to
cover cost

the proposed organization in case said district shall not be organized. Said undertaking shall be subject to approval by said board of supervisors, which may require an additional undertaking if, in the judgment of said board, the costs in connection with the proposed organization will exceed one-half of the amount of the undertaking submitted. Upon the approval by said board of said undertaking or of any additional undertaking which the board may at that time require, the board shall fix a time for the hearing of said petition, which shall be not less than twenty-two days and not more than forty days thereafter, and the clerk of said board shall cause a notice of the filing of said petition and of the time and place for said hearing to be published at least once a week for three successive weeks in a newspaper of general circulation published in the county in which the lands within said proposed district are situated, or in each county in which any of the lands within said proposed district are situated if said proposed district includes land in more than one county. Said notice shall state the fact of the presentation of said petition to said board of supervisors and the time and place fixed by said board for the hearing thereof, and shall set forth the text of said petition and shall give the names attached to said petition. No mere clerical error in the published text of the petition and no error in the publication of such names and no omission of any name from the list so published shall invalidate any action on said petition or deprive the board of supervisors of jurisdiction to proceed in said matter. The first publication of said notice shall be at least twenty-one days before the day set for said hearing, and if at said hearing it shall appear that the notice given has been defective in any material respect, said board shall set another time for said hearing and cause notice again to be published as hereinbefore provided. At the hearing the board shall hear all relevant evidence in support of said petition or in opposition thereto or in support of or in opposition to requests for inclusion of lands in or exclusion of lands from said proposed district. During or prior to said hearing any holder of title or evidence of title to lands within said proposed district may present to said board a request for exclusion of such lands or any part thereof from said proposed district, and any holder of title or evidence of title to land not within said proposed district but contiguous to any part thereof and susceptible to irrigation from the sources or any of the sources named in said petition may present to the board a request in writing for the inclusion of said land in said proposed district. If, upon the hearing of said petition, it shall be shown to the board that said petition conforms to the requirements of this act and that notice of said hearing has been given as hereinbefore required, the board shall proceed to fix the boundaries of said proposed district, and in so doing shall exclude therefrom any land which the board shall find is not susceptible of irrigation from any of the sources proposed or

Call for hearing.

Hearing

Fixing boundaries.

will not be benefited by such irrigation and, upon application of the owner or owners, may include in such proposed district any lands which are susceptible of irrigation from the source or sources proposed in said petition and will be benefited thereby, if in the judgment of said board said proposed district will have or may obtain a sufficient supply of water for the irrigation of such land proposed to be included. The hearing of said petition may be continued by said board from time to time, but such hearing shall not be continued after thirty days from the time originally fixed therefor, except from day to day, if any petitioner shall object to such continuance. When said board shall have determined upon the lands to be included within said proposed district, it shall make an order establishing and describing the exterior boundaries thereof and describing any lands within said boundaries which are to be excluded from the district, and designating a name for said district, which may be the name proposed in said petition or such other name as the board may determine. Said order shall be entered in full upon the minutes of said board. A finding of the board of supervisors in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of California in a quo warranto proceeding brought by the attorney general. Any such proceeding must be commenced before the commencement of such a proceeding as is provided for in section 3 hereof, or within one year after the making and entry of the said order of the board of supervisors if such latter proceeding is not instituted, and not otherwise.

Sufficiency
of petition
and notice.

Call for
election.

After making and entering such an order defining and establishing the boundaries of the proposed district, said board of supervisors shall forthwith call and give notice of an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act and for the selection of a board of directors and an assessor to serve in case said organization shall be effected. Said notice shall be published once a week for at least three weeks previous to such election, in a newspaper of general circulation published in the county in which the lands within said proposed district are situated or in each county in which any of the lands within said proposed district are situated, if said proposed district includes land in more than one county, shall describe the boundaries so established, shall designate the name for the proposed district, and shall state that at said election the voters possessing the qualifications prescribed by this act shall cast ballots for or against said proposed organization and shall select a board of directors and an assessor to serve in case said organization shall be effected.

SEC. 4. A new section is hereby added to said act to be numbered 2*b* and to read as follows:

Sec. 2*b*. At such election there shall be elected a board of five directors and an assessor. The board of supervisors

Stats 1913,
p. 817,
amended.
Conduct of
election.

shall designate the polling place for such election and appoint from the persons eligible to the office of district director one inspector and two judges of election, who shall constitute a board of election for such district election. For the convenience of voters the board of supervisors may divide the proposed district into election precincts and establish the boundaries of such precincts, and in such case shall appoint a board of election as aforesaid for each precinct, and designate a polling place therein. The said election shall be held and the result thereof determined and declared as nearly as may be in accordance with the provisions of sections 22, 23 and 24 of this act relating to district elections; *provided*, that at such election the last equalized assessment roll or rolls of the county or counties within which any of the lands within said proposed district are situated shall be used in lieu of the assessment book mentioned in section 22 of this act, and the returns of said election shall be forwarded to said board of supervisors, which shall meet on the second Monday following said election and canvass said returns and declare the results of said election. If by such canvass it appears that a majority of all the votes cast at such election are in favor of the organization of the district said board of supervisors shall by an order entered on its minutes declare the territory duly organized as a water district under the name theretofore designated, and said board shall cause certificates of election to be issued to the persons found to be chosen as directors and assessor of the district.

District
organized.

SEC. 5. A new section is hereby added to said act to be numbered 2c and to read as follows:

Stats 1913,
p. 817,
amended.
Record of
order.

Sec. 2c. Said board of supervisors shall then cause a copy of such order duly certified to be immediately filed for record in the office of the county recorder in each county in which any portion of the lands embraced in such district are situated. From and after such filing, the organization of such district shall be complete.

SEC. 6. A new section is hereby added to said act to be numbered 2d and to read as follows:

Stats 1913,
p. 817,
amended.

Sec. 2d. The officers elected at the election hereinbefore provided for shall immediately enter upon their duties as such upon qualifying in the manner for such officers herein provided. Said officers shall hold office respectively for two years next succeeding their election and until their successors are elected and qualified. In each water district formed under this act there shall be an election every two years held at such time and place in the district as shall be provided in the by-laws of the district, at which election an assessor and five directors shall be elected, to hold office for two years and until their successors are elected and qualified.

Officers
and their
successors.

SEC. 7. Section 8 of said act is hereby amended to read as follows:

Stats. 1913,
p. 820,
amended.
Estimate of
maturing
obligations.

Sec. 8. Between thirty and ninety days after the organization of the district, and between said dates annually thereafter,

the board of directors must file with the clerk of the board of supervisors of the county in which said district was organized an estimate of the sum required by the district to discharge the unpaid matured obligations thereof at that date and the obligations thereof that will mature or that it is probable will be incurred and mature during the two years next following, specifying that portion of said estimate which will be required for the payment of bonds and of the interest on bonds.

Assessment
of lands.

Between the date on which the district was organized and ninety days thereafter, and between said dates in each succeeding year, the assessor must view the lands of the district and assess each parcel or tract of land contained therein at its full cash value and said assessor must, within said time, file with the clerk of said board of supervisors, an assessment book with appropriate headings in which must be listed each parcel or tract of land within the district, specifying: (1) the name, if known (and if unknown, stating that fact), of the holder of title or evidence of title, including such aforesaid possessory rights, thereto; (2) the description thereof by legal subdivisions, metes and bounds, or other boundaries sufficient to identify the same; and (3) the value assessed thereon. If the district is contained in more than one county, then the assessment book shall be prepared with a separate part in a separate volume for the lands of each county.

Hearing of
objections.

Within sixty days after the said estimate and the said assessment list shall have been filed as above provided, the board of supervisors shall fix a time not less than twenty-two days and not more than forty days from the time of the meeting of said board of supervisors at which said date is fixed at which said board of supervisors acting as a board of equalization shall meet and hear any verified written objections, stating the grounds thereof, to the assessment as made, which objections shall, prior to the meeting, be filed with the clerk of said board of supervisors. From the time of calling said meeting and until said meeting is held, and during the office hours of said board of supervisors, the assessment list shall be open to public inspection at the office of said board of supervisors. The clerk of said board of supervisors shall give notice of the time and place of said meeting, which shall be the regular meeting place of said board of supervisors, and of the time and place where said assessment list may be inspected by the public by publication once a week for two consecutive weeks in a newspaper of general circulation published in the county in which the lands of said district are situated, or in each county in which any of the lands within said district are situated, if said district includes land in more than one county. The first publication of said notice shall be at least fifteen days prior to the date fixed for said hearing. The said board of supervisors shall meet at said time and place for said hearing and shall hear all objections which may be presented to it regarding the correctness of said assessment list, and shall hear all relevant testimony presented in support of or in opposition to said objec-

tions, and shall continue in session from day to day until all said objections and such evidence have been heard and acted upon. Upon the completion of the hearing of all objections and all evidence as provided herein the said board of supervisors shall add to or deduct from the valuation assessed to any tract or parcel of land such per centum thereof as shall be sufficient to raise it or reduce it to its full cash value and shall fix the full cash value of any lands contained in said district that shall not have been so assessed. Thereupon, and before said hearing is closed, the assessor shall have the total valuation of all the lands assessed extended into columns, added and a statement thereof made.

When said statement is completed, the board of supervisors must fix such ad valorem rate of taxation upon each hundred dollars in value of the lands so assessed as will raise the sums specified in said estimate. Any changes in or additions to said list shall be entered in said assessment book in the proper place therefor and the order therefor shall be indorsed on the margin of the entry and signed by the president and attested by the secretary of said board of supervisors. The order of the board of supervisors approving the assessment, the statement of the assessor showing the total valuation of the property assessed, the order fixing the rate of taxation thereon, and the estimate of the sum required by the board of directors of the district for the expense thereof during the two years next following shall be signed by the president and attested by the secretary of the district and shall be attached to the assessment book on the last volume thereof, unless the lands of the district are contained in more than one county, in which case a copy thereof shall be signed and attached in a similar manner to each separate part of the assessment book.

Fixing tax
rate, etc

Within ten days after the hearing is completed, the assessor shall compute and charge in the assessment book in a place provided therefor in the record of each parcel or tract of land assessed the amount of the tax due thereon and shall file each said separate part of the assessment book with the county tax collector of the county in which the lands therein assessed are located and thereafter the charges therein taxed shall be due and payable to the county tax collector of the county in which the lands on which they are taxed are situated.

Computing
tax.

The various orders of the board of supervisors made at the hearing shall be final and when indorsed on or attached to the assessment book shall be conclusive evidence that the assessment was made and the tax levied in accordance with the law; *provided, however*, that any person interested in lands of the district and aggrieved by the decision of the board of supervisors may, in order to have said assessment, or the tax levied thereon, corrected, modified or annulled, institute an action therefor in the superior court of the county in which said district was organized.

Appeal to
superior
court.

No action to determine the validity in any respect of any such assessment, or tax levied thereon, shall be maintained

unless the same shall have been commenced within thirty days after the assessment book, or each separate part thereof, is filed with said county tax collector as above provided, and no objection to the assessment shall be considered by said board of supervisors or allowed in any other action, or proceeding, unless such objection shall have been made in writing, verified and presented to the clerk of the board of supervisors in the manner herein required.

CHAPTER 786.

An act to amend section four of an act entitled "An act to provide for bridges across navigable streams, and across estuaries, fords, swamps, or arms of bays that may be outside of the line of navigable waters," approved March 14, 1881, relating to the notification of the state engineer.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1881,
p. 77,
amended.

SECTION 1. Section 4 of an act entitled "An act to provide for bridges across navigable streams, and across estuaries, fords, swamps, or arms of bays that may be outside of the line of navigable waters," approved March 14, 1881, is hereby amended to read as follows:

Notification
of state
engineer.

Sec. 4. Whenever the supervisors of any county or counties desire to erect a bridge on any public highway, across a navigable stream, under the provisions of this act, said board, or boards shall notify the state engineer of such purpose, and of the precise point where such bridge is proposed to be located. The state engineer shall, within ten days of the receipt of such notice, designate the width of the draw to be made in such bridge, and also the length of the spans necessary to permit the free flow of water.

Before an application for a franchise to erect a bridge under the provisions of this act is made by an individual or a corporation to the supervisors of the county exercising the power herein granted, said individual or corporation shall notify the state engineer of such application, and of the precise point where such bridge is proposed to be located as set forth in such application and shall also notify the board of supervisors that said individual or corporation has notified the state engineer of such application. The state engineer shall, within ten days of the receipt of such notice, designate the width of the draw to be made in such bridge, and also the length of the spans necessary to permit the free flow of water.

CHAPTER 787.

An act making appropriation to pay the claim of Thomas B. Dozier against the State of California.

(I object to the item of eight thousand dollars in section 1 of Assembly Bill No 1056 and reduce the amount to six thousand dollars. With this reduction, I approve the bill. Dated May 26, 1927.

C. C. YOUNG, GOVERNOR.)

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. The sum of eight thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to pay the claim of Thomas B. Dozier against the State of California.

Appropriation: claim of T. B. Dozier.

CHAPTER 788.

An act to repeal section two thousand three hundred of the Political Code, relating to the state library fund, disposing of the balance in said fund.

[Approved by the Governor May 26, 1927. In effect immediately.]

The people of the State of California do enact as follows:

SECTION 1. Section 2300 of the Political Code is hereby repealed.

Stats 1913, p. 1151, repealed

SEC. 2. An amount equal to the unencumbered unexpended balance in the state library fund on June 30, 1927, is hereby appropriated out of the said state library fund to the state department of finance for use in the payment of expenses in connection with the removal of the state library to new quarters, and for the repairs or remodeling of the new or old library quarters.

Appropriation.

SEC. 3. Inasmuch as this act provides an appropriation for the usual current expenses of the state, it is hereby declared an urgency measure and shall, under the provisions of article IV, section 1 of the constitution, take effect immediately.

Urgency measure.

CHAPTER 789.

An act to amend section ten of an act entitled "An act to establish a state mining bureau, creating the office of state mineralogist, fixing his salary and prescribing his powers and duties; to provide for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution

of defrauding, swindling and cheating therein, creating a state mining bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau to be known as the state mining bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the state mining bureau, who shall have the direction, management and control of said state mining bureau, and to provide for the appointment, duties, and compensation of a state mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the state mining bureau,' approved March 23, 1893, and all acts amendatory thereof or supplemental thereto or in conflict therewith," approved June 16, 1913, relating to the disposition of funds.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1913,
p. 1329,
amended.

SECTION 1. Section 10 of an act entitled "An act to establish a state mining bureau, creating the office of state mineralogist, fixing his salary and prescribing his powers and duties; to provide for the employment of officers and employees of said bureau, making it the duty of persons in charge of mines, mining operations and quarries to make certain reports, providing for the investigation of mining operations, dealings and transactions and the prosecution of defrauding, swindling and cheating therein, creating a state mining bureau fund for the purpose of carrying out the provisions of this act and repealing an act entitled 'An act to provide for the establishment, maintenance and support of a bureau to be known as the state mining bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the state mining bureau, who shall have the direction, management and control of said state mining bureau, and to provide for the appointment, duties, and compensation of a state mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the state mining bureau,' approved March 23, 1893, and all acts amendatory thereof or supplemental thereto or in conflict therewith," approved June 16, 1913, is hereby amended to read as follows:

Disposition
of receipts.

Sec. 10. All moneys received by the state mining bureau or any officer thereof, shall be deposited at least once each month in the state treasury to the credit of the general fund, except appropriations and moneys received under the provisions of an act entitled "An act establishing and creating a department of the state mining bureau for the protection of the natural resources of petroleum and gas from waste and

destruction through improper operations in production; providing for the appointment of a state oil and gas supervisor; prescribing his duties and powers; fixing his compensation; providing for the appointment of deputies and employees; providing for their duties and compensation; providing for the inspection of petroleum and gas wells; requiring all persons operating petroleum and gas wells to make certain reports; providing procedure for arbitration of departmental rulings; creating a fund for the purpose of the act; providing for assessment of charges to be paid by operators and providing for the collection thereof; and making an appropriation for the purposes of this act." (Approved June 10, 1915, and all amendments thereto.)

The state controller is authorized to require financial reports from the state mining bureau or any officer thereof.

CHAPTER 790.

An act authorizing suits against the state to quiet title against it to real property purchased under the provisions of an act entitled "An act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. In any case where the State of California has sold any land or lands under the provisions of the following named acts, or any of them, to wit: An act entitled "An act to survey and dispose of certain salt marsh and tide lands belonging to the State of California," approved March 30, 1868; an act entitled "An act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tide lands belonging to the State of California,' approved March 30, 1868," approved April 1, 1870; and an act entitled "An act supplementary to and amendatory of an act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tide lands belonging to the State of California; approved March 30, 1868; also an act approved April 1, 1870,'" approved March 30, 1874, to any person or persons and full payment has been made therefor to the State of California, and either no deed or patent has been made or delivered by or on behalf of the State of California, or the deed or patent from the State of California therefor has been lost or destroyed and was never recorded in the office of the county recorder of any county wherein any of such

Quieting
title against
state to
marsh and
tide lands

land is situated, the person or persons claiming or derailing title to any such lands through or under any purchase thereof from the State of California, is and are hereby authorized to bring suit against the State of California in any court of competent jurisdiction of said state to quiet title to said land or any portion thereof, and to prosecute the same to final judgment. In any case where such full payment has been made, the title of the plaintiff may be quieted against the State of California in and by such judgment, whether or not any such deed or patent has been made or delivered.

Provisions
applicable.

SEC. 2. All the provisions and rules of law relating to suits to quiet title and appeals therein shall apply to such suits as may be brought under this act. If judgment be given against the state in any such suit, no costs shall be allowed against the state.

Limitation.

SEC. 3. Any such suits to quiet title shall be commenced within one year after this act takes effect.

Service.

SEC. 4. Service of summons in such suits shall be made on the surveyor general and the attorney general.

CHAPTER 791.

An act to amend the title and sections two, three, five, six, seven, eight, nine, ten, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-three, twenty-four, and twenty-six and to repeal sections twelve and twenty-nine of an act entitled "An act to empower the state market director of California to regulate and control the business of buying and selling fresh fish; to regulate the destruction of food fish; to create a state fish exchange; to license those engaged in marketing fish; to create a state fish exchange fund and a revolving fund; to provide penalties for violations of this act; to investigate and report on the fish industry; and to promote the sale of fish," approved June 1, 1917, relating to license fees and the administration of the act.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats 1917,
p. 1673,
amended.

SECTION 1. The title of the act entitled "An act to empower the state market director of California to regulate and control the business of buying and selling fresh fish; to regulate the destruction of food fish; to create a state fish exchange; to license those engaged in marketing fish; to create a state fish exchange fund and a revolving fund; to provide penalties for violations of this act; to investigate and report on the fish industry; and to promote the sale of fish," approved June 1, 1917, is hereby amended to read as follows:

Title.

An act to empower the director of agriculture to regulate and control the business of buying and selling fresh fish; to

regulate the destruction of food fish; to create a state fish exchange; to license those engaged in marketing fish; to create a state fish exchange fund and a revolving fund; to provide penalties for violations of this act; to investigate and report on the fish industry; and to promote the sale of fish.

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Stats. 1917,
p. 1673,
amended.
Purpose
of act.

Sec. 2. It is hereby declared that it is the purpose of this act to bring about an increased consumption of fresh fish by the people of California, to enable them to obtain the same at reasonable prices, and to empower the director of agriculture to regulate and control the business of buying and selling fresh fish, to regulate the destruction of food fish, to create a state fish exchange, to license those engaged in marketing fresh fish, to create a state fish exchange fund, to provide penalties for violations of this act, to investigate and report on the fish industry, and to promote the sale of fish.

SEC. 3. Section 3 of said act is hereby amended to read as follows:

Stats. 1917,
p. 1673,
amended
Words and
phrases
defined.

Sec. 3. The following terms used in this act shall, unless a different meaning is plainly required by the context, be construed as follows:

The "director of agriculture" shall be understood to be himself personally or his duly appointed and authorized representative. A "person" shall be deemed to include individuals, partnerships, associations and corporations or their agents or employees. A "retail dealer," "peddler," or "huckster," is one engaged in the business of selling fresh food fish direct to the consumer. A "wholesale dealer" is one who sells fresh food fish to hotels, restaurants, railroads, steamships, hospitals, institutions and all others than the consumer, and especially to retail dealers for resale. A "fish buyer" or "fish broker" is one engaged in the business of buying or selling fresh food fish for the owner or consignee, or who, without an established place of business, buys from the fishermen for the purpose of reselling to others than the consumer. "Market fishermen" are individuals engaged in the business of catching fish which is sold or intended to be sold. When the singular is used, the plural is also included; whenever the masculine is used, the feminine and neuter are included.

SEC. 4. Section 5 of said act is hereby amended to read as follows:

Stats. 1917
p. 1674,
amended.
Regulation
of fish
business.

Sec. 5. (a) The director of agriculture is hereby vested with jurisdiction to regulate and control the business of buying and selling and otherwise disposing of fresh food fish caught in the waters under the jurisdiction of the state, and the business of buying, selling and disposing of such fresh food fish may not be carried on except in accordance with the provisions of this act.

(b) The director of agriculture is hereby vested with jurisdiction to open and conduct where, when, and for so long as he deems it advisable, state markets for the buying and selling

State
markets.

of fresh food fish, and to rent, lease or purchase plants and equipment necessary for the same, and to use so much of the funds placed at the disposal of the state market director by the act creating the state commission market, approved June 10, 1915, or in the event of the repeal of said act, by the state market commission act, as may be required in establishing and conducting said markets.

Additional
powers.

(c) The director of agriculture is hereby vested with full power, authority and jurisdiction to do and perform any and all things, whether herein specifically designated, or in addition thereto, which are necessary or convenient in the exercise of any power, authority or jurisdiction conferred under this act.

Stats. 1917,
p. 1675,
amended
Maximum
prices.

SEC. 5. Section 6 of said act is hereby amended to read as follows:

SEC. 6. (a) The director of agriculture shall, when and where and for so long as he deems it advisable, establish maximum prices to be paid or charged in any particular locality, for food fish of any or all varieties intended for human consumption in its fresh condition, caught in the waters under the jurisdiction of the state:

First—To be paid to those engaged in catching such fish for sale.

Second—To be paid to those engaged in the wholesale fish business.

Third—To be charged to the consumer by retail fish dealers, peddlers or hucksters; and said prices shall be such as will allow, in the judgment of the director of agriculture, a reasonable compensation or profit to those engaged in the catching or selling of such fish.

Changes in
prices.

(b) The director of agriculture may, at his discretion, from time to time make such changes or withdrawals in the prices authorized in section 6 (a) hereof, as he may deem necessary.

Exceeding
maximum
prices.

(c) It shall be unlawful for any person engaged in the business of selling fresh food fish in a particular locality to charge more than the maximum prices authorized for such locality, as provided in section 6 (a) hereof. Any violation of the provisions of this paragraph, after receipt of notice of maximum prices established in accordance with the provisions of section 6 (a) of this act, shall be good and sufficient ground for the suspension or revocation by the director of agriculture in his discretion of any license issued under the authority of this act.

Conferences.

(d) In the exercise of powers under this act, the director of agriculture may confer with parties interested with a view of securing their advice and counsel as to maximum prices to be paid and charged.

Stats. 1917,
p. 1675,
amended.

SEC. 6. Section 7 of said act is hereby amended to read as follows:

Consent to
destruction
or diversion
of fish.

SEC. 7. It shall be unlawful for any one to destroy, or cause or permit to be destroyed any food fish in excess of fifty pounds within one day of twenty-four hours or to divert, or

cause or permit to be diverted any food fish to any use other than human consumption, without having first obtained the written consent of the director of agriculture to such destruction or diversion. Consent to such destruction or diversion shall be given only where the applicant establishes to the satisfaction of the director of agriculture that such destruction or diversion is not for the purpose of influencing prices and that reasonable efforts have been made to induce its consumption by the public. Nothing in this section shall be construed to apply:

To the use of food fish by fishermen as bait in the customary manner, or to food fish in the possession of canners, curers or packers and which are not suitable for their use and which in consequence are destroyed or diverted to use other than human consumption.

SEC. 7. Section 8 of said act is hereby amended to read as follows:

Stats 1917,
p 1676,
amended.

Sec. 8. In the event of a supply of fresh food fish reaching any market, which supply in the judgment of the director of agriculture is excessive or abnormal:

When
excessive
supply of
fish reaches
market.

(a) It shall be the duty of the director of agriculture, in his discretion, to use every means at his command to induce its consumption by the public, including reduction in prices thereon and increased publicity, as hereinafter provided for.

(b) It shall be obligatory on the part of market fishermen and wholesale fish dealers, who find themselves possessed of an excessive supply, to notify the director of agriculture of the fact, and failure to give such notice shall be sufficient grounds for the suspension for a period not exceeding one month, in the discretion of the director of agriculture, of any license issued under the authority of this act.

(c) The director of agriculture may, at his option, use the moneys of the state fish exchange fund hereinafter provided for, in purchasing any part or all of an excess of food fish over the amount that can be sold through ordinary channels, and to place same in cold storage, and to resell same to any or all buyers, and any loss or profit in such transactions shall be charged or credited to the state fish exchange fund.

SEC. 8. Section 9 of said act is hereby amended to read as follows:

Stats 1917
p. 1676,
amended

Sec. 9. Every person, individual, partnership, association or corporation, other than market fishermen, engaged in the business of buying and selling fish for consumption in its fresh condition, shall pay to the state an annual license fee, as follows:

License
fees.

First—All retail dealers, dealing exclusively in fish, crustaceans and mollusks, ten dollars.

Second—All retail dealers, handling fish in connection with a retail business, owned by them, in other products than crustaceans and mollusks, and all peddlers and hucksters, five dollars.

Third—All fish brokers and all fish buyers, fifty dollars.

Fourth—All fishermen's organizations selling the catch of their members or agents selling the catch of such fishermen's organizations, fifty dollars.

Fifth—All salesmen or agents representing wholesale fish dealers located outside the state, fifty dollars.

Wholesale
fish
dealers.

Sixth—All wholesale fish dealers, on the basis of their gross receipts from the sale of fresh food fish, including their sales at branch houses, as follows:

When gross receipts for one year are:

Not in excess of fifty thousand dollars, fifty dollars.

Between fifty thousand dollars and one hundred thousand dollars, seventy-five dollars.

Between one hundred thousand dollars and two hundred thousand dollars, one hundred dollars.

Between two hundred thousand dollars and four hundred thousand dollars, one hundred fifty dollars.

Between four hundred thousand dollars and six hundred thousand dollars, two hundred dollars.

More than six hundred thousand dollars, two hundred fifty dollars.

Seventh—All branch houses of wholesale dealers—that is, wholesale dealers operating more than one wholesale establishment—for each branch house, five dollars.

Payable in
advance.

Fees payable by wholesale dealers under paragraph sixth of this section, as above, shall be due and payable in advance, and shall be based on the applicant's sworn statement as to his gross receipts from the sale of food fish sold for human consumption in its fresh condition, using the preceding year as a basis. If the applicant did no wholesale business during said preceding year, a license shall be issued upon payment of a fee of fifty dollars and the execution of a good and satisfactory bond by the applicant to the director of agriculture, guaranteeing the payment of such additional amount as will make the total payable on his actual business during such period equal to the license fee fixed in said paragraph sixth of this section. If the amount of actual sales of any such dealer for any annual period, for which he has paid license fees in advance, shall be greater or less than the amount on which such license fee was based, he shall at the end of such period, be charged with and shall pay to the state such additional amount as would be due on the basis of actual sales as set forth in paragraph sixth hereof, if the amount of actual sales be greater than the amount on which license fee was paid; or if the actual sales be less than such amount for any such annual period, he shall, at the end thereof, be credited with the difference between the license fee paid in advance and the fee that would have been due on the basis of actual sales as set forth in paragraph sixth hereof; but such credit shall be made only on further license fees that may be payable by any such dealer.

Greater or
less sales.

SEC. 9. Section 10 of said act is hereby amended to read as follows: Stats 1917, p 1677, amended License periods.

Sec. 10. All licenses provided for in this act shall be paid in advance and shall terminate with June thirtieth, following the date of issue. A proportionate charge shall be made, according to the number of months covered, for licenses issued for a portion of the annual period, but in no case shall the fee be less than one-half of the annual fee, excepting those issued to wholesale dealers as hereinabove provided in section 9 of this act. A separate license shall be required for each place of business from persons owning or operating more than one establishment, except that the sale of fish from a vehicle by the holder of an exclusive retail fish dealer's license shall not require a peddler's license. Persons doing both a wholesale and retail business shall be required to take out both wholesale and retail licenses unless the total receipts of any such person amount to less than ten thousand dollars per annum, and any such person having total receipts of less than ten thousand dollars per annum shall be considered a retail dealer for licenses hereunder. Separate licenses.

SEC. 10. Section 12 of said act is hereby repealed. Stats 1917, p 1678, repealed

SEC. 11. Section 16 of said act is hereby amended to read as follows: Stats. 1917, p. 1678, amended.

Sec. 16. To carry out the provisions of this act, there is hereby created a "state fish exchange" as a division of the state department of agriculture. The state fish exchange shall have an executive officer who shall execute a bond to the people of the State of California in the sum of ten thousand dollars for the faithful performance of his duties. The director of agriculture shall have authority, subject to the state civil service act, to appoint all employees, including attorneys, of the state fish exchange necessary to carry out the provisions of this act and shall fix their compensation and such employees so appointed shall have all the powers and authority of sheriffs and other peace officers for the purpose of enforcing this act. State fish exchange.

SEC. 12. Section 17 of said act is hereby amended to read as follows: Stats 1917, p. 1679, amended.

Sec. 17. The director of agriculture shall establish and enforce rules and regulations necessary for the proper carrying out of the provisions of this act, and shall print and distribute the same to all persons applying therefor without charge. Rules and regulations.

SEC. 13. Section 18 of said act is hereby amended to read as follows: Stats 1917, p. 1679, amended

Sec. 18. There is hereby created a fund to be known as the "state fish exchange fund." On or before the tenth day of each month, the state fish exchange shall remit to the state treasury all moneys collected by said exchange under this act, during the preceding month. All such remittances shall be placed to the credit of the state fish exchange fund and said fund shall be kept separate and apart from other state moneys. All expenses of whatsoever nature incurred by said exchange State fish exchange fund

pursuant to the provisions of this act, including the actual and necessary traveling and other expenses of its employees incurred while on business of the exchange and including the premium and charge for bonds given by surety companies for employees of the exchange when required by the director of agriculture or by the provisions hereof, shall be paid from the said fund, after approval by the director of agriculture, upon claims to be audited by the state board of control, except as provided in section 19 of this act.

Stats. 1917,
p. 1679,
amended.
Revolving
fund.

SEC. 14. Section 19 of said act is hereby amended to read as follows:

Sec. 19. A revolving fund of five hundred dollars shall be established by the state board of control out of the state fish exchange fund for expenses of the state fish exchange, other than salaries, rent and other regular expenses, and the director of agriculture may expend such revolving fund without first procuring the authority of the board of control, but shall file vouchers therefor monthly with the board of control.

Stats 1917,
p. 1679,
amended.
Payments to
director of
agriculture.

SEC. 15. Section 20 of said act is hereby amended to read as follows:

Sec. 20. A sum equaling five per cent of the gross receipts of the state fish exchange shall be paid out of the state fish exchange fund, monthly, to the director of agriculture and credited to the general fund, for services rendered the state fish exchange by the director of agriculture.

Stats 1917,
p. 1679,
amended.
Educational
and
publicity
campaigns.

SEC. 16. Section 21 of said act is hereby amended to read as follows:

Sec. 21. Any surplus over and above the expenditures of the state fish exchange in the state fish exchange fund shall be expended by said exchange, under the direction of the director of agriculture, in educational and publicity campaigns for the purposes of increasing the consumption of fresh food fish, and of enabling the public to obtain fish at reasonable prices.

Stats. 1917,
p. 1680,
amended.
Suspension
and
revocation
of licenses.

SEC. 17. Section 23 of said act is hereby amended to read as follows:

Sec. 23. Any license issued under the authority of this act may be suspended or revoked by the director of agriculture in his discretion, as herein provided, or upon evidence that the holder thereof has been or is a violator of the provisions of section 6 of this act, authorizing the fixing of maximum prices on fish, or of the fish and game laws of the state, as evidenced by conviction in any court of competent jurisdiction; or any such license may be suspended in the discretion of the state director of agriculture for a period not to exceed thirty days for any violation of the rules and regulations provided for in section 17. Such suspension or revocation shall be made only after due notice of such intention has been given the offender and an opportunity given him to rebut the charge at a formal hearing by the director of agriculture, at which hearing the accused shall be entitled to be represented by attorney.

SEC. 18. Section 24 of said act is hereby amended to read as follows: Stats. 1917, p. 1680, amended.

Sec. 24. The director of agriculture may require from any person engaged in marketing fish a written statement as to the amount and varieties of fish caught, or on hand, or sold by said person. Failure to furnish such statement on demand shall be good and sufficient grounds for the suspension of license issued under the provisions of this act, at the discretion of the director of agriculture, for a period not exceeding thirty days. Statement of fish caught.

SEC. 19. Section 26 of the said act is hereby amended to read as follows: Stats. 1917, p. 1680, amended.

Sec. 26. (a) The director of agriculture may make investigations concerning all matters relating to the provisions of this act. In connection therewith he shall have the right to inspect the books and records of any person engaged in marketing fish, and the director of agriculture is hereby empowered to hear complaints, administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the state. Investigations.

(b) The superior court in and for the county, or city and county, in which any inquiry, investigation or proceeding may be held by the director of agriculture, shall have power to compel the attendance of witnesses, the giving of testimony and the production of papers, including books, accounts and documents, as required by any subpoena issued by the director of agriculture. The court upon petition of the director of agriculture shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he had not attended and testified or produced said papers before the director of agriculture. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the director of agriculture, the court shall thereupon enter an order that said witness appear before the director of agriculture at a time and place to be fixed in such order, and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. Enforcement of subpoenas.

SEC. 20. Section 29 of said act is hereby repealed. Stats. 1917, p. 1681, repealed.

CHAPTER 792.

An act to aid improvement, drainage and reclamation by authorizing certain improvements in and about the city of San Diego and as a means thereof creating a reclamation district to be called and known as the "Bayside reclamation district," fixing the boundaries thereof, providing for

the management and control thereof, vesting certain powers therein, and authorizing a method for the reclamation of the lands of said district.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Bayside
reclamation
district.

SECTION 1. Whereas, to aid improvement, drainage, reclamation, and habitation in the city of San Diego and county of San Diego it is necessary to fill in and provide for the drainage of certain lands, and to reclaim the said lands now lying in the district hereinafter described, so that they may become a useful adjunct to habitation of said city of San Diego, be it therefore enacted that a reclamation district is hereby created to be called and known as the "Bayside reclamation district" with the powers and duties and exterior boundaries as hereinafter set forth and described.

Territory
included.

SEC. 2. The said "Bayside reclamation district" shall comprise those certain lands, pieces and parcels of land and ditches and sloughs or portions thereof lying in the city of San Diego in the county of San Diego, State of California, and within that territory described as follows:

All of pueblo lots numbers two hundred thirty-seven, three hundred fifteen, three hundred sixteen, three hundred seventeen, three hundred eighteen and three hundred nineteen, portions of pueblo lots numbers two hundred ten, two hundred twenty-one, two hundred twenty-two, two hundred twenty-three, two hundred twenty-four, two hundred twenty-five, two hundred thirty-six, two hundred forty, three hundred thirteen, three hundred fourteen and three hundred twenty, and a portion of Rosecrans street, as shown on miscellaneous map number thirty-six of the pueblo lands of San Diego on file in the office of the county recorder of San Diego county; also all of Bay View tract, according to map number one hundred four; all of Pendleton addition, according to map number one thousand seven hundred ninety-eight; portions of Harbor Villas, according to map number one thousand three hundred fourteen; and a portion of Westlawn addition, according to map number one thousand four hundred sixty-four, all said maps being on file in the office of the said county recorder; the whole being a continuous tract within the city of San Diego, county of San Diego, State of California, and more completely described as follows:

Beginning at a point on the southwesterly boundary line of said pueblo lot number two hundred forty, which bears south fifty-three degrees, forty-nine minutes forty-two seconds east, a distance of fifty-five and thirteen hundredths feet from the westerly corner of said pueblo lot number two hundred forty, identical with the southerly corner of pueblo lot number two hundred forty-one; running thence north fifty-four degrees, forty-six minutes six seconds east, a distance of one thousand

five hundred twenty-eight and twenty-six hundredths feet to a point on the northwesterly boundary of said pueblo lot number three hundred fourteen and on the southerly right of way line of the San Diego Electric Railway from whence the northerly corner of said pueblo lot number three hundred fourteen bears north thirty-five degrees fifty-nine minutes eighteen seconds east, a distance of one hundred forty-nine and seventy-eight hundredths feet; thence south seventy-seven degrees fifty-five minutes forty-five seconds east along the said southerly right of way line of the San Diego Electric Railway, a distance of one hundred seventy-one and seventy-four hundredths feet to a point; thence south sixty-five degrees fifty-seven minutes thirteen seconds east along the said southerly right of way line of the San Diego Electric Railway, a distance of three hundred eighty-three and sixty-five hundredths feet to a point on the northeasterly boundary of said pueblo lot number three hundred fourteen; thence south fifty-three degrees fifty-five minutes forty-four seconds east along the northeasterly boundary of said pueblo lot number three hundred fourteen, a distance of one hundred twenty-seven and sixty-nine hundredths feet to the easterly corner of said pueblo lot number three hundred fourteen, identical with the northerly corner of said pueblo lot number three hundred fifteen; continuing thence south fifty-three degrees fifty-five minutes forty-four seconds east along the northeasterly boundary of said pueblo lot number three hundred fifteen, a distance of six hundred sixty and one-tenth feet to the easterly corner of said pueblo lot number three hundred fifteen; thence south fifty-four degrees twenty-four minutes five seconds east, a distance of one hundred feet to the northerly corner of said pueblo lot number three hundred sixteen; thence south fifty-three degrees fifty-seven minutes five seconds east along the northeasterly boundary of said pueblo lot number three hundred sixteen, a distance of six hundred sixty and fourteen hundredths feet to the easterly corner of said pueblo lot number three hundred sixteen; identical with the northerly corner of said pueblo lot number three hundred seventeen; thence south fifty-three degrees fifty-six minutes fifty-five seconds east along the northeasterly boundary of said pueblo lot number three hundred seventeen, a distance of six hundred sixty and three-tenths feet to the easterly corner of said pueblo lot number three hundred seventeen; identical with the northerly corner of said pueblo lot number three hundred eighteen; continuing thence south fifty-three degrees fifty-six minutes fifty-five seconds east along the northeasterly boundary of said pueblo lot number three hundred eighteen, a distance of six hundred sixty and eighteen hundredths feet to the easterly corner of said pueblo lot number three hundred eighteen; identical with the northerly corner of said pueblo lot number three hundred nineteen; thence south fifty-three degrees fifty-seven minutes fifteen

Territory
included
(cont'd).

Territory
included
(cont'd).

seconds east along the northeasterly boundary of said pueblo lot number three hundred nineteen, a distance of six hundred sixty and two-tenths feet to the easterly corner of said pueblo lot number three hundred nineteen, identical with the northerly corner of said pueblo lot number three hundred twenty; thence south fifty-three degrees fifty-seven minutes east, along the northeasterly boundary of said pueblo lot number three hundred twenty; a distance of six hundred thirty-eight and eighteen hundredths feet to a point on the northerly boundary of Barnett avenue; thence south seventy-three degrees fifty minutes thirty seconds west, a distance of four thousand two hundred and fifty-one hundredths feet, to a point of curvature; thence westerly along the arc of a curve to the right whose radius is one hundred eighty-four and ninety-four hundredths feet, a distance of one hundred sixty-seven and fifty-two hundredths feet to a point of tangency on the northeasterly boundary of Lytton street; thence north fifty-four degrees fifteen minutes thirty seconds west along the said northeasterly boundary of said Lytton street, a distance of three hundred seventy-six and thirty-one hundredths feet to a point; thence north twenty-four degrees thirty-seven minutes thirty-two seconds east, a distance of four hundred eighty-four and twenty-eight hundredths feet to a point on the southwesterly line of said pueblo lot number two hundred twenty-three, from whence the westerly corner of said pueblo lot number two hundred twenty-three bears north fifty-three degrees fifty-four minutes west, a distance of eighty-three and one hundredths feet; thence north thirty-four degrees fifteen minutes thirty-one seconds east, a distance of one hundred forty-three and twenty-five hundredths feet to a point; thence north twenty-one degrees forty-one minutes forty-three seconds east, a distance of three hundred nineteen and eighty-eight hundredths feet to a point on the northwesterly boundary of said pueblo lot number two hundred twenty-three, from whence the said westerly corner of said pueblo lot number two hundred twenty-three bears south fifty-three degrees fifty-seven minutes eight seconds west, a distance of four hundred fifty-three feet; thence north fifteen degrees forty-seven minutes thirteen seconds west, a distance of three hundred seven and thirty-eight hundredths feet to a point; thence north forty-four degrees twelve minutes thirty-four seconds west, a distance of one hundred twenty and ninety-eight hundredths feet to a point; thence north five degrees thirty-four minutes seven seconds west, a distance of one hundred forty-eight and twenty-four hundredths feet to a point; thence north twenty-eight degrees fifty-nine minutes fifty seconds east, a distance of one hundred ninety-five and thirty-two hundredths feet to a point; thence north six degrees thirty-one minutes twelve seconds west, a distance of four hundred seventy-six and thirty-two hundredths feet to a point on the northeasterly boundary of said pueblo lot number two hundred twenty-two, from whence the easterly corner of said

pueblo lot number two hundred twenty-two bears south fifty-three degrees fifty-four minutes thirty seconds east, a distance of seven hundred four and three hundredths feet; thence north five degrees, five minutes fifty-three seconds east, a distance of three hundred twenty-three and thirty-two hundredths feet to a point; thence north seventy-six degrees seven minutes fifty-five seconds west, a distance of one hundred ten and ninety-eight hundredths feet to a point; thence north eighty-seven degrees fifty-five minutes fifty-nine seconds west, a distance of four hundred nineteen and fifty-six hundredths feet to the northerly corner of said pueblo lot number two hundred twenty-two identical with the easterly corner of said pueblo lot number two hundred twenty-one; thence south seventy-five degrees ten minutes west, a distance of three hundred feet to a point; thence south fifty-seven degrees fifty-five minutes west, a distance of three hundred fifteen feet to a point; thence south seven degrees fifty-four minutes fifty-two seconds west a distance of four hundred eighty-five and three hundredths feet to a point; thence south fifty-five degrees fifty-two minutes fifty seconds west, a distance of two hundred feet to a point; thence north fifty-nine degrees seven minutes twenty seconds west, a distance of one hundred thirty feet to a point; thence north twenty-six degrees thirty-seven minutes thirty seconds east, a distance of two hundred sixty feet to a point; thence north five degrees forty-two minutes fifty seconds west, a distance of two hundred thirty-five feet to a point; thence north sixty-seven degrees twenty-seven minutes west, a distance of four hundred eighty-seven and fifty-three hundredths feet to a point; thence south forty-seven degrees forty-two minutes west, a distance of two hundred eighty-three and seventeen hundredths feet to a point; thence south thirty-six degrees fifty minutes west, a distance of three hundred thirty-two and twenty-five hundredths feet to a point; thence north eighty-six degrees thirty-nine minutes west, a distance of seventy-seven and nine-tenths feet to a point; thence north nine degrees thirty-three minutes east, a distance of two hundred thirty and ninety-four hundredths feet to a point; thence north thirty-two degrees east, a distance of two hundred seventy-three and fifteen hundredths feet to a point; thence north forty-six degrees fifty-two minutes ten seconds east, a distance of two hundred sixty-four feet to a point; thence south seventy-three degrees twenty-five minutes forty-three seconds east, a distance of seven hundred nine and sixty-nine hundredths feet to a point; thence north thirty-four degrees forty minutes twenty seconds east, a distance of five hundred twelve and forty-four hundredths feet to the point of beginning, containing an area of two hundred twenty-nine and five hundredths acres.

Territory
included
(cont'd).

SEC. 3. Except as otherwise provided in this act, the management and control of said "Bayside reclamation district" is hereby made subject to the provisions of article II of chapter I of title VIII of part III of the Political Code of the State of

Management
and control.

California relating to swamp and overflowed land and reclamation districts or any amendments or additions thereto.

Trustees.

SEC. 4. The management and control of said "Bayside reclamation district" shall be vested in three (3) trustees who shall hold office until their successors are elected or appointed and qualified. Charles Smith, George J. Bach and John Forward, Jr., of the said city of San Diego and county of San Diego are hereby appointed trustees for said "Bayside reclamation district" to act until their successors are elected or appointed and qualified. An election of three (3) trustees shall be held in said district on the third Tuesday in March, 1931, and on the third Tuesday of March every four (4) years thereafter at which said election the trustees of said district are to be elected, except as otherwise provided in this act in accordance with the provisions of section 3491 of the Political Code of the State of California thereunto appertaining, and upon such notice as is required thereby and the trustees so elected shall hold office for a term of four (4) years and until their successors are elected or appointed and qualified. In case of any vacancies in the office of trustees of said district, the board of supervisors of the county of San Diego, State of California, shall by resolution passed by majority vote of such body appoint some person as trustee to fill said vacancy who shall hold said office until the next election.

Office.

SEC. 5. The office and principal place of business of said district shall be in the city of San Diego, county of San Diego and in such place as the board of trustees may from time to time designate. All funds of said district shall be deposited with the county treasurer of the said county of San Diego and shall be held and disbursed as provided by article II of chapter I of title VIII of part III of the Political Code except as herein otherwise provided.

Funds.

Jurisdiction
of super-
visors.

SEC. 6. The board of supervisors of the county of San Diego shall have jurisdiction of all matters concerning said district conferred by article II of chapter I of title VIII of part III of the Political Code of the State of California on boards of supervisors, and the said board of supervisors of the county of San Diego is hereby designated as the body having the jurisdiction to act under the said provisions of the Political Code of the State of California, except as otherwise provided in this act.

By-laws.

SEC. 7. The majority of the board of trustees of said district shall adopt by-laws not inconsistent with the laws of the State of California for the government and control of the affairs of the district. The by-laws thus adopted must be signed by a majority of the board of trustees, and must be by them filed with the county recorder of the county of San Diego and by him recorded in a book kept by him for the purpose of recording instruments and writings relating to reclamation. The by-laws thus adopted may be amended at any time in the same manner that the original by-laws were adopted. Such

by-laws and amendments thereto shall become effective from and after their recordation.

SEC. 8. The board of trustees may elect one of its members ^{Officers and employees} president thereof, may elect one of its members or any other person secretary thereof, may employ such clerks and legal counsel as may be necessary, and may employ engineers and others to survey, plan, locate and estimate the cost of work necessary for the reclamation of the lands of the district, and to render all other necessary services, and may fix or agree upon their compensation, and provide for the payment thereof as an expense or expenses of said district.

SEC. 9. The said "Bayside reclamation district" shall ^{Powers.} have power to reclaim, drain, improve and protect the lands of said district by making, constructing and maintaining such fills, drains, canals, sluices, bulkheads, watergates, levees, embankments, drain pipes and pumping plants as in the opinion of said trustees are or may be necessary to the general plan or plans decided upon by said trustees for the reclamation of said district, and the said district shall have power to construct, maintain and operate any other improvements or projects which are reasonably necessary for the carrying out of the general plan or plans decided upon for the reclamation of said district, and the said district may contract for such material, supplies, labor and machinery as may be necessary for those purposes. The said district may fill the lands of said district in private ownership, and the streets lying therein, and thereby raise them to the official district street grades as the same may be now or hereafter established, and to that end may if necessary, to obtain the right to do so by purchase, by agreement with the owners thereof, by condemnation or other legal means. Said district may secure material to make such fills by contract or agreement with the United States and State of California and any department, bureau, agency or authorized officer or agent of either or both, and with the city of San Diego or the county of San Diego or any department, bureau, agency or authorized officer or agent thereof or both, or with any other person, firm or corporation. The said district may acquire by gift, purchase, lease, or by condemnation, any fills, drains, canals, sluices, bulkheads, watergates, levees, embankments, drains, pipes or pumping plants now situated upon the lands included within the district and which are reasonably necessary for the carrying out of the general plan or plans decided upon for the reclamation of said district. The said district may acquire, assume or take over any contracts theretofore entered into, which contracts will aid or facilitate in any way the carrying out of the general plan or plans decided upon by said trustees for the reclamation of said district. The Legislature of the State of California hereby declares that it is necessary for the reclamation of the lands of said district not only that the proper drains, canals, sluices, bulkheads, watergates, levees, fills, drainpipes, embankments and pumping plants and other usual works be constructed and

maintained, but that the lands thereof in private ownership and the street lines therein, be filled and raised to the official district street grades as the same are now or may be hereafter legally established.

Additional
powers.

SEC. 10. The board of trustees of said district shall have power to adopt a plan or plans for the reclamation of said district, and may thereafter at any time in its discretion modify or change such original plan or plans or adopt new supplemental or additional plan or plans when in its judgment the same shall have become necessary. The said district shall have power to acquire by lease, purchase, agreement, condemnation or other legal means all property, easements, and rights of way, and the right to take materials for the construction of all works necessary for the accomplishment of its object, and the right to contract for all necessary labor, supplies, material and machinery. The said district shall also have the right and power to join with other reclamation districts, levee districts, or swamp land districts, with the United States, the State of California, the city of San Diego and the county of San Diego, or any of their departments, bureaus, agencies or authorized officers or agents, or with other persons in the construction and maintenance of reclamation works, and to contract for the same, and to do all other acts incident or necessary, in the opinion of said board of trustees, to the reclamation of the lands of said district. Except as otherwise provided in this act, the said "Bayside reclamation district," and its trustees shall have all the rights and powers, which are now, or may hereafter be, conferred by the provisions of the Political Code, or by other laws of the State of California upon reclamation or swamp land districts. Said district and its trustees shall also have power to provide for the costs of the works of reclamation and the other authorized expenses of said "Bayside reclamation district," assessments may be made and levied upon the lands in said district and become a charge and lien thereon, warrants may be drawn and issued, and a bonded indebtedness may be created and bonds therefor may be executed, sold and issued in the manner authorized by the provisions of article II of chapter I of title VIII of part III of the Political Code of the State of California, except as herein otherwise provided or by the provisions of general laws relative to reclamation districts. All of the provisions of the Political Code of the State of California, unless inconsistent with the provisions of this act, are made a part of this act, and shall be deemed to be incorporated herein. Said reclamation district shall have the power, in addition to the powers hereby conferred, to do all other acts or things that any reclamation district or swamp land district within the State of California has power to do under any existing law or any law hereafter enacted.

Legality
of district.

SEC. 11. The board of trustees of said "Bayside reclamation district" may commence a proceeding in the superior court of the State of California in and for the city of San

Diego and county of San Diego to determine the legality of the existence of said district, and may prosecute such a proceeding to a final judgment therein in the manner authorized by the provisions of section 3453 of the Political Code of the State of California, and the other laws of the State of California applicable to such a proceeding.

SEC. 12. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SEC. 13. This act may be cited as the "Bayside reclamation district act."

CHAPTER 793.

An act to amend sections three thousand seven hundred eighteen and three thousand eight hundred twenty of the Political Code, relating to the lien of taxes on real property and improvements and the collection of personal property taxes by the assessor.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 3718 of the Political Code is hereby amended to read as follows:

3718. Every tax due upon real property is a lien against the property assessed; and every tax due upon improvements upon real estate assessed to others than the owner of the real estate, is a lien upon the land and improvements; and the taxes on all assessments of possession of, claim to, or right to the possession of land, and the taxes on taxable improvements located upon land exempt from taxation, are respectively liens upon such taxable real property, if any, as the owner or claimant of such possession of, claim to or right to possession, or improvements, owns in the county in which such possession, claim to, or right to possession of land, or taxable improvements are situated; which several liens attach as of the first Monday of March in each year.

SEC. 2. Section 3820 of the Political Code is hereby amended to read as follows:

3820. The assessor must collect the taxes on all property when, in his opinion, said taxes are not a lien upon real property sufficient to secure payment of the taxes. The taxes on all assessments of possession of, claim to, or right to the possession of land, and the taxes on taxable improvements located upon land exempt from taxation, shall be immediately due and

Constitutionality.

Short title.

Original section amended.

Lien of taxes on real property and taxes on improvements.

Stats 1921, p. 370, amended.

Taxes to be collected by assessor.

payable upon assessment and shall be collected by the assessor as provided in part III, title IX, chapter VIII of this code, unless, in the same county, the owner or claimant of such possession of, claim to or right to the possession of land, or of such improvements, shall also own taxable real property in fee, in which event the taxes due upon such possession of, claim to or right to the possession of land, or upon such improvements, are respectively a lien upon such taxable real property so owned in fee, which lien attaches as of the first Monday of March in each year, and such taxes need not be collected by the assessor if in his opinion such taxable real property so owned in fee is sufficient to secure the payment thereof.

CHAPTER 794.

An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of state highways, classifying the highways in the state system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of state highways.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Classifica-
tion of
state
highways

SECTION 1. Classification of State Highways. For the purposes of this act the state highways are hereby classified as primary state highways or secondary state highways. The main trunk highways together with the county seat, national park and certain interstate highway connections as hereinafter specifically described are hereby declared to be and classified as primary state highways, the route numbers given being the numbers heretofore given said routes or portions of routes by the California highway commission.

Route 1. From a point in Marin county opposite San Francisco to the Oregon line by way of the Smith river.

Route 2. From San Francisco to San Diego.

Route 3. From Sacramento to the Oregon line.

Route 4. From Sacramento to Los Angeles.

Route 5. From Stockton to Santa Cruz by way of Hayward together with a connection from Hayward to Oakland.

Route 6. From Sacramento to Woodland junction.

Route 7. From Benicia to Tehama junction.

Route 8. From Ignacio to Cordelia by way of Napa.

Route 9. From San Fernando to San Bernardino.

That part of Route 10 from Hanford to the Sequoia National park.

That part of Route 11 from Sacramento to Placerville

Route 12. From San Diego to El Centro.

That part of Route 13 from Salida to Sonora.

- Route 14. From Albany to Martinez.
 That part of Route 15 from Williams to Colusa.
 Route 16. From Hopland to Lakeport.
 Route 17. From Roseville to Nevada City.
 Route 18. From Merced to Yosemite National park.
 Route 19. From Route 9 west of Claremont to Riverside.
 That part of Route 20 from Redding to Weaverville.
 Route 21. From Route 3 near Richvale via Oroville to Quincy.
 Route 22. From San Juan Bautista to Hollister.
 That part of Route 23 from Saugus to Markleeville.
 That part of Route 24 from Route 4 near Lodi to San Andreas.
 Route 25. From Nevada City to Downieville.
 Route 26. From San Bernardino to El Centro.
 Route 27. From El Centro to Yuma.
 That part of Route 28 from Redding to Alturas.
 That part of Route 29 from Red Bluff to Susanville.
 Route 31. From San Bernardino to the Nevada line near Calada, by way of Barstow.
 That part of Route 34 from Route 4 near Arno to Jackson.
 That part of Route 37 from Auburn to Truckee.
 That part of Route 38 from Truckee to the Nevada state line near Verdi by way of the Truckee river canyon.
 Route 58. From Barstow via Needles to the Colorado river near Topoc, Arizona.
 Route 58a. From Mojave to Barstow.
 Route 60. From Route 2 near El Rio to Route 2 south of San Juan Capistrano.
 Route 64. From Mecca to Blythe.
 Route 66. From Manteca to Route 5 near Mossdale school.
 Route 68. The Bay Shore highway from San Francisco to San Jose.
 Route 71. From Crescent City northerly to the Oregon line near Chetco.

All other highways now or hereafter included within or constituting any part of the state highway system shall be and are hereby classified as secondary state highways.

Sec. 2. State Highway Construction Fund. Seventy-five per cent of the revenues derived each year for the construction and improvement of state highways under that certain act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, and adopting those provisions, not inconsistent herewith, of an act entitled 'An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith,' approved May 30, 1923, as

State
highway
construction
fund.

amended and approved May 23, 1925," introduced at the forty-seventh session of the Legislature and by the terms of said act credited to the state highway construction fund, shall be allocated to and expended upon the primary state highways as provided in section 3 hereof and the remaining twenty-five per cent of said revenues credited to the state highway construction fund shall be allocated to and expended upon secondary state highways as provided in section 3 of this act.

Expenditure of funds allocated to primary and secondary state highways.

SEC. 3. Expenditure of Funds Allocated to Primary and Secondary State Highways. (a) The money herein allocated to primary state highways and the amount available therefor each year shall be expended by the California highway commission in acquiring the necessary rights of way and in constructing or improving to standards justified by traffic requirements, and on the most direct and practicable routes in a manner to be determined by the California highway commission the primary state highways enumerated in section 1 of this act and the annual expenditures thereof shall be made within each group of counties enumerated in section 4 hereof in amounts which shall bear the same proportion to the total amount so available during the current year as the number of miles designated herein of primary state highways, within each group, bears to the total number of miles of primary state highways herein designated.

(b) The money herein allocated to secondary state highways and the amount available therefor each year shall be expended by the California highway commission in acquiring the necessary rights of way for and in constructing or improving to standards justified by traffic requirements and on the most direct and practicable routes in a manner to be determined by the California highway commission, the secondary state highways in the state system and the total annual expenditures thereof shall be made one-half thereof in each of the groups of counties enumerated in section 4 of this act; *provided*, that not to exceed ten per cent of the money so allocated to a particular group may be used and expended as state aid to joint county highway districts within such group in accordance with the laws pertaining to the financing of highways within joint county highway districts.

County groups.

SEC. 4. County Groups. For the purposes of this act and the allocation of state highway construction, maintenance, improvement and other funds, the counties of the state are hereby placed in two groups as follows:

Group No. 1. All those counties of the state not included in Group No. 2.

Group No. 2. The counties of San Luis Obispo, Kern, Mono, Tulare, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, San Diego and Imperial.

Allocation of maintenance and improvement funds.

SEC. 5. Allocation of Maintenance and Improvement Funds. All money now or hereafter available under any law of this state for the maintenance, repair, widening, resurfacing or

reconstruction of state highways shall be allocated and expended as follows: The California highway commission is hereby authorized and directed to expend of all said money available each year such proportion thereof as it determines is necessary for general administration expenses and for maintaining or repairing to standard all traversable state highways. All the rest and remainder of said funds available each year shall be expended by the California highway commission for the widening, resurfacing or reconstruction of state highways and the annual expenditures for the last enumerated purposes shall be made within each group of counties enumerated in section 4 hereof in amounts which shall bear the same proportion to the total amount so available during the current year as the number of miles of primary state highways designated in this act within each group bears to the total number of miles of primary state highways herein designated.

CHAPTER 795.

An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, and adopting those provisions, not inconsistent herewith, of an act entitled, "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended and approved May 23, 1925.

[Approved by the Governor May 26, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. In addition to the two cents license tax provided for in an act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," approved May 30, 1923, as amended and approved May 23, 1925, and referred to herein as the "original act," every distributor, as defined in said "original act," shall pay a license tax to the state controller of this state of an additional one cent for each gallon of motor vehicle fuel, as defined in said "original act," said license tax to be computed, paid and collected in the same manner and at the same intervals of time as in said "original act" provided.

Additional
tax on
motor vehicle
fuel.

Disposition
of receipts

All moneys received by the state controller from payment of the additional license tax under the provisions of this act shall be by him deposited in the state treasury of this state and credited to the "Motor vehicle fuel fund" created in said "original act," and shall be subject to the payment of one-third of the refunds provided for in section eleven of said "original act" in the manner therein provided. After the payment of said proportion of said refunds, the balance of said moneys received hereunder shall be by the state controller credited to the "State highway construction fund," which fund is hereby created.

Use of
receipts on
state
highways

Sec. 2. All moneys so credited to said state highway construction fund shall be allocated and expended by the California highway commission of this state for the acquisition of rights of way for and the construction and improvement of state roads and highways in accordance with that certain act entitled, "An act to provide for the acquisition of rights of way for and the construction, maintenance and improvement of state highways, classifying the highways in the state system and allocating and directing the expenditure of funds for the construction, maintenance and improvement of state highways," passed at the forty-seventh session of the Legislature or as subsequently amended, and in the event that said last mentioned act shall not be enacted into law at the forty-seventh session of the Legislature then and in that event the license tax of an additional one cent for each gallon of motor vehicle fuel imposed under this act shall cease and be inoperative. All money withdrawn from the state highway construction fund shall be upon warrants drawn by the state controller upon demands made by the said California highway commission and allowed and audited by the state board of control of this state.

Provisions,
etc,
adopted

SEC. 3. All provisions, penalties and requirements now contained in said "original act," not inconsistent herewith, are hereby adopted and made a part of this act, notwithstanding any repeal or amendment of said "original act," hereafter.

CHAPTER 796.

An act to add a new chapter to be numbered chapter two a, embracing section two thousand nine hundred eighty to division third, part four, title fourteen, of the Civil Code, relating to conditional sales.

[Approved by the Governor May 27, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. A new chapter, to be numbered chapter IIa, ^{New chapter} embracing section 2980, is hereby added to division III part IV, title XIV, of the Civil Code, to read as follows:

Chapter IIa.

Conditional Sales.

2980. Any conditional sales contract creating or reserving ^{Conditional sales of live stock and poultry.} any interest in or lien upon live stock or poultry not in the possession of the person having such interest or lien shall be void against all others than the parties to the agreement unless acknowledged and recorded in the same manner as mortgages on live stock are required to be acknowledged and recorded.

Sections 2959 and 2965 of the Civil Code, and sections 408, 4130, 4140 and 4300c of the Political Code, are hereby made applicable to conditional sales contracts involving live stock and poultry in the same manner as to mortgages on live stock.

CHAPTER 797.

An act to amend section two of an act entitled "An act to regulate the issuance of licenses for resale to hunters and 'anglers,'" approved May 20, 1915, as amended.

[Approved by the Governor May 27, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of an act entitled "An act to regulate the issuance of licenses for resale to hunters and 'anglers,'" approved May 20, 1915, as amended, is hereby amended to read as follows: ^{Stats. 1917, p. 663, amended.}

Sec. 2. For each license sold, registered and accounted for by any person, except by a fish and game commissioner or a deputy or assistant fish and game commissioner paid a salary in full for his services to the state, he shall be allowed as compensation, for his own use, out of the fish and game preservation fund, five per cent of the amount or amounts accounted for by him. ^{Compensation for sale of licenses.}

CHAPTER 798.

An act to regulate the sale and issuance of licenses to hunt, take, pursue or kill wild birds or mammals, and/or to angle for, take, catch or kill game fishes for purposes other than sale or profit in order to provide revenue therefrom for fish and game preservation, protection and restoration; defining game fishes; providing a penalty for the violation of this act and repealing all acts and parts of acts inconsistent or in conflict with this act.

[Approved by the Governor May 27, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Hunting and
fishing
licenses
required

SECTION 1. Every person in the State of California who hunts, pursues or kills any of the wild birds or mammals, except predatory birds and mammals, and every person over the age of eighteen years who angles for, takes, catches or kills any of the game fishes for any purpose other than profit, without first procuring a license therefor, as provided in this act, is guilty of a misdemeanor.

Issuance
of licenses.

SEC. 2. Licenses granting the privilege to hunt, pursue or kill wild birds or mammals, and/or to angle for, take, catch or kill game fishes for purposes other than profit, shall be issued and delivered, upon application in writing, by the county clerk of any of the counties of this state or by the fish and game commission, which commission shall prepare suitable licenses of two classes (a) "hunting license," (b) "sporting fishing license," and each shall have printed or stamped thereon the date of expiration and a separate registration number, which said licenses shall be prepared and furnished to the county clerks for their own disposition by the fish and game commission, which shall take receipt therefor by numbers and quantity from the several county clerks and the county clerks shall be responsible therefor, and the said county clerks shall account for the same to the controller of the state every three months beginning with the first day of January of each year. For each license sold, registered and accounted for by any person except a fish and game commissioner, he shall be allowed as compensation, for his own use, out of fish and game preservation fund, five per cent of the amount accounted for.

To whom
issued.

SEC. 3. Licenses as herein provided shall be issued as follows:

Hunting
license.

Class A. "Hunting license," granting the privilege to hunt, pursue and kill wild birds and mammals, shall be issued:

First—To any citizen of the United States, over the age of eighteen years, who is a bona fide resident of the State of California, upon the payment of two dollars.

Second—To any citizen of the United States, under the age of eighteen years, who is a bona fide resident of the State of California, upon the payment of one dollar.

Third—To any citizen of the United States, not a bona fide resident of the State of California, upon the payment of ten dollars.

Fourth—To any person, not a citizen of the United States, who shall have declared his intention to become such citizen according to the law made and provided for such purposes, who is a bona fide resident of the State of California, upon the payment of ten dollars; *provided*, that after he has declared his intention to become a citizen he must complete his naturalization at the earliest period allowed by law; *provided, further*, that said applicant shall make and subscribe an oath that he has not claimed his citizenship in a foreign country as a basis for avoiding service in the armed forces of the United States, and the person issuing such license is hereby empowered to administer such oath.

Fifth—To any person, not a citizen of the United States, upon the payment of twenty-five dollars, except as provided in the fourth subdivision of this class.

Class B. "Sporting fishing license," granting the privilege to angle for, take, catch and kill game fishes for purposes other than profit shall be issued: Fishing
license

First—To any citizen of the United States over the age of eighteen years who is a bona fide resident of the State of California, upon the payment of two dollars.

Second—To any citizen of the United States, over the age of eighteen years, not a bona fide resident of the State of California, upon the payment of three dollars.

Third—To any person, not a citizen of the United States, and over the age of eighteen years, upon the payment of five dollars.

SEC. 4. Every person applying for and receiving a license as herein provided shall make a written application in which he shall state his full name, residence, address, height, age, color of hair and eyes, and place of birth; if not native born, whether he is naturalized; if naturalized, place and date of naturalization. Each such license shall be signed by the person to whom issued. The person issuing a license must enter on said application the number of the license so issued and date of issuance, and sign his name thereon, and forward the application to the fish and game commission. Applications.

SEC. 5. All licenses issued as herein provided shall be valid, and, subject to the limitations of each class of license, shall authorize the person to whom issued to hunt, pursue and kill wild birds and mammals, and/or to angle for, take, catch and kill game fishes for purposes other than profit, in accordance with the law, on and from the first day of January of the year in which such license was issued until the date of expiration written or stamped thereon, but no license shall continue in force for a period longer than one year; nor shall such license be issued to any person unless the licensee shall agree to exhibit any game or fish in his possession to any regularly appointed deputy fish and game commissioner or other peace Authority
conferred
by license.

officer of the state, upon demand, said agreement to be contained in such license.

Limitation
on issuance
and use.

SEC. 6. Not more than one hunting license and one sporting fishing license shall be issued to any one person for the same license year, except upon affidavit by the applicant that the one previously issued has been lost or destroyed, and then only upon payment of the original fee; and no license issued as herein provided shall be transferable or used by any other person than the one to whom it was issued.

Exhibition
of license.

SEC. 7. Every person having a license as herein provided must exhibit such license and any game or fish that may be in his possession, upon demand of any officer authorized to enforce the fish and game laws of this state, or any peace officer of the state.

Game fish.

SEC. 8. For the purposes of this act the following only shall be considered game fishes: Tuna, yellow tail, jewfish or black sea bass, albacore, barracuda, bonita, rock bass, California whiting (also known as corbina and surf fish), yellowfin, croaker, spot-fin croaker, salmon, steelhead and other trout, charr, whitefish, striped bass, black bass, perch, crappie, calico bass, and all varieties of sun fishes.

Civil war
veterans.

SEC. 9. Every veteran of the civil war shall be entitled to a hunting and angling license upon application, free of charge.

Penalties.

SEC. 10. Every person who makes any false statement as to any of the facts required by this act, for the purpose of obtaining a license, and every person violating any of the provisions of this act, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or by imprisonment in the county jail for a term of not less than ten days, nor more than one hundred and fifty days, or by both such fine and imprisonment, and shall forfeit such license as may have been obtained and no new license shall be issued to such person for the remainder of the license year.

Disposition
and use
of receipts.

SEC. 11. All moneys collected from the sale of licenses as provided in this act, and all fines and forfeitures imposed and collected for the violation of any of the provisions thereof, shall be paid into the state treasury to the credit of the fish and game preservation fund; *provided*, that the fish and game commissioners are hereby authorized and directed to expend, for a period of five years, beginning with January 1, 1928, not less than one-third of all moneys collected annually from the sales of hunting licenses in the purchase, lease or rental, and the development, improvement, maintenance and administration of land, or land and water, or land and water rights therefor, suitable for game refuges or public shooting grounds, or both, within the State of California. Said land, or land and water, or land and water rights therefor, shall be acquired in the name of the people of the State of California and shall, at all times, be subject to such rules and regulations as may be prescribed from time to time by the

Game
refuges and
public
shooting
grounds.

board of fish and game commissioners for the occupation, use, operation, protection and administration of such areas as game refuges or public shooting grounds, or both. The board of fish and game commissioners shall do all things necessary to secure a valid title in the State of California to the areas which may be acquired as herein provided, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the attorney general, and shall be vested in the State of California; but the acquisition of such areas by the State of California shall in no case be defeated because of rights of way, easements, and reservations, which from their nature will, in the opinion of the board of fish and game commissioners, in no manner interfere with the use of the areas, so encumbered, for the purpose herein specified; *provided, further*, that the appointment of a committee to be known as the game refuge and public shooting grounds advisory committee is hereby authorized, and shall consist of the director of the California Academy of Sciences, director of Hooper Foundation for Medical Research of the University of California, and five other members to be appointed by the fish and game commissioners, with the approval of the governor, and each appointive member of said committee shall serve at the pleasure of the appointing power, and without pay. Necessary expenses of the committee incurred in the discharge of duties, herein provided, shall, upon approval by the fish and game commissioners, be paid out of the fish and game preservation fund. The game refuge and public shooting grounds advisory committee shall hold meetings and make a survey of the state for the purpose of ascertaining the needs for game refuges and public shooting grounds and shall report its findings to the fish and game commissioners, who shall determine and purchase, lease, rent, or otherwise acquire land, or land and water, or land and water rights therefor, in the manner herein provided; *provided, further*, that any person who shall hunt, pursue, take, catch or kill any wild mammal or bird, or nest or egg thereof, on any area of the State of California, acquired, as herein provided, as a refuge or public shooting ground, or enter therein except in accordance with rules and regulations which the board of fish and game commissioners is hereby authorized and directed to make, is guilty of a misdemeanor.

SEC. 12. Nothing in this act shall apply to any deputy or employee of the fish and game commission while employed in taking fish for scientific purposes, or for the purposes of propagation under the direction of said commission. Exceptions.

SEC. 13. This act takes effect January 1, 1928; *provided*, that any hunting license issued for the fiscal year July 1, 1927-June 30, 1928, shall be valid until June 30, 1928. Effective.

SEC. 14. All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed. Repealed.

SEC. 15. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, Constitutionality.

such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 799.

An act to amend sections one, two, three, four, six, eight, ten a, and eleven of an act entitled "An act to provide for the formation, management, and dissolution, of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, as amended, and to add a new section thereto to be numbered section twelve, relating to the formation and dissolution of county fire protection districts and annexations thereto and withdrawals therefrom and the satisfaction of the obligations thereof.

[Approved by the Governor May 27, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 671,
amended.

SECTION 1. Section 1 of an act entitled "An act to provide for the formation, management, and dissolution of county fire protection districts, and annexations thereto, setting forth the powers of such districts and providing for levying and collecting taxes on property in such districts to defray the expenses thereof," approved May 23, 1923, as amended, is hereby amended to read as follows:

County fire
protection
districts
authorized.

Section 1. Any portion of a county composed of unincorporated territory and not included in any other fire protection district or timberland patrolled by the state board of forestry, or in accordance with the rules and regulations of said state board of forestry, may be formed into a county fire protection district in the manner and under the proceedings hereinafter set forth; *provided*, any city of the sixth class adjacent to said fire protection district may be embraced and included therein upon adoption of an ordinance by the board of trustees of such sixth class city declaring and determining their intention and desire to be embraced and included within said district, and the filing of a certified copy of said ordinance with the secretary of state, at Sacramento, and with the clerk of the board of supervisors of the county within which such district is located, from and after which, said municipality shall be deemed a part of said district.

Stats 1923,
p. 431,
amended.
Proposal
to form
district.

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Sec. 2. The board of supervisors of any county of the state may determine that a portion of the unincorporated territory of the county not already included in a county fire

protection district, is in need of fire protection and should be formed into a fire protection district. Thereupon said board of supervisors shall fix a time and place for a hearing of the matter of the formation of such county fire protection district and shall direct the clerk of said board to publish a notice once a week for two successive weeks in the newspaper of general circulation, circulated in the territory which it is proposed to organize into a fire protection district, which said board deems most likely to give notice to the inhabitants thereof, of the proposed formation of such district. Such board shall also direct the clerk to cause the said notice to be posted in three (3) of the most public places in said territory, at least ten (10) days prior to the date set for such hearing. Said notice shall be headed "Notice of the proposed formation of _____ county fire protection district in _____ county (stating the name of the proposed district and the name of the county in which the proposed district is to be located)" which heading in the said notice as posted, shall be in letters of not less than one inch in length. Said notice as published and posted shall state the fact that the board of supervisors of said county has fixed the time and place (which shall be stated in said notice) for a hearing on the matter of the formation of a county fire protection district. Said notice shall set forth the exterior boundaries of the territory proposed to be organized into a fire protection district, which said boundaries so far as practicable, shall be the center lines of highways.

Notice of hearing.

SEC. 3. Section 3 of the said act is hereby amended to read as follows:

Stats. 1923, p. 431, amended.

Sec. 3. At any time prior to the time fixed for the hearing of said matter, any person interested may file with the clerk of the board, written objections to the formation of the district. At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board of supervisors shall consider all written objections filed and shall pass upon the same. If the board overrules said objections, it shall hear any person having objection to the inclusion within said proposed district of any territory, and may exclude any territory therefrom which would not be benefited by incorporation within the district. At the conclusion of the hearing, the board of supervisors may abandon the proposed establishment of a county fire protection district within the said territory or may decide to establish the same.

Objections.

Hearing.

Action of board.

SEC. 4. Section 4 of the said act is hereby amended to read as follows:

Stats 1925, p. 722, amended.

Sec. 4. If the said board of supervisors decides to establish a county fire protection district within the said territory, said board shall, by resolution duly adopted at a regular or special meeting thereof, provide for and order the holding of a special election within such proposed district, and the submission to the qualified electors therein, of the proposition of forming such district. Such resolution shall describe the

Election on formation proposition.

Election on
formation
proposition
(cont'd).

boundaries of the said proposed district as set forth in the notice of the proposed formation thereof or as the same may have been modified by the exclusion of territory pursuant to the provisions of section 3 hereof. Such resolution shall also set forth the date of said election which shall be at least twenty (20) days after the adoption of such resolution, shall designate one or more precincts within the boundaries of said proposed district, shall designate a polling place in each precinct, and the names of the election officers who shall be one inspector, one judge and one clerk for each precinct. In all other particulars not recited in said resolution, such election shall be held as provided by law for holding general elections in such county, except that no notice of such election other than the publication and posting of such resolution, as hereinafter provided, need be given. The resolution ordering the holding of such election shall be published once a week for two (2) successive weeks prior to the date set in said resolution for such election, in the newspaper of general circulation, circulated within said proposed district deemed by said board to be the most likely to give notice to the electors thereof of such proposed election, and said resolution shall also be posted in three (3) of the most public places within said proposed district at least ten (10) days prior to the date set for such election. The ballots at such election shall state in substance the following proposition: "Shall the ----- county fire protection district be established," and opposite and to the right of said proposal, shall be printed the words "Yes" and "No," together with voting squares. If, at such election, a majority of the votes cast ratify the declaration of said board, then the board of supervisors shall enter a finding to that effect upon its minutes and thereafter said district shall be deemed to be established and organized as a county fire protection district.

Stats 1925,
p. 723,
amended.

Title to
property
and its
disposition
upon
annexation.

SEC. 5. Section 6 of the said act is hereby amended to read as follows:

Sec. 6. The title to all property which may have been acquired for a county fire protection district, created under the provisions of this act shall be vested in the county wherein such county fire protection district is located. Whenever all of the territory in such county fire protection district shall be annexed to, or otherwise included within, any municipal corporation, then such county fire protection district shall be deemed dissolved and such property shall thereupon become the property of such municipal corporation, and all moneys in the county treasury to the credit of said county fire protection district or of any fund thereof, shall be forthwith transferred to the treasury of said municipal corporation and shall be used for the purposes for which the same was available prior to such transfer and none other, *provided*, that upon such annexation or inclusion, such municipal corporation shall become liable for all outstanding liabilities of said district incurred prior to its dissolution as herein provided. Whenever all of the territory of a county fire protection district

shall be annexed to, or otherwise included within, two or more municipalities, then the said district shall be deemed dissolved, and the board of supervisors shall apportion the property of said district and the unexpended funds thereof, as hereinabove referred to, between said municipalities in proportion to the respective assessed valuations of the property annexed to each municipality, *provided*, that upon such annexation or inclusion each such municipal corporation shall become liable for its proportion, computed as above, of all the outstanding liabilities of said district incurred prior to its dissolution as herein provided, *and provided, further*, that any property or equipment of said district not capable of apportionment may be sold at public auction as in the case of other county property not required for the public use of the county, in which case the proceeds of such sale shall be apportioned between the respective municipalities as above provided.

SEC. 6. Section 8 of said act is hereby amended to read as follows:

Stats. 1923.
p. 433,
amended.
Dissolution
of district.

Sec. 8. Any such county fire protection district may be dissolved by the board of supervisors as in this section provided. Upon receiving a petition signed by fifty or more freeholders and residents of such district, or by a majority of such freeholders and residents if there are less than one hundred freeholders and residents in such district, requesting the dissolution of such district, the board of supervisors shall fix a time for the hearing of such petition, which shall not be less than ten days nor more than thirty days after the receipt thereof, and shall at least a week prior to the time so fixed, publish a notice of such hearing by one insertion in a newspaper of general circulation, circulated in said district. At the time appointed for said hearing, or at any time to which the same may be continued, the board of supervisors shall hear and pass upon such petition, together with any and all objections which may be made by persons interested, to the granting of the same. The board of supervisors shall consider such objections and shall pass upon the same and shall thereupon have power to either deny such petition for dissolution or by resolution duly adopted, call an election upon the proposition of dissolution of such county fire protection district. Said resolution shall specify the date of the election called thereby, which election shall be held not less than twenty days after the adoption of such resolution, which shall also designate one or more precincts within the boundaries of said district, and shall designate a polling place in each precinct, together with the names of the election officers, who shall be one inspector, one judge and one clerk in each precinct. All other particulars not recited in said resolution, such election shall be held as provided by law for holding general election in such county; *provided*, that no notice of such election other than the publication and posting of such resolution as hereinafter provided for, need be given. The

Dissolution
of district
(cont'd).

resolution ordering the holding of such election shall be published once a week for two successive weeks prior to the date set for said election, in the newspaper of general circulation, circulated within the said district, and deemed by said board of supervisors to be most likely to give notice to the electors thereof of such election, and said resolution shall also be posted in three of the most public places within said district at least ten days prior to the date set for such election. The ballots used at such election shall state in substance the following proposition: "Shall the-----county fire protection district in-----county (stating the name of the said district and the name of the county in which the same is located) be dissolved," and opposite said proposition as so stated shall be printed the words "Yes" and "No" together with voting squares. If, at such election, a majority of the votes cast are in favor of the dissolution of such county fire protection district, then the board of supervisors shall enter a finding to that effect upon its minutes and thereafter, the said district shall be deemed to be dissolved. Upon the dissolution of any county fire protection district as provided in this section, the property of such district shall remain the property of the county in which such district is located and may be used together with any money remaining in the fund of such district, for general fire protection purposes throughout the county.

Stats. 1925,
p. 723,
amended.
Withdrawal
of territory
not bene-
fited.

SEC. 7. Section 10a of the said act is hereby amended to read as follows:

Sec. 10a. Any portion of a county fire protection district which will not be benefited by remaining within such district, may be withdrawn therefrom as in this section provided. Upon receiving a petition signed by fifty or more freeholders within the portion desired to be withdrawn from any county fire protection district, or by a majority of such freeholders, if there are less than one hundred freeholders within the portion sought to be withdrawn, requesting the withdrawal of such portion from the district on the ground that such portion will not be benefited by remaining in said district, the board of supervisors shall fix a time for the hearing of such petition and for hearing protests to the continuance of the remaining territory as a county fire protection district, which shall not be less than ten days, nor more than thirty days after the receipt thereof. The said board shall, at least a week prior to the time so fixed, publish a notice of such hearing by one insertion in a newspaper circulated in said district, which the board deems most likely to give notice to the inhabitants thereof of the proposed withdrawal, which notice shall also be posted in three of the most public places within such county fire protection district, one of which places shall be within the portion of said district desired to be withdrawn, at least one week prior to the time fixed for such hearing.

Any person interested may appear at said hearing and object to the withdrawal of said portion from said district, or may object to the continuance of the remaining territory as a county fire protection district, and the board of supervisors shall consider all objections and shall pass upon the same, and if it finds that said portion of the district sought to be withdrawn will not be benefited by remaining within said district, and that the territory not sought to be withdrawn will be benefited by continuing as a county fire protection district, then it shall grant said petition. Upon the withdrawal of any territory from a county fire protection district, as in this section provided, all property acquired for the district shall remain vested in the county and be used for the purposes of the district.

SEC. 8. Section 11 of said act is hereby amended to read as follows: Stats. 1923,
p. 434,
amended.

Sec. 11. All warrants for the payment of any indebtedness of a county fire protection district which are unpaid for want of funds, shall bear seven per cent interest from the date of registry of such warrants as unpaid with the county treasurer; *provided*, that the amount of such warrant does not exceed the income and revenue provided for the year in which such indebtedness was incurred. Unpaid
warrants.

SEC. 9. A new section is hereby added to said act to be numbered section 12 and to read as follows: Stats 1923,
p. 434,
amended

Sec. 12. The provisions of this act shall be liberally construed to effect the purposes thereof. Construction.

CHAPTER 800.

An act to amend section one thousand six hundred sixty-three of the Code of Civil Procedure, relating to the partial distribution of estates of deceased persons.

[Approved by the Governor May 27, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 1663 of the Code of Civil Procedure is hereby amended to read as follows: Stats 1917,
p. 575,
amended.

1663. Where the time for filing or presenting claims has expired, and all claims that have been allowed have been paid, or are secured by a mortgage upon real estate sufficient to pay them, and the estate is not in a condition to be finally closed and distributed, the executor or administrator, or coexecutor or coadministrator, may present his petition to the court for a ratable payment of the legacies, or ratable distribution of the estate to all the heirs, legatees, devisees, or their assignees, grantees or successors in interest, or payment or distribution of any specific bequest of a superior class, without a pro rata distribution or payment among all legatees of all classes, and, if the decedent was a nonresident of this state leaving a will Petition for
partial dis-
tribution.

which has been duly proved or allowed in the state of his residence, and an authenticated copy thereof has been admitted to probate in this state, or if the decedent died intestate, and an administrator has been duly appointed and qualified in the state of his residence, and it is necessary, in order that the estate, or any part thereof, may be distributed according to the will, or it is for the best interests of the estate, that the estate in this state should be delivered to the executor or administrator in the state or place of the decedent's residence, the executor or administrator may petition for distribution of such portion of said estate as the court shall deem safe and proper and for the best interests of said estate, to the executor or administrator in the state or place of the decedent's residence.

Notice. Notice of such application must be given to all persons interested in the estate, in the same manner that notice is required to be given of the settlement of the account of an executor or administrator.

Any person interested in the estate may appear at the time named and resist the application.

Order. If, at the hearing, it appears that the allegations of the petition of said executor, administrator, coexecutor, or coadministrator, are true, and the court is satisfied that no injury can result to the estate by granting the petition, the court must make an order directing the executor or executors, administrator or administrators, as the case may be, to deliver to the heirs, legatees, devisees, or to their assigns, grantees or successors in interest, or the executor or administrator in the state or place of decedent's residence, the whole portion of the estate to which they may be entitled or only a part thereof, designating it. The delivery, in accordance with the order of the court, is a full discharge of the executor or administrator, in this state, in relation to all property embraced in such order, which, unless reversed on appeal, binds and concludes all parties in interest.

Partition. If, in the execution of the order, a partition is necessary between two or more of the parties interested, it must be made in the manner hereinafter prescribed. The costs of the proceedings under this section must be paid by the estate, excepting that in case a partition is necessary, the costs of such partition must be apportioned amongst the parties interested in such partition.

Costs.

CHAPTER 801.

An act to amend section six hundred two of the Political Code, relating to insolvency of insurance companies.

[Approved by the Governor May 27, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 602 of the Political Code is hereby amended so as to read as follows:

602. Whenever provision for the liabilities of any company engaged in the business of fire, marine, or inland navigation insurance in this state, including its liabilities for losses reported, expenses, taxes and all other indebtedness, and for reinsurance of all outstanding risks, estimated at fifty per cent of the premiums received and receivable on all fire risks and marine time risks, at the full premiums received and receivable on all other marine risks, would so far impair its capital paid in as to reduce the same below two hundred thousand dollars, or below seventy-five per cent of said capital paid in, such company is insolvent; and in case of a company engaged in such insurance in this state, on the mutual plan, if the available cash assets of such company shall not exceed its liabilities, as hereinbefore enumerated, in the full sum of two hundred thousand dollars, such company is insolvent; and whenever provision for the liabilities of any company engaged in the business of insuring anyone against loss or damage resulting from accident to or injury suffered by an employee or other person for which the person insured may be liable, including its liabilities for losses reported, expenses, taxes and all other indebtedness, and for reinsurance of all outstanding risks, estimated as provided in section 602a of the Political Code, would so far impair its capital paid in as to reduce the same below one hundred thousand dollars or below seventy-five per cent of said capital paid in, such company is insolvent; and whenever provision for the liabilities of any company engaged in the business of mortgage insurance in this state, including its liabilities for losses reported, expenses, taxes and all other indebtedness, and including provision for unearned income, would after exhausting its surplus required by section 453dd of the Civil Code or otherwise, so far impair its capital paid in as to reduce the same below two hundred fifty thousand dollars or below seventy-five per cent of said capital paid in, such company is insolvent; and whenever provision for the liabilities of any company engaged in the business of land value insurance in this state, including its liabilities for losses reported, expenses, taxes and all other indebtedness, and for the reserves required to be maintained by such company under the provisions of section 453hh of the Civil Code, or otherwise, would after exhausting its surplus required by section 453hh of the Civil Code, or otherwise, so

Stats. 1923,
p 726,
amended.

What
constitutes
insolvency.

far impair its capital paid in as to reduce the same below one hundred thousand dollars or below seventy-five per cent of said capital paid in, such company is insolvent; and whenever provision for the liabilities of any company engaged in any kind of insurance business in this state, other than life, liability, insurance of titles to real estate, mortgage insurance and land value insurance provided for in section 594 of the Political Code of this state, including its liabilities for losses reported, expenses, taxes and all other indebtedness, and for reinsurance of all outstanding risks, estimated at such rates as are accepted by the insurance authorities of the state of New York, would so far impair its capital paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per cent of said capital stock paid in, such company is insolvent; and in case of a company engaged in such insurance business in this state, on the mutual plan, if its available cash assets shall not exceed its liabilities, as hereinbefore enumerated, in the full sum of one hundred thousand dollars, such company is insolvent. In the case of a company engaged in the business of life insurance, whenever its liabilities for losses reported, expenses, taxes and all other indebtedness, and for reinsurance of all its outstanding risks written prior to January 1, 1892, at the rates based upon the American experience table of mortality with interest at the rate of four and one-half per cent per annum, and reinsurance of all its outstanding risks written from and after the thirty-first day of December, 1891, up to and including the thirty-first day of December, 1907, at rates based upon the combined experience or actuaries' table of mortality with interest at the rate of four per cent per annum, and reinsurance of all its outstanding risks written from and after December 31, 1907, at rates based upon the American experience table of mortality with interest at the rate of three and one-half per cent per annum, excepting contracts issued in other countries than the United States, upon the lives of residents thereof by a company organized in this state, authorized to do business in any such other country and doing business therein, which shall be valued for reinsurance in accordance with the standard of mortality approved by the commissioner of insurance, as provided by law; excepting, also, group insurance which shall be valued for reinsurance as provided by law, exceed its assets such company is insolvent. In the case of a company engaged in the business of insurance of the title to real estate, whenever provision for its liability for losses reported, expenses, taxes and all other indebtedness, would after exhausting its surplus fund required by section 432 of the Civil Code, or otherwise, so far impair its capital stock paid in as to reduce the same below one hundred thousand dollars, or below seventy-five per cent of said capital paid in, such company is insolvent.

Life
insurance
companies.

Title
insurance
companies.

Exceptions.

The provisions of this act shall not apply to life or fire insurance associations operating on the assessment plan or on the fraternal plan, or to any company operating under an act

entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and all acts amendatory thereof.

CHAPTER 802.

An act regulating the weighing of agricultural products, defining the powers and duties of the director of agriculture in respect thereto, prescribing the penalties for violation of the provisions hereof, defining the duty of warehouse operators, establishing the terminal weighing fund, and making an appropriation to carry out the provisions of this act.

[Approved by the Governor May 27, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known as the "California Short title. terminal weighing act."

SEC. 2. The word "director" whenever used in this act Definitions. shall be held and construed to mean the director of agriculture of the State of California.

The term "agricultural products" when used in this act shall, unless such construction be inconsistent with the context, be construed as including corn, wheat, oats, rye, barley, grain sorghums and rice.

SEC. 3. The director is hereby charged with the duty of Duty and powers of director. carrying out all of the provisions of this act.

He shall have the power:

(a) To fix the compensation and determine the duties of such employees as shall be necessary to carry out the provisions of this act.

(b) To establish weighing stations and weighing districts and change same from time to time as circumstances require.

(c) To promulgate, amend, or repeal rules and regulations for the weighing of agricultural products for the purpose of carrying out the provisions of this act.

(d) To fix and determine reasonable charges for the weighing of agricultural products when such service is rendered by an employee of the department of agriculture.

(e) To provide, upon request of interested party, and with the consent of the management of the industry where the service is to be performed, regular weighing service at industrial points located within or without a regularly established weighing district; *provided*, that the industry requesting same shall guarantee payment of all costs.

(f) To provide, upon request of interested party and with the consent of the management of the industry where the service is to be performed, employees for the weighing of any agricultural product, manufactured product or by-product thereof; *provided*, that such weighing is to be done at a regularly established weighing station, or, if not at a regular

weighing station, the party requesting service shall pay such costs, in addition to the regular weighing fees, as the director shall assess.

Identifica-
tion of
employees.

SEC. 4. The director shall issue to each employee authorized to weigh agricultural products a certificate or identification of such authority, and each employee shall, upon demand of anyone in authority, produce said certificate when entering any premises for the purpose of carrying out the provisions of this act.

Bonding of
employees

SEC. 5. Each employee who weighs agricultural products under this act and/or issues weight certificates thereof shall give a surety bond, (the cost of said bond to be paid by the state) to the State of California in such sum as the director of agriculture shall determine, said bond to be approved by the director and conditioned upon the faithful discharge of the employee's duties. The director may employ temporary help for period not to exceed ten consecutive working days without requiring filing of approved bond.

Filing of
bonds and
recovery of
damages.

SEC. 6. The bonds shall be filed with the director, and any person aggrieved by any official act or the neglect of duty of any such employee or by reason of neglect or failure of such employee to comply with the provisions of this act or of the rules and regulations of the director, shall have a right of action upon such bond for the recovery of all damages suffered thereby.

Interest of
employees.

SEC. 7. No employee shall, during his term of office, be interested, directly or indirectly, in the purchasing or selling of agricultural products which he is employed to officially weigh.

Fees.

SEC. 8. The fees for the weighing of agricultural products shall be paid by the party requesting the service or the industrial plant where the weighing is done and shall be a lien upon such products. The director shall so adjust the fees to be collected under this act as in his judgment will meet the expenses necessary to carry out the provisions hereof and may prescribe a different scale of fees for different localities. The director is hereby authorized to collect such fees in advance of performing the services, but shall not be required to do so if in his opinion the benefits of this service would be lessened by such advance payments.

Reweighing

SEC. 9. Any interested party shall have the right to call for reweighing of any specific lot; the regular weighing fees shall be paid by the party requesting such services, unless the variation from the original weight shall be greater than a reasonable tolerance which shall be established by the director of agriculture.

Scales to be
provided.

SEC. 10. It shall be the duty of all warehouse, dock, mill and elevator operators to provide suitable and satisfactory scales for the purpose of weighing agricultural products under the provisions of this act.

Examination
of cars.

SEC. 11. The employees of the department, before opening the doors of any car containing agricultural products upon

arrival at any of the places designated by the director as weighing stations, shall first ascertain the condition of such cars and determine whether any leakages have occurred while said cars were in transit, and whether or not the doors are properly secured and sealed, and shall make a record of such facts in all cases, giving seal numbers. The employees shall break the seal of all cars of agricultural products subject to state weighing.

SEC. 12. When it is deemed advisable to load or unload cars or cargoes of agricultural products on days or during hours other than usual working days or usual working hours, the director of agriculture shall provide the necessary employees for the weighing of said agricultural products during such days and hours other than usual working days or usual working hours. The time of service or work of such employees, whether in the regular employ of the department of agriculture or hired specially for the occasion, who are provided by the director of agriculture for the weighing of agricultural products on days or during hours other than usual working days or usual working hours, as aforesaid, when it is deemed advisable to load or unload cars or cargoes of agricultural products on days or during hours other than usual working days or usual working hours, and who do, pursuant to the terms of this act, at the instance and request of the director of agriculture, weigh agricultural products on days or during hours other than usual working days or usual working hours, shall not be limited or restricted to eight hours of service or work during any one calendar day while doing such weighing on days or during hours other than the usual working days or usual working hours and in case such employee, whether in the regular employ of the department of agriculture or hired specially for the occasion, shall, pursuant to the terms of this act, at the instance and request of the director of agriculture, weigh agricultural products on days or during hours other than usual working days or usual working hours on occasions when it is deemed advisable to load or unload cars or cargoes of agricultural products on days or during hours other than usual working days or usual working hours as aforesaid, be entitled to reasonable compensation for his services in weighing agricultural products on days or during hours other than usual working days or usual working hours, in addition to his compensation, salary or wages for his work and services performed during usual working days and usual working hours, said reasonable compensation for weighing agricultural products as aforesaid on days or during hours other than usual working days or usual working hours to be fixed by the director of agriculture and the same to be paid by the party requesting such unusual service on days or during hours other than usual working days or usual working hours, to the department

Weighing
outside of
usual hours
and days

of agriculture, which amount of money so paid shall be in addition to the regular fees provided for weighing.

Penalty

SEC. 13. Any person violating or failing to comply with any provisions of this act shall be guilty of a misdemeanor.

Disposition
and use
of receipts.

SEC. 14. All money collected under the provisions of this act shall be paid into the state treasury and placed to the credit of the "terminal weighing fund," which fund is hereby created. All of the moneys that may be in said fund from time to time are hereby appropriated to carry out the provisions of this act. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty-seven thousand five hundred dollars, or so much thereof as may be necessary for the purpose of carrying out the provisions of this act until such time as the revenues obtained from fees for the weighing of agricultural products shall be sufficient to meet the expenses incident to the administration of this act. Said sum shall be placed to the credit of the terminal weighing fund. The sum hereby appropriated shall be repaid into the general fund of the state treasury as soon as possible from the surplus funds accruing from the operation of this act.

Effect upon
public
weighmaster
law.

SEC. 15. None of the provisions of this act shall be construed to conflict with or in any way supplant any of the provisions of an act entitled "An act defining public weighmaster; describing his duties; providing for rules and regulations governing the performance of his duties; prescribing a bond and fixing the amount thereof; and providing penalties for any violation of the provisions of this act," approved June 8, 1915, as amended.

CHAPTER 803.

An act to amend section eight of an act entitled "An act to regulate the practice of optometry; to provide for the appointment of a board of optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, as amended, relating to the filing of certificates for the practice of optometry.

[Approved by the Governor May 27, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1913,
p. 1100,
amended.

SECTION 1. Section 8 of an act entitled "An act to regulate the practice of optometry; to provide for the appointment of a board of optometry, define its duties and powers and prescribing a penalty for the violation of this act," approved June 16, 1913, as amended, is hereby amended so as to read as follows:

Registration
of
certificates.

Sec. 8. Every person holding a certificate of registration issued under the provisions of this act must have it registered in the office of the county clerk of the county or city and county in which his regular place of business is maintained

and the fact and date of such registration shall be endorsed on the said certificate by the county clerk registering the same. Registration shall be made in a register kept by the clerk for such purposes which register shall be alphabetically arranged and shall show the name of the person to whom the certificate is issued, the number and date of said certificate and the date of registration of said certificate. Any person so registered who shall remove his regular place of business from one county or city and county to another in this state shall before engaging in the practice of optometry in such other county or city and county register his certificate of registration in the office of the county clerk of such county or city and county, in the same manner as hereinabove provided, and the fact and date of such registration shall be endorsed on said certificate by the county clerk registering the same. Any failure, neglect or refusal on the part of any person holding such certificate of registration, or a certified copy of such certificate of registration, to register the same as hereinabove provided, for six months after the issuance of said certificate of registration or from the date of removal of his or her practice to a county other than the one in which his or her certificate is registered shall ipso facto work the forfeiture of his certificate of registration and it shall not be restored except upon the payment of twenty-five dollars to the state board of examiners in optometry.

CHAPTER 804.

An act providing for the building of a causeway across the Sutter by-pass in Sutter County, State of California, and making an appropriation therefor.

[Approved by the Governor May 27, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. The department of public works is authorized and directed to immediately take such steps as may be necessary to locate and build a causeway with approaches at or near the northeast corner of section nineteen in township thirteen north, range three east, Mount Diablo base and meridian, extending southwesterly across the Sutter by-pass to the intersection of the public highway with the south line of said section nineteen; said point of intersection being one thousand four hundred forty feet westerly from the southeast corner of said section nineteen.

SEC. 2. The sum of two hundred thousand dollars, not otherwise appropriated in the state treasury, or so much thereof as may be necessary, is hereby appropriated for the building of said causeway.

Causeway
across
Sutter
by-pass.

Appropriation.

CHAPTER 805.

An act to amend section six hundred twenty-six o of the Penal Code, relating to the shooting of waterfowl.

[Approved by the Governor May 27, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1923,
p. 1003,
amended.
Shooting
game from
boats, etc.

SECTION 1. Section 626o, of the Penal Code is hereby amended to read as follows:

626o. Every person, who, in the State of California, shoots at any kind of game bird or mammal, except whale, from powerboat, sailboat, automobile or airplane, is guilty of a misdemeanor.

Use of scull
boats.

2. Every person who in fish and game districts seven "A," eight and nine shoots at any kind of waterfowl from a scull boat on any day of the week other than Wednesday or Sunday, is guilty of a misdemeanor.

3. Every person who in fish and game district number twelve and those portions of fish and game district number two embraced in that part of the Napa river, which extends from the junction of Mare Island strait and Carquinez strait northwesterly along Mare Island strait, approximately three miles to the Vallejo-Mare Island causeway, and thence in a northerly direction along the channel of Napa river to a point at the southerly end of Ederly island, approximately ten miles above the junction of Mare Island strait and Carquinez strait, shoots any kind of a waterfowl from a scull boat, which is in open waters, is guilty of misdemeanor.

Gauge of
guns, etc.

4. Every person who shall use a shotgun of larger gauge than that commonly known and designated as a number ten gauge or who shall use or have in possession any shotgun capable of carrying more than six shotgun shells is guilty of a misdemeanor.

Cane guns,
etc.

5. Every person who shall use or have in his possession any firearms commonly known as a "cane gun" or gun of similar character or any bird net, is guilty of a misdemeanor.

CHAPTER 806.

An act to amend section four thousand two hundred thirty-four of the Political Code, relating to the salaries, fees and expenses of officers of counties of the fifth class.

[Approved by the Governor May 28, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 93,
amended
Counties of
5th class.
officers and
employees.
Clerk.

SECTION 1. Section 4234 of the Political Code is hereby amended to read as follows:

4234. In counties of the fifth class the county and township officers shall receive the following salaries:

1. The county clerk, four thousand twenty dollars per annum; *provided*, that in counties of this class there shall be

and there is hereby allowed to the county clerk one chief deputy who shall receive a salary of three thousand dollars per annum; one deputy county clerk who shall be a registrar of voters who shall receive a salary of two thousand five hundred dollars per annum; one deputy who shall be assistant registrar of voters who shall receive one thousand eight hundred dollars per annum; four court clerks who shall receive salaries of two thousand one hundred dollars each per annum; one index clerk who shall receive a salary of one thousand nine hundred twenty dollars per annum; one judgment clerk who shall receive a salary of two thousand one hundred dollars per annum; one deputy clerk who shall receive a salary of two thousand four hundred dollars per annum; one assistant deputy clerk who shall receive a salary of one thousand six hundred twenty dollars per annum; one license clerk who shall receive a salary of one thousand six hundred twenty dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; three copyists who shall receive salaries of one thousand five hundred dollars each per annum; and a deputy or deputies, not to exceed eight, for the purpose of registering electors, to be paid not to exceed five dollars per diem each; *provided*, that such deputies shall not be employed except during a year when a general election is to be held throughout the state and not more than one deputy for each precinct for the purpose of registering electors during said year of the general election, who shall be paid ten cents per name for each person legally registered by them; *provided*, that if, in counties of this class, there shall be created an additional department of the superior court, then and in that event the county clerk shall be allowed an additional court clerk, who shall receive a salary of two thousand one hundred dollars per annum, which sum shall be paid out of the county treasury in equal monthly installments at the same time and in the same manner as the other county officials are paid; the salaries and compensation of each of said deputies and clerks to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as the other county officials are paid.

2. The sheriff, four thousand twenty dollars per annum; Sheriff. *provided*, that in counties of this class there shall be and there is hereby allowed the sheriff one undersheriff, whose salary is hereby fixed at the sum of three thousand dollars per annum, and the following deputies and employees: One deputy who shall be head jailer and who shall receive a salary of two thousand one hundred dollars per annum; one deputy assistant jailer who shall receive the salary of one thousand eight hundred dollars per annum; one deputy who shall receive a salary of two thousand six hundred forty dollars per annum; one deputy who shall receive a salary of one thousand eight hundred dollars per annum; four deputies who shall receive salaries of two thousand one hundred dollars each per annum; four deputies who shall receive salaries of one thousand eight

hundred dollars each per annum; one detective who shall receive a salary of two thousand four hundred dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; one bookkeeper who shall receive a salary of one thousand nine hundred eighty dollars per annum; five deputies who shall be turnkeys at the jail whose salaries shall be one thousand six hundred twenty dollars each per annum, but no more turnkeys are to be employed than are absolutely necessary to handle the requirements of the jail; such county deputies as may be necessary to properly administer the duties of said office at a compensation not to exceed six dollars and fifty cents per diem each, but not more than three thousand six hundred dollars shall be paid to all such deputies in any one year; in counties of this class there shall be a matron of the county jail, and at the discretion of the sheriff an assistant matron, each to be appointed by the sheriff, and who, under the direction of the sheriff, shall have charge of the female prisoners in the county jail, and who shall receive salaries of one thousand five hundred dollars per annum and one thousand two hundred dollars per annum, respectively, to be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as is the salary of the sheriff. In counties of this class the sheriff shall receive for his own use the fees, mileage and compensations provided by statute, and he shall be allowed by the board of supervisors his actual necessary expenses for pursuing criminals or for transacting business, and paid as other county charges are paid.

Recorder.

3. The recorder, four thousand twenty dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the recorder the following deputies and copyists who shall be appointed by the recorder of said county, and shall be paid as follows: One chief deputy, who shall receive a salary of three thousand dollars per annum; one deputy who shall receive a salary of two thousand one hundred dollars per annum; one deputy who shall receive a salary of one thousand nine hundred eighty dollars per annum; eight deputies who shall receive salaries of one thousand eight hundred dollars each per annum; and as many copyists as may be required, who shall receive as compensation the sum of seven cents per folio for recording all instruments or notices except maps and plats, and for copies of any records seven cents per folio.

Auditor.

4. The auditor, four thousand twenty dollars per annum; *provided*, that there is hereby allowed to the auditor the following deputies: One chief deputy who shall receive a salary of three thousand dollars per annum; three deputies who shall receive salaries of two thousand three hundred ten dollars each per annum; two deputies who shall receive salaries of two thousand one hundred sixty dollars each per annum; one deputy who shall receive a salary of two thousand one hundred dollars per annum; one deputy who shall receive a salary

of one thousand nine hundred eighty dollars per annum; one deputy who shall receive a salary of one thousand eight hundred dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; and eight additional deputies at a salary of five dollars per day each, for each day employed. for a period not to exceed one hundred fifty-six days in any one year; *provided, further*, that in counties of this class for bringing records down to date in any office, when the work of said office has not been brought down to date and was in such condition when the present incumbent was inducted into office, the board of supervisors may authorize said incumbent to perform the labors that should have been performed by his predecessors in office, and for that purpose may authorize said incumbent to employ special clerical help, at a compensation to be fixed by the board of supervisors, at so much per diem; *provided*, that the provisions herein shall apply only to work that should have been done by the incumbent's predecessor in office.

5. The treasurer, four thousand twenty dollars per annum; Treasurer. *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer one chief deputy who shall receive a salary of three thousand dollars per annum; one deputy who shall receive a salary of two thousand three hundred ten dollars per annum; one deputy who shall receive a salary of one thousand nine hundred eighty dollars per annum; and one bookkeeper who shall receive a salary of one thousand eight hundred dollars per annum.

6. The tax collector, four thousand twenty dollars per annum; Collector. *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector one chief deputy who shall receive a salary of three thousand dollars per annum; three deputies who shall receive salaries of two thousand two hundred twenty dollars each per annum; two deputies who shall receive salaries of one thousand nine hundred eighty dollars each per annum; five deputies who shall receive salaries of one thousand eight hundred dollars each per annum; three deputies who shall receive salaries of one thousand seven hundred forty dollars each per annum; two deputies who shall receive salaries of one thousand six hundred twenty dollars each per annum; one cashier who shall receive a salary of one thousand nine hundred eighty dollars per annum; one bookkeeper who shall receive a salary of one thousand six hundred twenty dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum; twenty-three additional clerks at a salary of five dollars per day each, for each day employed, for a period not to exceed one hundred fifty-six days in any one year.

7. The assessor, four thousand twenty dollars per annum; Assessor. *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor one chief deputy who shall

receive a salary of three thousand dollars per annum; three deputies who shall receive salaries of two thousand one hundred dollars each per annum; five deputies who shall receive salaries of one thousand eight hundred dollars each per annum; five deputies who shall receive salaries of one thousand six hundred twenty dollars each per annum; five deputies for a period not exceeding one hundred four days each in any one year, whose per diem shall be seven dollars and fifty cents each when actually employed; forty-five deputies for a period not exceeding one hundred four days each in any one year, whose per diem shall be five dollars each when actually employed. *It is further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall the assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty as provided by section 1901 of the Political Code. *It is further provided*, that in counties of this class the assessor shall be allowed his traveling expenses in performing duties outside his office, said expenses, however, not to exceed six hundred dollars in any one year.

Attorney

8. The district attorney, five thousand dollars per annum; also one assistant district attorney, who shall receive a salary of four thousand dollars per annum; one deputy district attorney who shall receive a salary of three thousand six hundred dollars per annum; three deputy district attorneys who shall receive salaries of three thousand three hundred dollars each per annum; two deputy district attorneys who shall receive salaries of three thousand dollars each per annum; one deputy district attorney who shall receive a salary of two thousand seven hundred dollars per annum; one deputy district attorney who shall receive a salary of two thousand four hundred dollars per annum; one chief clerk who shall receive a salary of two thousand four hundred dollars per annum; one stenographer who shall receive a salary of one thousand eight hundred dollars per annum; one stenographer who shall receive a salary of one thousand six hundred twenty dollars per annum; one detective who shall receive a salary of two thousand two hundred fifty dollars per annum.

Supt. of
schools.

9. The superintendent of public schools, four thousand twenty dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed the superintendent of public schools one assistant superintendent who shall receive a salary of two thousand seven hundred dollars per annum; one field assistant who shall receive a salary of three thousand dollars per annum; one bookkeeper who shall receive a salary of one thousand nine hundred eighty dollars per annum; two deputies who shall receive salaries of one thousand nine hundred eighty dollars each per annum; one deputy who shall receive a salary of one thousand six hundred twenty dollars per annum; one deputy who shall receive a salary of one thousand five hundred dollars per annum.

It is further provided that in counties of this class the county school superintendent, his field assistant and his deputy shall receive their actual and necessary traveling expenses for visiting and examining schools and school properties of the county and performing such other duties as are incident to the full discharge of the requirements of the office of the superintendent of schools, office of field assistant to the superintendent of schools and the office of deputy of the superintendent of schools, the claims for such expenses to be subject to the approval of the board of supervisors.

10. The public administrator, such fees as are now or may hereafter be allowed by law. Adminis-
trator.

11. The coroner, three thousand six hundred dollars per annum, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses and fifteen cents for each mile traveled by him when he provides his own conveyance in the performance of his official duties. In counties of this class there shall be and there is hereby allowed the coroner one autopsy surgeon who shall receive a salary of two thousand four hundred dollars per annum and fifteen cents for each mile traveled when he provides his own conveyance in the performance of his official duties; one deputy coroner who shall receive a salary of one thousand eight hundred dollars per annum, and in addition thereto the board of supervisors shall allow the deputy coroner his actual traveling expenses and fifteen cents for each mile traveled by him when he provides his own conveyance in the performance of his official duties. The sheriff shall act as summoning officer for the coroner and shall serve all processes requested by him. Coroner.

12. The surveyor, four thousand twenty dollars per annum; Surveyor.
provided, that in counties of this class there shall be and there hereby is allowed to the surveyor one chief deputy who shall receive a salary of three thousand dollars per annum; one chief field deputy who shall receive a salary of three thousand dollars per annum; one deputy and bridge engineer who shall receive a salary of three thousand dollars per annum; two deputies who shall receive salaries of two thousand seven hundred dollars each per annum; two deputies who shall receive salaries of two thousand two hundred eighty dollars each per annum; one deputy who shall receive a salary of two thousand one hundred dollars per annum; one stenographer and file clerk who shall receive a salary of one thousand six hundred twenty dollars per annum; and such chainmen and rodmen as may be necessary in the field, who shall receive a compensation of five dollars per diem each.

The county surveyor, his deputies and assistants shall be allowed their actual traveling expenses while in the performance of duties in the field.

The surveyor and his deputies are prohibited from engaging in private surveying or engineering work and shall devote their entire time and service to the work of the county.

Classification
of
townships

13. For the purpose of regulating the compensation of the justices of the peace and constables, townships in counties of this class are hereby classified as follows: Townships having a population of thirty thousand or more shall belong to and be known as townships of the first class; townships having a population less than thirty thousand shall belong to and be known as townships of the second class.

Justices.

14. In counties of this class justices of the peace shall receive the following compensation, and all such salaries shall be paid monthly in the same manner as the salaries of county officers are paid, viz:

In townships of the first class, three thousand six hundred dollars per annum each.

In townships of the second class, seven hundred twenty dollars per annum each.

Such salaries shall be as full compensation for all services rendered by them in both civil and criminal cases. All fees chargeable and collectible by justices of the peace in civil and criminal cases for service rendered by them shall be paid monthly into the county treasury.

In townships of the first and second classes the board of supervisors of the counties of this class may furnish the justices of the peace suitable court rooms and equipment.

In townships of the first class, in counties of this class, there shall be two justices of the peace and the said officers are hereby created. In all other townships in counties of this class there shall be one justice of the peace; *provided*, that in townships of the first class, in counties of this class, the justices of the peace shall be allowed one chief clerk to act as clerk for both of said justices of the peace, which said clerk shall receive a salary of two thousand four hundred dollars per annum; and each justice of the peace shall be allowed one clerk who shall receive a salary of one thousand nine hundred eighty dollars each per annum; and that in townships of the first class, in counties of this class, the justices of the peace shall be allowed one stenographer, who shall act as the stenographer for the chief clerk of said justices of the peace, and who shall receive a salary of one thousand five hundred dollars per annum.

Constables.

15. In counties of this class constables shall receive the following compensation, and all such salaries shall be paid monthly in the same manner as the salaries of county officers are paid, viz:

In townships of the first class in all criminal cases, in lieu of fees now allowed by law, one thousand eight hundred dollars per annum;

In townships of the second class in all criminal cases, in lieu of fees now allowed by law, seven hundred twenty dollars per annum.

In all townships in counties of this class the constables shall be allowed, in addition to the compensation above set forth, all fees in civil cases as are now or hereafter may be

allowed by law, and actual traveling expenses only in lieu of mileage for taking prisoners to the county jail.

In townships of the first class, in counties of this class, the board of supervisors shall furnish the constables' offices with necessary and proper furniture for each of said constables.

16. Each member of the board of supervisors, three thousand dollars per annum and fifteen cents per mile in going from his residence to the county seat at each meeting of the board. This shall cover all his services as supervisor and road commissioner; *provided*, that in counties of this class each member of the board of supervisors shall be allowed his actual expenses in the performance of his official duties, the said expenses, however, for each member of the board not to exceed the sum of five hundred dollars in any one year. Supervisors.

17. The board of supervisors shall, within thirty days after the taking effect of this act, appoint a county librarian, whose salary shall be two thousand seven hundred dollars per annum, payable at the same time and in the same manner and out of the same fund as the salaries of the other county officers; *provided*, that the board of supervisors may appoint all necessary employees for the county library as provided by law. The county librarian shall also be allowed actual and necessary traveling expenses. Librarian.

18. The apiary inspector shall receive a salary of one thousand two hundred dollars per annum, and shall be paid at the same time, in the same manner and out of the same fund as the salaries of the county officers are paid, and such salary shall be full compensation for the services of said apiary inspector. Said apiary inspector shall, however, be allowed actual and necessary traveling expenses. Apiary
Inspector.

19. The deputies, clerks, copyists and employees mentioned in this section are hereby allowed to the respective county officers named, who shall appoint the same, and said deputies, clerks, copyists and employees shall be paid by the counties of this class in monthly instalments, at the same time, in the same manner and out of the same fund as the salaries of the county officers are paid. Appointment
and
payment
of deputies,
etc

20. The sealer of weights and measures, two thousand seven hundred dollars per annum and said sealer of weights and measures is allowed the further sum of fifty dollars per month for automobile allowance; *provided*, that in counties of this class the sealer of weights and measures shall be and there is hereby allowed to said sealer of weights and measures one assistant sealer of weights and measures who shall receive a salary of one thousand nine hundred twenty dollars per annum and said assistant sealer of weights and measures is allowed the further sum of fifty dollars per month for automobile allowance; *provided, further*, that in counties of this class there shall be and there is hereby allowed to the said sealer of weights and measures a clerk who shall receive a salary of one thousand two hundred dollars per annum. The sealer and Sealer.

assistant sealer of weights and measures shall also be allowed their traveling expenses actually and necessarily incurred in the performance of their duties.

Jurors.

21. The fees of grand jurors and trial jurors in the superior courts of said counties of the fifth class, in civil and criminal cases shall be three dollars, in lawful money of the United States, for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said juror was in attendance, and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriation for the payment of the fees herein provided for.

Constitutionality.

22. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

Effect of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 807.

An act to protect the reputation of the California fruit and vegetable industry by regulating the packing, shipping, storing, delivering for shipment, selling or offering for sale, any fresh or dried fruits or vegetables carrying spray residue or other added deleterious ingredient, vesting in the director of agriculture the enforcement of the provisions hereof and the promulgation and enforcement of rules and regulations hereunder, providing penalties and making an appropriation therefor, and declaring this act to be an urgency measure.

[Approved by the Governor May 28, 1927. In effect immediately.]

The people of the State of California do enact as follows:

Fruit and vegetables with spray residue.

SECTION 1. It shall be unlawful to pack, ship, store, deliver for shipment, offer or expose for sale any fresh or dried fruits or vegetables carrying spray residue or other added deleterious

ingredient in excess of the quantity prescribed under the laws of the United States.

SEC. 2. The director of agriculture of the State of California shall be charged with the enforcement of this act and for that purpose shall have the power:

Powers of director of agriculture.

(a) Personally or through his deputies or inspectors to enter every place within the State of California where fresh or dried fruits or vegetables are produced, packed, stored, shipped, transported, delivered for shipment, offered for sale or sold and to inspect all fresh or dried fruits or vegetables found therein or in transit.

(b) Personally or through his deputies or inspectors to seize and quarantine any or all lots of fresh or dried fruits or vegetables which, in his judgment, carry spray residue or other added deleterious ingredient in violation of the provisions of this act pending examination and chemical analysis and final disposition as in this act provided.

(c) When any lot of fresh or dried fruits or vegetables has been found to carry spray residue in excess of the quantity prescribed by the laws of the United States the director of agriculture may permit the lot to be cleaned or reconditioned and to release such lot after such treatment if the same is found to comply with the provisions of section 1 of this act.

(d) The director of agriculture shall make rules and regulations for carrying out the provisions of this act.

SEC. 3. Any fresh or dried fruits or vegetables when packed, shipped, stored, delivered for shipment, offered for sale or sold in violation of any of the provisions of this act may be seized by the director of agriculture, his deputies or inspectors and by order of the superior court of the county, or city and county, within which the same may be found, shall be condemned or destroyed or released upon such conditions as the court, in its discretion, may impose.

Seizure and destruction.

SEC. 4. Any person, firm, company or corporation violating any of the provisions of this act shall be guilty of a misdemeanor.

Penalty.

SEC. 5. The sum of seventy thousand dollars (\$70,000) is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of carrying out the provisions of this act.

Appropriation.

SEC. 6. Nothing in this act shall be construed as a conflict of authority or as repealing or amending any of the provisions of the California pure foods act of March 11, 1907, as amended.

Effect of act.

SEC. 7. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety, within the meaning of article IV, section 1, of the constitution and shall take effect immediately.

Urgency measure.

The facts constituting such urgency are as follows:

(1) The regulations of the United States and certain foreign countries prohibit the sale of such products carrying spray residue or added deleterious ingredient.

(2) In order to prevent the seizure of California fruits and vegetables on interstate and foreign markets it is necessary to enforce the provisions of this act from the date of its passage.

CHAPTER 808.

An act to create a flood control district to be called "American river flood control district;" to provide for the control and disposition of storm and flood waters and for the protection of waterways, property, public highways and public places in said district from damage from such waters, and for the construction of works and the acquisition of property within or without the district; providing for the payment of the costs and expenses of such acquisitions and improvements, and the issuance and effect of bonds therefor and the payment of such bonds and maintenance costs of said district by special assessments raised in said district, and the enforcement of such bonds and assessments, and providing for the establishment and administration of revolving funds to assist in the carrying out of such acquisitions, work and improvements; and providing for the annexation of property to said district; and providing for the government and control of said district; and to define the powers and duties of the officers thereof; authorizing the incurring of an obligation, not exceeding twenty-five thousand dollars, by said district in advance of the authorization of bonds by said district; providing for the redemption of warrants evidencing said indebtedness by the state and for the repayment of one-half of the moneys so advanced by the state for such redemption, and appropriating the sum of twenty-five thousand dollars for said purpose.

[Approved by the Governor May 28, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

American
river flood
control
district.

SECTION 1. A flood control district is hereby created to be called "American river flood control district," within the county of Sacramento, and the boundaries of and territory included within said district shall be as follows:

Beginning at the intersection of the easterly boundary line of reclamation district No. 1000, with the south line of fractional section thirty-one, township ten north, range five east, and running thence easterly along the south line of said section thirty-one to the westerly boundary line of section six of the Rancho del Paso, the map or plat of said Rancho del Paso being filed in the office of the county recorder of Sacramento county; thence southerly along the westerly boundary line of said section six to the southwest corner thereof; thence along the section line common to sections five, six,

nine and ten of said Rancho del Paso two miles to the north-east corner of section ten of said rancho; thence south one and one-half miles to the quarter corner common to sections eleven and eighteen of said Rancho del Paso; thence east one-quarter mile; thence south one-half mile, thence west one-half mile; thence south one-quarter mile, thence east one-quarter mile to the section line between sections twelve and seventeen of said rancho; thence south one-half mile to the center line of a road running east and west; thence east along the center line of said road to the intersection of said center line with the center line of the old Marysville road (so called); thence southwesterly along the center line of said road to the south line of section seventeen of said rancho, thence east along said south line of said section seventeen and section twenty-six of said rancho, to the westerly right of way line of the Southern Pacific railroad; thence along the said westerly right of way line of the said Southern Pacific railroad southwesterly to the one-half section line running east and west through the center of section sixteen of said rancho; thence along said one-half section line, westerly to the quarter corner common to sections thirteen and sixteen of said rancho; thence south one-half mile to the southwest corner of said section sixteen; thence east one and one-quarter miles thence south one-half mile; thence west one-quarter mile, thence south one-quarter mile; thence east one-half mile, thence south one-half mile, thence east one-quarter mile; thence north one-quarter mile; thence east one-quarter mile to the southeast corner of section twenty-eight of said rancho; thence south one mile to the southeast corner of section sixty-five of said rancho; thence east one-half of a mile; thence south three-quarters of a mile; thence east one-quarter mile; thence north one-quarter mile to the center line of a road running east and west through the center of section sixty-three of said rancho; thence east one-quarter mile along the center line of said road, to the east line of said section sixty-three; thence continuing along the center line of said road, in a northeasterly direction to the southeast corner of section sixty-one of said rancho; thence along a straight line in a northeasterly direction to the quarter section corner on the east side of section fifty-eight of said rancho; thence east one-half mile; thence south to the north bank of the American river; thence down and along the north or right bank of the American river to its intersection with the northerly production of the line between sections five and six, township eight north, range six east; thence south along the section line between sections five and six, and between seven and eight of said townships and range to the center line of the Placerville branch of the Southern Pacific railroad; thence southwesterly and westerly along the center line of said railroad to its intersection with the section line common to sections fourteen and fifteen, township eight north, range five east; thence south on said section line to the southeast corner of said

American
river flood
control
district
(cont'd).

section fifteen; thence westerly one mile to the southwest corner of said section fifteen, the same being the southeasterly corner of the boundary of the city of Sacramento; thence westerly along the said southerly boundary of said city to the center line of the channel of the Sacramento river; thence northerly along the center line of the channel of the Sacramento river to a point on the center line of said channel opposite a point on the left or easterly bank of the Sacramento river where the southerly boundary of reclamation district number one thousand intersects said left or easterly bank; thence in an easterly and northerly direction to said point and along the southerly and easterly boundary of said reclamation district number one thousand to the place of beginning, and containing approximately twenty-one thousand acres, more or less and being composed of the city of Sacramento, the city of North Sacramento and contiguous unincorporated territory in Sacramento county.

Purpose
of act.

SEC. 2. The objects and purposes of this act are to provide for the control and disposition of the storm and flood waters of said district, and to protect from damage from such storm and flood waters the waterways, property, public highways and public places in said district.

Powers of
district.

The American river flood control district is hereby declared to be a body corporate and politic and as such shall have power:

Succession.

(a) To have perpetual succession.

Actions.

(b) To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

Seal.

(c) To adopt a seal and alter it at pleasure.

Take and
grant
property.

(d) To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without the district necessary to the full exercise of its powers.

Acquire
property.

(e) To acquire or contract to acquire lands, rights of way, easements, privileges or property of every kind within or without the district, and construct, maintain and operate any and all works and improvements within or without the district necessary, convenient or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

Eminent
domain.

(f) To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use by the state, any political subdivision or district thereof.

Work and
improvements.

(g) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, tunnels, drains, poles, posts, wires, lamps, power plants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to

carry out, facilitate, repair, maintain and/or complete the same.

(h) To incur indebtedness, and to issue bonds in the Debts. manner herein provided.

(i) To cause assessments to be levied and collected for the Assessments. purpose of paying any obligations of the district in the manner hereinafter provided.

(j) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their Employees. compensation, including a clerk, superintendent of work, assessor, treasurer and collector, and define their powers and duties as in this act provided, and fix and determine the amount of bond required of each appointee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board of trustees of said district; *provided, however,* that the compensation, or at least the rate thereof or some basis for computing the same, shall be fixed and stated in the order of appointment of each such person. Said board shall have the power to combine any two or more offices in its discretion.

(k) To establish and fix the boundaries of zones in said Zones, funds, etc. district as in this act hereinafter provided; to make transfers of money from the general fund of said district to any special fund and to create and administer such special funds as in their discretion may seem advisable; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works, and improvements provided for herein, and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

(l) To make and enter into contracts with the United States Contracts of America, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States of America, and/or any person, firm, association or corporation, jointly and/or severally, for the acquisition of property or rights and/or the construction, maintenance and/or operation in whole or in part of any and/or all works and/or improvements provided in this act.

(m) To lease and/or rent to or from any of the parties Leases named in this act any property or rights necessary, in the opinion of the board of trustees of said district, to accomplish or carry out any of the work or improvement or the maintenance thereof herein provided and under such terms and conditions as may be agreed upon between the parties.

(n) To receive and accept any and all contributions in Contributions. labor, materials or money from any of the parties named in subdivision (l) of this section, to be applied to the work or improvement herein provided for.

SEC. 3. The American river flood control district herein Trustees. created shall be governed by and under the control of five

trustees, to be selected and elected as hereinafter provided, who shall constitute the board of trustees thereof. Each trustee shall be a registered voter and a freeholder of the district and shall have resided therein at least one year next preceding his appointment or election. Said trustees, except those first appointed, shall take office on the first day of January next succeeding their election, and shall hold office for the term of four years and until their successors are elected and qualified.

First
trustees.

SEC. 4. Immediately upon the going into effect of this act, the governor of the State of California shall appoint five qualified persons as trustees of said district. Immediately following their appointment, said trustees shall meet and organize, and determine by lot their respective terms of office in this: Two trustees shall serve until the first day of January, 1930, and three shall serve until the first day of January, 1932, and until their successors are elected and qualified.

Election of
successors.

At each biennial state election, beginning in the year 1929, there shall be held an election in said district for the purpose of electing trustees to succeed those whose terms expire in that year, and which election shall be consolidated with and held in connection with said state election. Notice of said election stating the time, place, and purpose thereof, and that the names of the election officers and the precincts into which the district has been divided, are as stated in the notice given by the county clerk of the state election, with the names of the candidates to be voted for, shall be given by the board of trustees by publication in some newspaper of general circulation, designated by the board and published in the district for two weeks before said election. No other notice of said election need be given. Such election shall, except as herein otherwise provided, be held in conformity to the law for holding special elections, as to matters provided for thereby, and as to other matters in conformity to the general election law, so far as applicable; but no sample ballots need be sent out. All election boards shall count the votes as soon as the polls are closed and forward the returns of the election to the board of supervisors of the county. The board of supervisors of the county of Sacramento shall canvass the returns in connection with the canvass of the returns of the state election, declare the result thereof, and certify said result to the district, whereupon the board of trustees shall issue certifications of election to the two or the three persons, as the case may be, receiving the highest number of votes. Any qualified elector in said district may be nominated for the office of trustee upon written petition of fifty or more qualified electors of the district.

Candidate's
statement.

SEC. 6. Any person desiring to be a candidate at any election for trustees shall also file a statement under oath with the board which statement shall set forth the candidate's full name, address and that he is a freeholder and registered voter within the district and that he will not withdraw his name before the election. Said statement shall be filed not more than forty-five nor less than twenty days prior to the

date of election. Nothing in this act contained shall be construed as prohibiting any member of the board from being a candidate to succeed himself.

SEC. 7. The trustees shall receive no compensation. They shall elect one of their own number president. They shall establish and maintain an office within the district for the transaction of the business thereof, at which office all books, records, and papers of the district must be kept and be open to public inspection at all reasonable times. They shall hold regular meetings at such office, at such times as they shall by resolution prescribe. Special meetings may be held on written order of any two trustees and twenty-four hours written notice to any trustee not joining in the order. The order must specify the business for which the special meeting is called and no other business shall be transacted thereat.

Compensation, office and meetings.

SEC. 8. Said board of trustees shall have jurisdiction, and it shall be their duty to employ, by resolution, a competent engineer and direct him to investigate carefully the best plan to control the flood and storm waters that may flow to or upon said district, or which may originate thereon, and to prepare all necessary and incidental plans, detail drawings, profiles, cross-sections and specifications of and for said work, together with a detailed description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work and improvement, and a statement of the estimated cost of the whole of said work and improvement (inclusive of all incidental expenses and all work and proceedings thereunder) to prepare maps or plats of the whole district showing the location of all proposed work and improvement and also the different zones within said district if any are necessary because of varying benefits containing the property to be benefited in like measure but in a different measure from those in other zones therein, with a statement as to what percentage of the sum to be raised each year for the payment on the principal and interest of the bonds should be raised from each zone. Said district may be divided into as many zones (up to the total number of parcels of land or legal subdivisions in the district as may be deemed necessary), and each zone shall be composed of and include all the property in the district which will be benefited in like measure. Each such zone shall be designated by a different letter or number and shall be plainly shown upon the map or plat of the district either by separate boundaries, coloring, or other convenient or graphic method, so that all persons interested may with accuracy ascertain within which zone any parcel of land may be situated.

Survey, report, etc.

Zones.

If any lands be included in a zone which shows no benefits and a zero percentage to be raised from such lands for the payment of principal and interest on bonds, it shall be the duty of the board of trustees to exclude such lands from the boundaries of the district in the manner hereinafter provided

Exclusion of lands not benefited.

before the calling of a special election to submit to the qualified electors of said district the proposition of issuing bonds as provided in section 10 hereof.

The said trustees shall prepare a notice of intention to exclude such lands from the boundaries of the district and set a date for the hearing of all interested parties as to whether said lands should be excluded or not. The said notice, which shall contain a statement of the time and place of said hearing, shall be published in a newspaper of general circulation printed and published in said district, over a period of two weeks at least once each week.

After the said hearing, the board of trustees, if it believes that such lands will not be benefited by remaining in the district, shall by resolution passed by unanimous vote declare said lands excluded from the district. The exclusion of such lands shall not affect the organization of the district nor invalidate any of the proceedings which may have theretofore been or thereafter be taken by the said board or any other body pursuant to the provisions hereof.

The said resolution shall be subject to judicial review as to the facts contained therein and as to the regularity of the proceedings pursuant to which it was passed, by any court of competent jurisdiction.

"Incidental expense."

The term "incidental expense" wherever used in this act shall mean and include all compensation for all clerical, engineering, legal, superintendence and inspection services, printing and advertising of all resolutions, notices and other matter required herein to be printed, posted or published, costs and expenses of legal actions or proceedings, and also rental or purchase of real or personal property used in connection with such work and improvement or incidental thereto, during the progress of the work and improvement and proceedings thereunder and/or otherwise.

Errors.

Any error or informality in the appointment of any officer or employee by the board of trustees shall not invalidate or in any way affect the proceedings.

Adoption of report.

SEC. 9. Upon the filing of the report of the engineer or engineers, together with the maps, plats, plans, profiles, drawings, cross-sections, specifications and estimates as herein provided for, the board of trustees shall consider the same, and may, by resolution approve them or order modifications or changes to be made therein. When a report satisfactory to the board of trustees has been filed, said board shall by resolution adopt the same and state the amount of the entire estimated cost for which bonds are to be voted, and a finding in said resolution adopted by said board as to the sufficiency of said report, and that the same complies with all the requirements of this act in relation thereto, shall be final and conclusive against all persons except the State of California upon suit commenced by the attorney general.

Bond election.

SEC. 10. After the adoption of said report by the board of trustees as above provided, said board shall without delay call

a special election and submit to the qualified electors of said district the proposition of incurring a bonded debt in the amount and for the purposes stated in said report. ^{Bond election (cont'd).}

Said board shall call said special election by resolution, and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; *provided*, that it shall be sufficient to give a brief general description of such objects and purposes, and refer to the report adopted by said board of trustees, and on file for particulars; and said resolution shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, and which shall be not less than one-fortieth of the whole amount of such indebtedness, and shall fix the rate of interest to be paid on said indebtedness, which shall not exceed seven per cent per annum, and shall fix the date on which said special election shall be held, the manner of voting for or against incurring such indebtedness.

For the purposes of said election, said board of trustees shall in said resolution establish election precincts within the boundaries of said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

At such election every person whose name appears on the last great register of the county within the district shall be entitled to vote thereat.

Said board of trustees shall cause so much of said report as covers a general description of the work to be done, and the map showing the location of the proposed work and improvements, to be printed at least thirty days before the date fixed for such election, and a copy thereof furnished to every qualified voter of said district who shall apply for the same.

Said resolution calling such election shall, prior to the date set for such election, be published ten times in a daily, or four times in a weekly, newspaper of general circulation, printed and published in said district, and designated by said board of trustees for said purpose. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district for the amount stated in such proceedings shall be issued and sold as in this act provided.

Sec. 11. The said board of trustees shall, subject to the ^{Bonds.} provisions of this act, prescribe by ordinance the form of said

bonds, and of the interest coupons attached thereto. Said bonds shall be payable substantially in the following manner: a part to be determined by said board, and which shall not be less than one-fortieth part of the whole amount of such indebtedness shall be payable each and every year on a day and date, and at a place to be fixed by said board, and designated in said bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denominations as the said board of trustees may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than ten thousand dollars, and shall be payable on the day and at the place fixed in said bonds, and with interest specified in such bonds, which rate shall not be in excess of seven per cent per annum, and shall be payable semiannually, and said bonds shall be signed by the president of the board of trustees, and countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the treasurer of said district by his engraved or lithographed signature. In case any such officer whose signature or countersignature appears on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Sale of
bonds.

SEC. 12. The said board of trustees shall issue and sell the whole or any part of said bonds but only at public auction and to the highest bidders for cash after notice of such sale or auction given by publication in at least one newspaper of general circulation published in said district by two insertions therein; *provided*, no sale or auction shall be had prior to the expiration of fifteen days from the first publication of said notice. Said board shall have the right to reject any and all bids when in the discretion of said board it appears to the best interests of the district so to do, and thereafter readvertise and auction as in this section provided for original sale. Said bonds and interest shall be paid at the office of the treasurer of the district who shall keep a register which shall show the series, number, date, amount, number and amount of each coupon of interest paid by him, and shall file and cancel each bond and coupon so paid.

Redemption
of bonds.

SEC. 13. The treasurer of the district may after thirty days written notice to the holder or owner of said bond by registered mail to his last known address, advance the maturity of any bond to the next semiannual interest date and pay and cancel the same whenever there shall be surplus moneys in the redemption fund with which to pay the same. Whenever there is sufficient money in the redemption fund so to do, the owner or holder of any bond may, prior

to the maturity date thereof, surrender same and receive the principal thereof together with interest thereon equal to five per centum of the principal. On the day fixed for the advanced maturity of any bond, if said bond has not been sooner surrendered, the treasurer shall set aside to the credit of the owner of such bond the amount of the principal and accrued interest then due thereon together with such premium of five per centum of the principal; and interest thereon shall thereafter cease to accrue on said bond. Said amount so set aside shall on demand be paid to the holder of said bond on surrender and cancellation of the same. Bonds may be registered with the treasurer in accordance with the provisions of any law applicable to the registration of municipal bonds, and thereafter the principal and interest thereon shall be paid to the proper registered owner thereof.

SEC. 14. Bonds issued under this act shall by their issuance be conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations had or made under this act. No error, defect, irregularity, informality and no neglect or omission of any officer of the district in any procedure, taken hereunder, which does not affect the jurisdiction of the board of trustees to order the doing of the thing or things proposed to be done, shall avoid or invalidate such proceeding or any bonds issued thereunder. Any bonds issued under the provisions of this act shall be a lien upon the property of the district, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall be paid by revenue derived from an annual assessment upon the property within said district, and all the property in the district shall be and remain liable to be assessed for such payments as hereinafter provided.

SEC. 15. Any bonds which shall be issued under the provisions of this act, shall be legal investments for all trust funds, and for the funds of insurance companies, banks, both commercial and savings, and trust companies, and for state school funds and whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts or irrigation districts within the State of California, such money or funds may be invested in the bonds issued under this act, and whenever bonds of cities, cities and counties, counties, school districts or irrigation districts within this state may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public moneys, the said bonds issued under this act may be so used.

SEC. 16. All proceeds received from the sale of the bonds issued hereunder shall be deposited with the treasurer and be paid out by him only upon authority of the board of trustees and by proper warrant. All proceeds from the sale of bonds and interest on such proceeds in excess of the final actual cost of all work and improvement and proceedings

Validity
of bonds.

Lien.

Payment.

Legal
investments.Disposition
and use of
proceeds.

thereunder shall be applied to the interest and sinking fund for the retirement of the bonds issued.

Assessments
to pay
principal and
interest.

SEC. 17. At the time of the general tax levy for state and county taxes in each year the board of trustees shall cause an assessment to be levied against and upon all property within the district including any land which is the operative property of any public utility and including any property belonging to the county, any municipality, district, public agency, mandatory of the government, school board, or educational institution whether used in the performance of a public function or not but not including any personal property, or any public highways or streets, or any property belonging to the United States government or to the State of California or said district, in an amount sufficient, together with any moneys in the bond fund of said district, to pay all the principal which has become or will become due, and all interest which has become or will become due and payable on any bonds issued under the proceedings before the proceeds of another assessment made at the same time as the general tax levy for state and county purposes can be made available for the payment of said principal and interest. The said amount of each such special assessment to be levied shall be divided according to the percentages, and the percentages to be raised from the property in each zone, if any there be, shall be levied against and upon the property therein as in this act provided. Said special assessments shall be in addition to all other taxes and assessments levied for state, county, municipal or district purposes. The provisions of the Political Code of this state relating to the collection and enforcement of taxes for state and county purposes, including the sale of property for delinquency and the redemption from such sale are hereby adopted and made applicable to said special assessments except that the officers of the district are hereby severally substituted in the name, place and stead of the county officers therein named.

Assessments
to cover
improvements
and
maintenance.

SEC. 18. After the first bond election in said district, at which bonds shall be authorized by the electors of said district. as herein provided, the board of trustees of said district shall have power, in any year, to levy an assessment upon the taxable property in said district as set forth in section 16 hereof at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of said district for the ensuing fiscal year, and said board of trustees shall have power to control and order the expenditures for said purposes of all revenue so derived; *provided*, that such assessments levied under this section for any one year shall not exceed ten cents on each one hundred dollars of the assessed valuation of the property in said district as said assessed valuation is shown on the last preceding assessment records for state, county and city purposes; *provided, further*, that such assessment shall

be in addition to any assessment levied to meet the bonded indebtedness of said district and all interest thereon. Prior to said bond election, at which bonds shall be authorized as herein provided, the district shall have the right to incur indebtedness for organization purposes, preliminary engineering expenses and general incidental expenses as in this act specified, to an amount not exceeding twenty-five thousand dollars, said indebtedness to be evidenced by warrants of said district issued in payment of valid obligations incurred by said district, and which warrants shall be paid by the treasurer of the State of California on presentation of said warrants and their approval by the board of control of the State of California. One-half of the moneys so advanced by the State of California, to wit: an amount not exceeding twelve thousand five hundred dollars, shall be repaid to the state by the said district by means of a general tax levy on all the property in said district levied and assessed for the fiscal year 1928-1929. If, prior to the first day of July, 1928, a bond election has been held in said district, and bonds authorized, the said assessment shall be included in the general assessment of said district and collected with the other taxes levied and assessed in said district for the said fiscal year, and the amount due the State of California hereunder shall be paid by the trustees of the district to the treasurer of the county of Sacramento for the use of the State of California. If, prior to the said first day of July, 1928, bonds have not been authorized by the electors of said district, then the amount so due the state shall be added to the assessment roll of the county of Sacramento in the form of a special tax on all the property in said district, upon a certification from the state board of control to the auditor of the county of Sacramento as to the amount so due the state by reason of any advances made by the state hereunder, which tax shall be collected by the tax collector of the county of Sacramento and paid over to the state by said county. There is hereby appropriated out of the funds in the state treasury, not otherwise appropriated, the sum of twenty-five thousand dollars for the purpose of carrying out the provisions of this section.

SEC. 19. The boundaries of said district may be altered and additional area added thereto and the procedure set forth in the act of the Legislature of the State of California, entitled "An act to provide for the alteration of the boundaries of and for the annexation of territory to municipal corporations, for the incorporation of such annexed territory in and as a part thereof, and for the districting, government and municipal control of such annexed territory," approved June 11, 1913, and the amendments thereto, shall be followed as nearly as practicable, which provisions and the amendments thereto are hereby adopted as part of this act.

SEC. 20. In all work of improvement or repair of any of the works or property of the district and in the furnishing of materials or supplies therefor, when the expenditures required

Alteration
of
boundaries.

Contracts
for work
and
materials.

for the same exceed the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest, responsible bidder, after notice by publication in a newspaper of general circulation published in the district for at least two insertions in a weekly or at least ten insertions in a daily newspaper and by posting such notice for at least five days at or near the door of the meeting place of the board of trustees prior to the date set for opening bids; such notices shall distinctly state the work contemplated and/or the materials or supplies required; *provided*, the board of trustees may reject any and all bids presented and readvertised and post in their discretion; *and provided, further*, that said board may declare and determine that in its opinion the work in question may be performed more economically by day labor or the materials or supplies furnished at a lower price in the open market, and they may thereafter proceed to have the work done or the materials purchased without further observance of the foregoing provisions of this section; *and provided, further*, that in case of a great public calamity such as sudden fire, flood, storm, epidemic or act of God, the board of trustees may declare a state of great public emergency and proceed to have all necessary work done and materials and supplies furnished without further observance of the foregoing provisions of this section. Any work or improvement provided for in this act may be located, constructed and maintained in, along or across any public road or highway in the county of Sacramento, in such manner as to afford security for life and property, but the said board of trustees shall restore or cause to be restored such road or highway to its former state as near as may be, so as not to impair its usefulness.

Additional
bonds.

SEC. 21. Whenever bonds have been issued by said district and the proceeds of the sale thereof have been expended as in this act provided and authorized, and said board of trustees shall, by resolution determine that the public interest or necessity of said district demand the issuance of additional bonds for carrying out the work or improvements of the district herein provided for, said board of trustees may again proceed as in this act provided, and have a report made and submit to the qualified voters of said district the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided, and all of the provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Additional
powers.

SEC. 22. The board of trustees of said district shall have power to create such revolving or other funds, to abolish same, and to make transfers of the funds of said district from any fund to any other as they may deem necessary to effect the provisions of this act, to make and enforce all needful rules and regulations for the administration and government of

said district, to employ in their discretion and fix the compensation of all needful agents and employees to look after the performance of any work or improvement provided for in this act, and to perform all other acts necessary or proper in their discretion to accomplish the purposes of this act.

Said board of trustees shall have power to do all work and to construct and acquire all improvements necessary, incidental or useful for carrying out any of the purposes of this act, and to acquire either within or without the district by purchase, condemnation, donation or by other lawful means in the name of said district, from private persons, public and private corporations, associations, agencies or districts, all lands, rights of way, easements, property or materials and to make, execute, carry out and enforce all contracts of every character necessary, incidental or useful for carrying out the provisions or purposes of this act; to compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes.

SEC. 23. In case of condemnation proceedings, the board of trustees shall proceed in the name of the district under the provisions of title VII, part III, of the Code of Civil Procedure of the State of California, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of the property, lands, rights of way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use, and said board of trustees of said district is hereby granted the same powers and rights with respect to the taking of property for the public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county, incorporated city or town, municipal water district or irrigation or reclamation district.

SEC. 24. The provisions of this act relative to the performance of official duty as to any time or place, the form of any resolution, notice, order, list, certificate of sale, deed or other instrument shall be deemed directory. No bond, coupon, assessment, or installment thereof, or of the interest or penalties thereon, or certificate of sale or deed shall be held invalid for error in the computation of the proper amount due on the same; *provided*, the error be found to be comparatively negligible or be found to be one in favor of the owner of the property affected thereby.

SEC. 25. This act shall be liberally construed to the end that the purposes may be effective. No error, irregularity,

informality and no neglect or omission of any officer of the district in any procedure taken hereunder which does not directly affect the jurisdiction of the board of trustees to order the work done or improvement to be made shall avoid or invalidate such proceeding or any assessment for the cost of work or improvement done thereunder.

Vacancies
on board.

SEC. 26. In addition to the powers herein granted, the board of trustees shall have power to fill any vacancy or vacancies occurring on said board by reason of death, or resignation, and in case any member of said board shall absent himself from four consecutive meetings of said board except on account of illness, said position shall be vacant and the remaining members of said board shall fill such vacancy or vacancies by appointment of any qualified person.

Short title.

SEC. 27. This act may be designated and referred to as "American river flood control district act."

Constitu-
tionality.

SEC. 28. In case any section, subsection, sentence, clause or phrase of this act shall be declared unconstitutional or invalid for any reason, the remaining portions of this act shall not be invalidated but shall remain in full force and effect.

CHAPTER 809.

An act to provide for a survey of and works on the Santa Ana river watershed and basin for flood control and making an appropriation therefor.

(I object to the item of fifty thousand dollars in section 1 of Senate Bill No. 888, and reduce the amount to forty thousand dollars. With this reduction, I approve the bill. Dated May 28, 1927.

C. C. YOUNG, Governor.)

[In effect July 29, 1927.]

The people of the State of California do enact as follows:

Appropriation - Santa Ana river watershed and basin survey.

SECTION 1. The sum of fifty thousand dollars is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to be expended under the direction of the division of engineering and irrigation, department of public works, for the purpose of making an investigation and a survey of the Santa Ana river watershed and basin to determine the method of and the construction of works for controlling the floods of said Santa Ana river and its tributaries. Said investigation and survey shall be completed and a report thereof made to the governor prior to the first day of December, 1928; *provided, however*, that such sum shall be available when there is available or shall hereafter be made available by any political subdivision, or subdivisions of the State of California or by the federal government, or by other interested party, or parties an equal amount for such purpose.

CHAPTER 810.

An act to amend section four thousand two hundred sixty-four of the Political Code, relating to the salaries of county officers of counties of the thirty-fifth class.

[Approved by the Governor May 28, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 4264 of the Political Code is hereby amended to read as follows:

Stats. 1925,
p. 184,
amended.

4264. Counties of the thirty-fifth class, salaries of officers. In counties of the thirty-fifth class the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees to wit:

Counties of
35th class:
officers and
employees.

1. The county clerk, two thousand seven hundred dollars per annum, which shall be in full for all services, including registering voters and making the great register, excepting such services as are performed by said clerk as agent for the state; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk two deputies, who shall be appointed by said county clerk, one of which deputies shall be paid a salary of one thousand eight hundred dollars per annum, and the other said deputy shall be paid a salary of one thousand two hundred dollars per annum, said salaries to be paid in monthly installments, at the same time, in the same manner, and out of the same fund as the county clerk is paid.

Clerk.

2. The sheriff, five thousand one hundred dollars per annum, and he is hereby allowed, in addition thereto, one undersheriff to be appointed by him, who shall receive one thousand eight hundred dollars per annum, and one deputy sheriff at a salary of one thousand eight hundred dollars per year, which deputy shall work under the direction of the sheriff and shall assist the district attorney in the enforcement of law, whose salaries shall be paid by the county, in monthly installments, at the same time, in the same manner, and out of the same fund as the sheriff is paid.

Sheriff.

Said sheriff shall also have for his own use all fees, commissions and mileage for the service of all papers served by him and issued without his county.

3. The recorder, two thousand four hundred dollars per annum, in full for all services, and he is hereby allowed, in addition thereto, one deputy appointed by him, who shall be a copyist, and who shall receive one thousand two hundred dollars per annum, whose salary shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the recorder is paid; *provided*, that when the board of supervisors shall deem it necessary, it may allow the recorder an additional copyist, to be paid not

Recorder.

more than five cents per folio for any work done by said copyist, said compensation to be paid monthly by the county; *provided, further*, that the fees heretofore allowed the recorder for his own use by section 3079 of the Political Code shall be hereafter paid into the county treasury. It is hereby found as a fact that the changes provided for in this section do not work an increase in compensation, and it is intended that the same shall apply immediately to the present incumbents.

Auditor.

4. The auditor, two thousand four hundred dollars per annum, and he is hereby allowed one deputy, to be appointed by him, who shall receive one thousand five hundred dollars per annum, whose salary shall be paid in monthly installments, at the same time, in the same manner, and out of the same fund as the auditor is paid; *provided*, that if the board of supervisors in any year shall order or direct the auditor to prepare and compile its annual statistical report, and on so performing such services, he may be allowed a further sum not to exceed three hundred dollars, which said board of supervisors shall allow upon the completion and acceptance of the report; *provided, further*, that if the board of supervisors in any year shall order or direct the auditor to prepare and compile a report showing the classified annual pay roll of the county, and on so performing such services, he shall be allowed an additional sum of not to exceed one hundred dollars, to be allowed by said board of supervisors and paid by the county; *provided*, that the compensation herein provided for the auditor shall include the services heretofore compensated under the provisions of section 4099a, Political Code, and it is hereby found as a fact that the changes provided for in this section do not work an increase in compensation and it is intended that the same shall apply immediately to the present incumbents.

Treasurer

5. The treasurer, two thousand four hundred dollars per annum; *provided*, that all commissions received by the treasurer on the collection of inheritance taxes shall be paid into the county treasury.

Collector.

6. The tax and license collector, two thousand one hundred dollars per annum, in full compensation for all services, and he is hereby allowed a deputy, to be appointed by him, for eight months of the year, at a compensation of one hundred twenty-five dollars per month, the salary of said deputy to be paid by the county, in monthly installments, at the same time, in the same manner, and out of the same fund as the tax collector is paid.

Assessor.

7. The assessor, three thousand dollars per annum, in full compensation for all services, and he is hereby allowed, in addition thereto such deputies and typists, to be appointed by him, as he may deem necessary to carry on the work of his office; *provided, however*, that not more than a total of four thousand dollars shall be paid in any year for such deputies and typists, no typist to be paid more than seventy-five dollars per month and no deputy to be paid more than eight dollars per day while engaged in the performance of their respective

duties; *provided, further*, that the assessor shall be allowed his own necessary traveling expenses in the performance of his official duties as assessor.

8. The district attorney, two thousand one hundred dollars Attorney. per annum, and he is hereby allowed, in addition thereto, one deputy appointed by him, who shall receive one thousand five hundred dollars per annum.

9. The coroner, such fees as are now, or may be hereafter Coroner. allowed by law; *provided*, that for such miles necessarily traveled by him in going to and returning from the place of an inquest, he shall receive twenty-five cents per mile each way.

10. The public administrator, such fees as are now, or may Adminis-
trator. be hereafter allowed by law.

11. The superintendent of schools, two thousand one hundred dollars per annum, and necessary expenses in visiting schools in the county, not to exceed ten dollars for each school visited, to be allowed by the board of supervisors of the county; and there is hereby allowed one deputy, appointed by the superintendent of schools, who shall receive nine hundred dollars per annum, said salary to be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the superintendent of schools is paid. Supt. of
schools.

12. The surveyor, two thousand four hundred dollars per Surveyor. annum, which salary shall be in lieu of all fees and per diem heretofore allowed by law; *provided, however*, that the surveyor shall be permitted by the board of supervisors to do outside work when his services are not required by the county; *provided, however*, that all compensation, for outside work, received by the surveyor shall belong to and be the property of the surveyor. It is hereby found as a fact that the changes provided for in this subdivision do not work an increase in the compensation for the services required of the county surveyor by law, or by virtue of his office, and it is intended hereby that the same shall apply immediately to the present incumbent.

13. For the purpose of regulating the compensation of Classifica-
tion of
townships. justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of 1920 as follows: Townships having a population of four thousand or more shall belong to and be known as townships of the first class; townships having a population of more than two thousand five hundred and less than four thousand shall belong to and be known as townships of the second class; townships having a population of two thousand and less than two thousand five hundred, shall belong to and be known as townships of the third class; townships having a population of one thousand five hundred and less than two thousand shall belong to and be known as townships of the fourth class; townships having a population of one thousand and less than one thousand five hundred shall belong to and be known as townships of

the fifth class; and townships having a population of less than one thousand shall belong to and be known as townships of the sixth class.

Justices.

14. Justices of the peace shall receive the following salaries which shall be paid monthly out of the general fund of the county in the same manner as the salaries of county officers are paid, and shall be in full for all services, to wit: In townships of the first class, one hundred twenty-five dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, twenty-five dollars per month; in townships of the fifth class, twenty-five dollars per month and in townships of the sixth class, twenty-five dollars per month.

Constables.

15. Constables shall receive the following salaries, which shall be paid monthly, in the same manner as the salaries of county officers are paid out of the general fund of the county, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships of the first class, one hundred twenty-five dollars per month; in townships of the second class, seventy-five dollars per month; in townships of the third class, seventy-five dollars per month; in townships of the fourth class, thirty dollars per month; in townships of the fifth class, thirty dollars per month; and in townships of the sixth class, thirty dollars per month. In addition to the monthly salaries herein allowed for services in criminal actions, cases and proceedings, each constable shall also be allowed all necessary expenses actually and properly incurred, in arresting and conveying prisoners to court or to prison, and also all necessary expenses actually incurred in the transportation of prisoners from prison to court, and the return of said prisoner to prison; and shall be allowed, also, for each mile actually traveled, both in going and coming in the service of subpoenas, in criminal actions, per mile, ten cents; which said expense and mileage shall be audited and allowed by the board of supervisors as other claims against the county are audited and allowed, and shall be paid out of the county treasury.

Constable's fees.

In addition to the monthly salaries herein allowed for services in criminal actions and cases, each constable may, for his own use, collect the following fees, and no other, in civil actions:

For serving summons and complaint, for each defendant served, fifty cents.

For each copy of summons for service, when actually made by him, twenty-five cents.

For levying writ of attachment or execution, or execution order of arrest, or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than one dollar and fifty cents per day shall be allowed for a keeper when necessarily employed. Constable's fees (cont'd).

For taking bond or undertaking, fifty cents.

For copies of writs and other papers, except summons, complaint and subpoenas, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except summons, complaint and subpoenas, for each person served fifty cents.

For writing and posting each notice of sale of property, fifty cents.

For furnishing notice for publication, twenty-five cents.

For serving subpoenas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one-half per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering constable's deed, one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order, or paper, in civil actions, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in civil actions, in going only, twenty-five cents per mile; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage shall be charged, allowed, or paid in criminal or civil cases.

For each day's attendance in court, in civil cases, three dollars per day.

For executing a search warrant, two dollars; and for each mile necessarily traveled within his county in executing a search warrant, both in going and returning from the place of search, fifteen cents; said fee and mileage to be paid by the party demanding the search.

For summoning a jury, in civil cases, two dollars, including mileage.

For commissions for receiving and paying over money on execution without levy, or when the goods or land levied on shall not be sold, one per cent. The fees herein allowed for the levy of an execution, and for making or collecting the money on execution, shall be collected from the judgment debtor, by virtue of such execution, in the same manner as the sum herein directed to be paid.

16. County officers must, and township officers may, demand the payment of all fees in advance. Justices of the peace shall, on or before the first Monday of each month, pay in to the county treasurer all moneys collected by them on fines imposed and collected and all moneys belonging to the county coming from any source. Fees: payment and disposition.

Supervisors.

17. Each member of the board of supervisors, one thousand five hundred dollars per annum and ten cents per mile, one way between residence and county seat, in attending upon all regular, special or adjourned meetings of the board of supervisors; *provided*, that the chairman of the board of supervisors may receive twenty-five cents per mile, one way, between residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury as required by law.

Jurors and witnesses.

18. Grand jurors and trial jurors and witnesses in the superior court in civil or criminal cases, shall receive, as compensation for each day's attendance, per day three dollars, and for each mile actually and necessarily traveled in attending court as such, in going only, per mile twenty-five cents. Witnesses in the justice courts and trial jurors in the same, in civil or criminal cases, when sworn to try the case, shall receive as compensation for each day's attendance, two dollars, and for each mile actually and necessarily traveled in attending court as such, in going only, fifteen cents per mile.

Reporter.

19. In counties of this class there shall be a court reporter of the superior court whose salary shall be two thousand four hundred dollars per year, payable monthly out of the county treasury in lieu of fees received for reporting on criminal and civil cases and proceedings in the superior court, juvenile court and all preliminary examinations in the justice courts of the counties and all proceedings on inquisition before the coroner and all proceedings before the grand jury and all statements and investigations in criminal matters made by the district attorney. In addition to the salary the reporter shall be allowed a fee now or hereafter allowed for transcribing the proceedings and testimony in all such matters.

Fees: payment and disposition.

The fees for transcribing in civil cases in the superior court shall be paid by the parties litigant and in criminal cases in the superior and juvenile courts to be paid by the county, when ordered by the court, as other claims are paid; and in preliminary examinations, coroner's inquisitions, and statements and investigations by the district attorney, when required by law to be transcribed, or ordered transcribed by the district attorney, shall be paid by the county as required by law; *provided, however*, that the per diem fee now paid by parties litigant on behalf of such court reporter shall continue to be paid by such parties litigant to the clerk of court who shall transmit the same to the county treasury to be paid into the general fund of the county.

CHAPTER 811.

An act to amend section four thousand two hundred seventy-five of the Political Code, relating to the salaries, fees and expenses of officers in counties of the forty-sixth class.

[Approved by the Governor May 28, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 4275 of the Political Code is hereby amended to read as follows: Stats. 1925,
p. 31,
amended

4275. In counties of the forty-sixth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, fees and expenses, to wit: Counties of
46th class:
officers and
employees

1. The county clerk, three thousand six hundred dollars per annum, and during each year in which a general election is held throughout the state he shall in addition to said salary receive each month for the months of August, September, October and November, one hundred dollars, and the same shall be so paid from the same fund as other salaries are paid. Clerk.

2. The sheriff, four thousand five hundred dollars per annum, and the fees, mileage and commissions for the service of all papers issued by any court of the state outside of this county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county. Sheriff.

3. The recorder, three thousand dollars per annum; *provided*, that said recorder shall collect and pay into the county treasury for the use and benefit of the county all fees required by law to be collected by him. Recorder.

4. The auditor, one thousand eight hundred dollars per annum. Auditor.

5. The treasurer, two thousand four hundred dollars per annum. Treasurer.

6. The tax collector, two thousand seven hundred fifty dollars per annum, which shall be in full for all services as tax collector and as license collector. Also that in counties of this class, the tax collector may appoint a stenographer or clerk who shall receive a salary not exceeding five dollars per day for a period not exceeding one hundred twenty days in any one year. Collector.

7. The assessor, three thousand dollars per annum; *provided*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county, whose salary is hereby fixed at the sum of one hundred twenty-five dollars per month; which said salary shall be paid by said county at the time and in the same manner and out of the same fund as is the salary of the assessor; *and provided, further*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county Assessor.

and who shall hold office from twelve o'clock meridian of the first Monday of March of each year up to twelve o'clock meridian of the first Monday of July of each year. The salary of said last mentioned deputy assessor herein provided for is hereby fixed at the sum of one hundred dollars per month during which months he shall hold office as herein provided; which said salary shall be paid by said county at the time and in the same manner and out of the same fund as is the salary of the assessor.

Attorney.

8. The district attorney, two thousand dollars per annum; *provided*, that in counties of this class the district attorney may appoint a stenographer or clerk who shall receive a salary of one thousand two hundred dollars per annum, to be paid in equal monthly installments in the same manner, at the same time and out of the same fund as is the salary of the district attorney.

Coroner.

9. The coroner, nine hundred dollars per annum.

Adminis-
trator.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

Supt. of
schools

11. The superintendent of schools, two thousand four hundred dollars per annum, and actual traveling expenses while visiting the schools of his county, he to devote all of his time to the duties of his office.

Librarian.

11½. The county librarian, one thousand eight hundred dollars per annum.

Surveyor.

12. The surveyor, ten dollars per day for each day's service rendered.

Supervisors.

13. Supervisors, each the sum of one thousand two hundred dollars per annum for all services performed by them, as supervisors, and members of the board of equalization and road commissioners; *provided*, that each supervisor shall receive ten cents for each mile traveled by that ordinary route, in going from his residence to the county seat and returning, once during each month; and that supervisors in counties of this class be allowed their traveling expenses in viewing and laying out roads and bridges and in attending to such other duties within their county as required by law.

Classifica-
tion of
townships.

14. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population as shown by the federal census of 1910; townships having a population of two thousand four hundred and over four thousand shall be classified as townships of the first class, and townships having a population of less than two thousand four hundred shall belong to and be known as townships of the second class.

Justices.

15. In townships of the first class, justices of the peace shall receive ninety-six dollars per month to be paid each month out of the same fund and at the same time as the county officers are paid, and which sum shall be in full compensation for all services rendered by them.

In townships of the second class, justices of the peace shall receive ninety dollars per month to be paid each month out of the same fund and at the same time as the county officers are paid and which sum shall be in full compensation for all services rendered by them.

16. Constables in counties of this class shall receive the following monthly salaries to be paid each month out of the same fund and at the same time as the county officers are paid, which sum shall be in full compensation for all services rendered by them in criminal cases, the same to include all costs of transportation of all prisoners within the county, to wit: Constables in townships of the first class shall receive a monthly salary of ninety dollars per month, and constables of townships of the second class shall receive a monthly salary of seventy-two dollars per month; *provided, further*, that the constables in the respective townships be allowed mileage at the rate of twenty-five cents per mile in the services of all papers pertaining to criminal cases, but shall not be allowed any sum for any other expenses. Constables.

17. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, such fees as are now or may be hereafter provided by law; and compensation for per diem and transcription in criminal cases to be audited and allowed upon a written order of the court, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. Reporter.

18. In counties of this class, grand jurors and jurors in the superior court in criminal and civil cases shall be paid three dollars per day for each day's attendance, and for each mile actually traveled in attending court as such juror under summons or under order of court, in going only, twenty-five cents; and in criminal cases, the county clerk shall certify to the auditor the number of days attendance and the number of miles traveled by each such juror, and the auditor shall then draw his warrant for the fees and mileage due such juror, and the treasurer shall pay the same. Jurors.

19. In counties of this class, witnesses, when legally required to attend upon the superior court, in criminal cases, shall be paid two dollars per day for each day's actual attendance, and twenty-five cents per mile for each mile actually traveled, in going only; and in criminal cases the county clerk shall certify to the auditor the number of days attendance and the number of miles traveled by each such witness, and the auditor shall then draw his warrant for the fees and mileage due such witness, and the treasurer shall pay the same. Witnesses.

CHAPTER 812.

An act to add a new section to be numbered six hundred twenty-six da to the Penal Code, providing for the taking of rabbits in fish and game district four and three-quarters in any number and at any time of the year.

[Approved by the Governor May 28, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

New section.

SECTION 1. A new section to be numbered section 626da is hereby added to the Penal Code to read as follows:

Rabbits in district 43.

626da. Brush, cottontail or any other rabbits may be hunted, taken or killed, in fish and game district four and three-quarters in any number and at any time of the year.

CHAPTER 813.

An act to amend section four hundred thirty-eight of the Code of Civil Procedure, relating to counterclaims.

[Approved by the Governor May 28, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Original section amended. When counterclaim may be set up.

SECTION 1. Section 438 of the Code of Civil Procedure is hereby amended to read as follows:

438. The counterclaim mentioned in section 437 must tend to diminish or defeat the plaintiff's recovery and must exist in favor of a defendant and against a plaintiff between whom a several judgment might be had in the action; *provided*, that the right to maintain a counterclaim shall not be affected by the fact that either plaintiff's or defendant's claim is secured by mortgage or otherwise, nor by the fact that the action is brought, or the counterclaim maintained, for the foreclosure of such security; *and provided further*, that the court may, in its discretion, order the counterclaim to be tried separately from the claim of the plaintiff.

CHAPTER 814.

An act to amend sections one and three of an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, relating to cemetery districts.

[Approved by the Governor May 28, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1925, p. 496, amended.

SECTION 1. Section 1 of an act entitled "An act to provide for the organization and government of public cemetery districts," approved June 1, 1921, is hereby amended to read as follows:

Petition for public cemetery district.

Section 1. Whenever a petition, signed by not less than fifty citizens who are owners of land located within a proposed cemetery district, whose names appear as such owners of land

upon the last completed assessment roll of the county in which a majority of the acreage of said proposed district is situated, which petition shall definitely describe the boundaries of the proposed district and request that the territory within said boundaries be organized into a public cemetery district, shall be presented to the board of supervisors of the county in which a majority of the acreage of said proposed district is situated, at a regular or special meeting of said board, the said board of supervisors, by resolution, shall fix a time for the hearing of said petition at not less than two nor more than five weeks from the time of presentation thereof, and shall cause notice to be given of the time and place of said hearing, by publication in some newspaper of general circulation, printed and published in said county, for not less than two weeks prior to the time of said hearing. The petition may consist of any number of separate instruments, which shall be duplicates, except as to signatures thereto. The said notice shall contain a copy of said petition, but the names attached to the petition need not be included in said notice or publication. Said notice shall state that any person residing in or owning property within said proposed district or within any existing cemetery district, any part of the territory of which is described in said petition, may appear before said board at the hearing of said petition, and show cause why the said petition should not be granted, or the proposed boundaries of said district changed.

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Stats. 1921,
p. 1104,
amended.

Sec. 3. If the board of supervisors shall determine that the petitioners have complied with the requirements herein set forth and that the notice required herein has been published as required, it shall thereupon proceed to a final hearing of the matter. Said board shall make such changes in the boundaries of the proposed district as it may deem advisable and shall define and establish such boundaries, and may include therein any territory described in the petition which is within the boundaries of an existing cemetery district, and, if so included by said board, such territory, upon the organization of the proposed district, shall cease to be a part of said existing district. Any person residing or owning property within said proposed district or within such existing cemetery district may appear before said board of supervisors at said hearing, in person or by attorney or agent, and oppose the creation of said district or request a change in the boundaries thereof and may produce evidence in support of his opposition or request.

Boundaries.

CHAPTER 815.

An act to amend section four thousand two hundred forty-six of the Political Code, relating to the salaries, fee and expenses of officers in counties of the seventeenth class.

[Approved by the Governor May 28, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 102,
amended.
Counties of
17th class:
officers and
employees.

SECTION 1. Section 4246 of the Political Code is hereby amended to read as follows:

4246. In counties of the seventeenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees, and expenses, to wit:

Clerk.

1. County clerk, three thousand dollars per annum; *provided*, that in counties of this class there shall be, and hereby is, allowed to the county clerk, one chief deputy who shall receive a salary of two thousand four hundred dollars per annum, two deputies who shall receive a salary of one thousand eight hundred dollars per annum, two deputies who shall each receive a salary of one thousand five hundred dollars per annum, and in each year in which a new and complete registration of voters is required by law, he shall appoint as many deputy registration clerks as may be necessary for the convenient registration of the voters of the county, which deputy registration clerks shall receive as compensation for their services a sum of ten cents per name for each and every voter registered by them, and also one additional deputy to compile the great register, and for mailing sample ballots, at a compensation not to exceed two hundred fifty dollars for each such registration year; *provided, further*, that in counties of this class the county clerk shall be and hereby is authorized to retain for his own use and benefit such fees or parts of fees as are now or which hereafter may be allowed to the county clerks by the laws of the United States, pertaining to naturalization of citizens and to the public lands.

Sheriff.

2. Sheriff, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be, and hereby is, allowed to the sheriff one under-sheriff whose salary is hereby fixed in the sum of two thousand seven hundred dollars per annum, one chief deputy who shall receive a salary of two thousand four hundred dollars per annum, three deputies, who shall be jailers, who shall each receive a salary of one thousand eight hundred dollars per annum, one deputy who shall be finger-print expert who shall receive a salary of two thousand one hundred dollars per annum, two deputies who shall be court bailiffs who shall receive a salary of one thousand five hundred dollars per annum, one deputy who shall also be chauffeur who shall receive a salary of one thousand eight hundred dollars per annum, one deputy

who shall be matron and stenographer and who shall receive a salary of one thousand five hundred dollars per annum, two deputies who shall be chain gang guards who shall receive a salary of one thousand five hundred dollars per annum; *provided*, that such guards may be used by the sheriff for other purposes when not required as guards; five additional deputies who shall each receive a salary of one thousand eight hundred dollars per annum; one bookkeeper who shall receive a salary of one thousand five hundred dollars per annum; *provided*, that there shall be, and hereby is, allowed to the sheriff such extra deputies as the board of supervisors may deem necessary to properly guard the outlying districts of the county; *provided*, that the total compensation of all such deputies shall not exceed the sum of three thousand six hundred dollars in any one year.

3. Recorder, two thousand seven hundred dollars per annum; *provided*, that in counties of this class there shall be, and is hereby allowed the recorder one deputy at a salary of one thousand five hundred dollars per annum, and two deputies who shall each receive a salary of one thousand two hundred dollars per annum, and as many copyists as may be required who shall receive as compensation the sum of five cents per folio for recording, copying and comparing any instrument or notice, except maps or plats, and for copies of any record or paper, five cents per folio. The salaries of all copyists herein provided for shall be paid by the county in monthly installments at the same time, and in the same manner, and out of the same fund that the salary of the county recorder is paid. Recorder.

4. Auditor, three thousand dollars per annum; *provided*, that there is hereby allowed to the auditor one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, one deputy who shall receive a salary of one thousand six hundred twenty dollars per annum, one deputy who shall receive a salary of one thousand five hundred dollars per annum, one deputy for not more than ten months in each year, who shall receive a salary of one hundred ten dollars per month and four additional clerks for not more than one month in each year, who shall receive a salary of one hundred ten dollars each per month. Auditor.

5. Treasurer, three thousand dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the treasurer, the sum of not exceeding one thousand eight hundred dollars per annum, to be expended for the salary of a deputy. Treasurer.

6. Tax collector, three thousand dollars per annum; one chief deputy who shall receive a salary of one thousand eight hundred dollars per annum, and eight deputies for not more than three months of each year, who shall each receive a salary of one hundred ten dollars per month. Collector.

7. Assessor, three thousand dollars per annum; one chief deputy who shall receive a salary of two thousand one hundred seventy-five dollars per annum, one stenographer and Assessor.

Assessor
(cont'd).

roll writer for not more than nine months in each year, who shall receive a salary of one hundred twelve and fifty hundredths dollars per month, one deputy for writing plat books for not more than six months in each year, who shall receive a salary of one hundred twenty-five dollars per month, one check deputy for not more than six months in each year, who shall receive a salary of one hundred twenty-five dollars per month, three additional deputies for not more than six months in each year, who shall each receive a salary of one hundred dollars per month, one collection deputy for not more than two months in each year, who shall receive a salary of two hundred dollars per month, twelve field deputies for not more than three months in each year who shall each receive a salary of two hundred dollars per month, one field deputy for the Bard district for not more than three months in each year, who shall receive a salary of two hundred twenty-five dollars per month; all of said field deputies shall pay their own expenses. It is hereby provided that in counties of this class, the assessor shall receive no fees or compensation for his collection of taxes on personal property, or possessory interests.

Attorney.

8. District attorney, four thousand dollars per annum; one chief deputy who shall receive a salary of three thousand dollars per annum, two deputies who shall each receive a salary of two thousand four hundred dollars per annum, one deputy who shall be known as "criminal investigator," who shall receive a salary of one thousand eight hundred dollars per annum, one stenographer who shall receive a salary of one thousand two hundred dollars per annum, one official reporter who shall report and transcribe all preliminary hearings required of her by the district attorney, and whose duties and compensation shall be those prescribed by section 869 of the Penal Code; *provided*, that in counties of this class the district attorney shall devote all of his time to the duties of his office.

Coroner.

9. Coroner, such fees as are now, or may be hereafter, allowed by law.

Adminis-
trator.

10. Public administrator. Public administrator, such fees as are now, or may be hereafter allowed by law.

Supt. of
schools.

11. Superintendent of schools. Superintendent of schools, three thousand dollars per annum; two deputies who shall each receive a salary of two thousand dollars per annum, said salaries to include traveling expenses in connection with the visitation of schools; one deputy who shall receive a salary of one thousand two hundred dollars per annum; *provided*, that in counties of this class the superintendent of schools shall receive no compensation for services as a member of the county board of education, or as ex officio secretary thereof.

Surveyor.

12. Surveyor. Surveyor, one thousand five hundred dollars per annum; which shall be in full for all services required of him by the superior court or board of supervisors, or assessor. It shall be his duty on demand of the assessor, to

prepare any and all maps, plats or block-books for the use of the county assessor.

13. Justices of the peace. Justices of the peace shall receive the following monthly salaries, to be paid each month, in the same manner, and out of the same fund as county officers are paid, in townships having a population of more than five thousand, one hundred dollars per month; *provided*, that if the county seat shall be situated in a township of this class, one hundred fifty dollars per month; in townships having a population of less than five thousand and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation, and the same shall apply immediately to incumbents; justices of the peace shall be allowed their necessary incidental expenses in such reasonable sums as may be fixed by the board of supervisors, according to the needs of the business of the justice's courts in each township; *provided*, that in townships where the county seat is situated, such incidental expenses shall include clerical help not to exceed fifty dollars per month, and in other townships having a population of more than two thousand, such expenses shall include clerical help, not to exceed more than twenty-five dollars per month. The board of supervisors of such counties shall furnish and supply to the justices of the peace of the various townships in such counties the codes of the state and amendments thereto, and all necessary stationery, legal blanks and forms for the proper and convenient conduct of business; and to the justice of peace of the township where the county seat is situated the board of supervisors shall also furnish and equip with necessary furniture and other appliances, a suitable room in the county court house for holding the court of such justice. Justices.

14. Constables. Constables shall receive the following monthly salaries to be paid each month in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them: In townships having a population of more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, twenty dollars per month; *provided*, that in counties of this class constables shall in addition to the salaries herein provided receive the fees provided in section 4300*d* of the Political Code. Constables.

15. Population of townships. For the purpose of subdivisions 13 and 14 of this section, the population of the several judicial townships shall be ascertained by multiplying the number of registered electors at the last general election by three and one-half. Population of townships.

16. Supervisors. Each supervisor, one thousand two hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year; *provided*, Supervisors.

coagulating agents as may be approved in writing by the department of agriculture of the State of California, with or without the addition of ripening ferments and seasoning and with or without salt (sodium chloride) and with or without harmless coloring matter. Milk to be made into cheese shall conform to the following requirements as a minimum: it shall be unadulterated, fresh, clean, free from foreign substances detrimental to its quality or to the quality of the products prepared therefrom, and shall have been obtained from the udder by the complete milking of one or more healthy cows properly fed and kept, excluding that obtained within five days after or fifteen days prior to parturition.

Labels.

(b) All cheese sold, offered for sale, exposed for sale, or on hand for sale must be labeled to indicate the variety and the grade, whether whole milk, part skim or skim, and, if made in California, it must be labeled at the factory with the manufacturer's factory number, assigned annually by the department of agriculture of the State of California under the rules and regulations provided in section 21 of this act. If made outside of the State of California, it must be labeled with the name of the manufacturer or distributor.

Milk fat content.

Whole milk cheese must contain not less than fifty per cent of pure milk fat in its water-free substance. Part skim cheese must contain not less than thirty per cent of pure milk fat in its water-free substance. Skim cheese is cheese that contains less than thirty per cent of pure milk fat in its water-free substance. It shall be unlawful for any person, firm, corporation or association by themselves, or their agents or employees, to sell, exchange or deliver, or to offer for sale, exchange or delivery, or to cause or permit to be sold, exchanged or delivered or advertised for sale any part skim cheese or skim cheese, except cottage cheese, unless the same be offered for sale and sold as part skim cheese or skim cheese; and it shall be unlawful for any person, firm, corporation or association to expose any such cheese for sale, unless there shall be attached to the outside of every vessel, can, package or piece from or in which such cheese is exposed, sold or held for exchange or delivery, a tag, upon which shall be legibly and distinctively printed in black letters at least one inch in height the words "part skim cheese" or "skim cheese" as the case may be.

Established varieties.

(c) Established varieties of cheese are those for which definitions and standards appear in law. All other varieties shall be known as special varieties and may be made under written permit from the department of agriculture of the State of California. The standards of composition and labeling requirements shall be those promulgated by the director of agriculture of the State of California, and designated in the special permit issued for their manufacture; *provided, however, that no special variety of cheese shall be made in shape, form or size similar to any cheese defined by law in paragraph (d) of this section.*

(d) Definitions of established varieties: (1) Cheddar "Cheddar." cheese is cheese made by the so-called cheddar process which consists in part of subjecting the curd to a matting and milling process and molding into characteristic forms with a plain white bandage in hoops under pressure, and containing not more than thirty-eight per cent of moisture. (2) Granular "Granular." cheese is cheese made by the so-called stirred curd or granular process and molded into characteristic forms with a red bandage in hoops under pressure, similar to those of the cheddar variety, and containing not more than thirty-eight per cent of moisture. (3) Monterey cheese is cheese made by "Monterey." the so-called stirred curd or granular process, without added color, characteristic in size and molded into characteristic shape or form in bags under pressure and containing not more than forty-two per cent of moisture. (4) Cream cheese is an "Cream" unripened cheese made by the Neufchatel process or variations thereof, from cream, milk, or skim milk enriched with cream or butter fat sufficient so that the resultant cheese shall contain in its water-free substance not less than sixty-five per cent of pure milk fat. All manufacturers of cheese who manufacture cream cheese from butter shall first secure from the department of agriculture of the State of California a permit to do so. Said permit shall be issued subject to the rules and regulations made and promulgated by the director of agriculture and may be revoked for violation thereof after due hearing by the department of agriculture of the State of California. (5) Cottage cheese shall be made from pure "Cottage." milk or skim milk which has been pasteurized by the system described for market milk or by the system described for manufacturing milk or cream as provided for in section 15 of this act, with or without harmless coloring matter, and sold fresh without molding into forms. (6) Creamed cottage cheese "Creamed cottage." is cottage cheese to which a sufficient quantity of pure, fresh, pasteurized sweet cream is added so that the finished product contains not less than four per cent of pure milk fat.

SEC. 2. Section 8 of said act is hereby amended to read as follows:

Sec. 8. (a) Ice cream is a frozen product made with pure, sweet milk, cream, skim milk, evaporated or condensed milk, evaporated or condensed skim milk, dry milk, dry skim milk, pure milk fat, or wholesome sweet butter made from sweet cream, or any combination of any such products, with or without sweetening, clean wholesome eggs or egg products, and with or without the use of harmless flavoring and coloring, and containing not less than ten per cent of milk fat nor more than six-tenths of one per cent of pure and harmless edible stabilizer, approved by the department of agriculture of the State of California. Ice cream, when sold by the manufacturer, shall not contain in excess of one hundred fifty thousand bacteria per gram. Ice cream shall otherwise conform to the composition and weight requirements which shall be specified in regulations promulgated by the director of agriculture, in accordance

Stats. 1928,
p. 853,
amended.
Ice cream.

with the provisions of section 21 (a) of this act. All manufacturers of ice cream who use butter, eggs, or egg products in the manufacture of ice cream shall first secure from the department of agriculture of the State of California a permit to do so. Said permit shall be issued subject to the rules and regulations made and promulgated by the director of agriculture, and may be revoked for violation thereof, after due hearing.

Fruit ice
cream.

(b) Fruit ice cream is ice cream which contains not less than eight per cent of milk fat and not less than three per cent by weight of clean, mature, sound fruit or the juice thereof, with or without the use of harmless flavoring and coloring and containing not more than six-tenths of one per cent of pure, harmless edible stabilizer, approved by the department of agriculture.

Nut ice
cream.

(c) Nut ice cream is ice cream which contains not less than eight per cent of milk fat and not less than one per cent by weight of sound, nonrancid nut meats, with or without the use of harmless flavoring and coloring, and containing not more than six-tenths of one per cent of pure, harmless, edible stabilizer, approved by the department of agriculture of the State of California.

Miscel-
laneous
varieties.

(d) French ice cream, French custard ice cream, cooked ice cream, ice custard, parfais and all similar frozen products are varieties of ice cream, which shall contain not less than ten per cent of milk fat, and not less than five dozen of clean, wholesome egg yolks, or one and five-tenths pounds of wholesome, dry egg yolk containing not to exceed seven per cent of moisture, or three pounds of wholesome, frozen egg yolk containing not to exceed fifty-five per cent of moisture, or the equivalent of egg yolk in other form, for each ninety pounds of ice cream mix, and which shall otherwise conform to the regulations which may be promulgated by the director of agriculture in accordance with the provisions of section 21 of this act.

Ice milk

(e) Ice milk is a frozen product containing less milk fat than ice cream, or any of the varieties of ice cream defined in this section and made from pure, sweet milk, with or without sweetening, clean wholesome eggs, or egg products, and harmless flavoring, and containing not less than two and four-tenths per cent of milk fat, and not more than six-tenths of one per cent of pure and harmless edible stabilizer, approved by the department of agriculture of the State of California, and all other substances which shall be in semblance of ice cream except imitation ice milk or imitation ice cream. All containers of ice milk shall be conspicuously so labeled, and vehicles conveying ice milk, and places where ice milk is sold, shall display a conspicuous, legible sign containing the words "Ice Milk Sold Here", in letters not less than six inches high. No person shall use the name "ice cream," "cream," "creamy," nor any other word or phrase other than those especially designated by this act, in either labeling or advertising, nor in any other manner, either orally or written, in connection with the advertising, sale or distribution of ice milk.

SEC. 3. Section 9 of said act is hereby amended to read as follows:

Stats. 1923,
p. 854,
amended
Milk fat or
butter fat.

Sec. 9. (a) Milk fat or butter fat is the fat of milk and has a Reichert-Meissl number not less than twenty-four and a specific gravity not less than nine hundred five thousandths (0.905) (milk fat at forty degrees centigrade compared with water at forty degrees centigrade). By Reichert-Meissl number is meant the number of milliliters of decinormal alkali required to neutralize the acidity of the distillate from five grams of fat treated in the manner described in the book entitled, "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," published by that association in the month of July, in the year nineteen hundred twenty-four (July, 1924, A. D.).

(b) Skim milk is milk from which a part or all of the milk fat has been removed, which contains less than three per cent of milk fat and not less than eight and eight-tenths per cent of milk solids.

Skim milk.

(c) Dried milk is the product resulting from the removal of water from milk, and shall otherwise conform to the definition, standards and requirements established by the secretary of agriculture of the United States for this product.

Dried milk.

(d) Dried skimmed milk is the product resulting from the removal of water from skimmed milk and shall otherwise conform to the standards and requirements established by the secretary of agriculture of the United States for this product.

Dried skim
milk.

(e) Buttermilk is that portion of sweet or ripened milk or cream which remains after the separation and complete or partial removal therefrom of milk fat in the process of churning, and, when sold for human consumption, shall be deemed to be adulterated if any water is added to said buttermilk.

Buttermilk.

(f) Cultured buttermilk is pasteurized milk or pasteurized skim milk, or a combination thereof, with or without an admixture of buttermilk, which has been treated with special cultures of lactic acid bacteria, so that the product somewhat resembles buttermilk in appearance, composition and flavor.

Cultured
buttermilk.

(g) Acidophilus milk is milk, skim milk, or a combination thereof, which has been sterilized and afterward fermented by a pure culture of *Lactobacillus acidophilus* (Moro).

Acidophilus
milk.

Before engaging in the business of manufacturing, preparing, selling, distributing, or otherwise dealing in acidophilus milk, every person, firm, corporation or association, in addition to the usual factory license, shall obtain and hold an acidophilus milk license from the department of agriculture of the State of California. Upon receipt of the application for such a license, said department of agriculture shall investigate the equipment and sanitary condition of the place where such acidophilus milk is to be manufactured or prepared, and provide the applicant with a copy of the laws of the State of California pertaining thereto. If the condition of the place is found to be satisfactory, a special fee of one hundred dollars (\$100) shall be paid by the applicant, whereupon the license

shall be issued. Said license shall normally expire on the thirty-first day of December of each year, and shall be revocable for violation of any of the requirements pertaining to acidophilus milk.

Modified
milk.

(h) Modified milk is milk which has been altered in composition to conform to special nutritional requirements. Modified milk may be sold only upon prescription of a regularly licensed physician.

Before engaging in the business of manufacturing, preparing, selling, distributing, or otherwise dealing in modified milk, every person, firm, corporation or association, in addition to the usual factory license, shall obtain and hold a modified milk license from the department of agriculture of the State of California. Upon receipt of application for such license, said department of agriculture shall investigate the equipment and sanitary conditions of the place where such modified milk is to be manufactured or prepared, and provide the applicant with a copy of the laws of the State of California pertaining thereto. If the condition of the place is found to be satisfactory, a special fee of one hundred dollars (\$100) shall be paid by the applicant, whereupon the license shall be issued. Said license shall normally expire on the thirty-first day of December of each year, and shall be revocable for violation of the requirements pertaining to modified milk.

Use of milk
in soft
drinks.

(i) Milk or skim milk, properly pasteurized, and combined with fruit or fruit juices, chocolate, chocolate syrups, or other harmless syrups, with or without the addition of harmless coloring material, may be used in the manufacture and sale of soft drinks under a trade term; *provided*, that such product shall be so colored or contain ingredients that cause it to distinctly differ from milk in appearance or other characteristics.

Stats 1923,
p. 855,
amended.

SEC. 4. Section 10 of said act is hereby amended to read as follows:

Use of
formalde-
hyde, etc.,
to delay
souring.

Sec. 10. No person, firm, corporation or association shall produce, manufacture or prepare for sale, or sell, offer for sale or have on hand for sale, any milk cream, or other product of milk to which has been added, or that may contain, any compound of boron, salicylic acid, formaldehyde, or other chemical or substance for the purpose of preventing or delaying fermentation or souring. It shall be unlawful for any person to produce, manufacture or prepare for sale, or to sell, or to offer for sale, or to have on hand for sale any milk or product of milk, to which any coloring matter, except as otherwise provided in this act, has been added by any person or to which any gelatine or other substance, except as otherwise provided in this act, has been added by any person to increase the consistency of such milk, or product of milk, so as to make it appear richer or of better quality. This section shall not be construed to prohibit the use of harmless coloring matter and common salt (chloride of sodium) in butter and cheese, the use of gelatine or other substances named in section

Use of
coloring, etc.

8 of this act in the manufacture of ice cream, or the use of alkalies approved by the department of agriculture of the State of California in the manufacture of butter, or the adjustment of the acidity of ice cream mixed within limits designated by said department of agriculture.

SEC. 5. Section 11 of said act is hereby amended to read as follows:

Stats. 1923,
p. 855,
amended.
Labeling of
milk
products.

Sec. 11. All products defined in this act, when sold, or offered or exposed for sale to the retail trade shall be labeled or billed with the correct name of the product and shall conform to all other requirements for special labeling of the products as provided in this act, or in the rules and regulations for its enforcement. No person, firm, corporation or association, shall use the name of any product defined in this act, either orally, printed, or written, in connection with the sale of any product or substance unless said product or substance shall conform to the definitions and standards prescribed by this act. No person, firm, corporation, or association, shall make or cause to be made any statement either oral, written, or printed, nor make or print, or cause to be made or printed, any design, symbol, picture, or illustration in connection with the advertising or sale of any product, article, or compound defined in this act, which statement, design, symbol, picture, or illustration shall be false, deceptive, or misleading in any manner.

SEC. 6. Section 14 of said act is hereby amended to read as follows:

Stats. 1925,
p. 840,
amended.
Unsanitary
creameries.

Sec. 14. (a) Any creamery, factory or building in which dairy products of any kind are manufactured, or any store, salesroom, or depot, or other place where milk or any product of milk is handled or kept for sale, shall, among other causes so classified by the department of agriculture of the State of California, be deemed unsanitary within the meaning of this act in the following cases:

(1) If milk or cream is received that has reached an advanced stage of fermentation, or that shows a state of putrefactive fermentation, or contains foreign substances detrimental to the quality of the manufactured product.

(2) If the utensils and apparatus that come in contact with milk or its products are not thoroughly washed and sterilized by means of boiling water or superheated steam or other means equally effective and acceptable to the department of agriculture of the State of California, after each using, and if the cans or containers in which the milk or cream is received, transported or delivered are not thoroughly washed, sterilized and dried after emptying and before being sent out to be used again.

(3) If the floor is so constructed as to permit the flowing of water, milk or other liquids underneath or among the interstices of such floor, where fermentation and decay can take place, or if such floor can not be readily kept free from dirt.

(4) If drains are not provided that will convey refuse

Unsanitary
creameries
(cont'd).

milk, water and sewage away to a point at least fifty yards distant from such creamery or factory of dairy products, or if any cesspool, privy vault, hog yard, slaughter house, manure or any decaying vegetable or animal matter shall be so located as to permit foul odors to reach any such creamery or other factory of dairy products or store room or depot where milk or its products are sold or handled; or if the water supply of the plant is subject to pollution with sewage or contamination with pathogenic bacteria unless said water be subjected to efficient chlorination or otherwise treated to make it safe for use in connection with the manufacture of food products.

(5) If such creamery or factory of dairy products does not permit access of light and air sufficient to secure good ventilation.

(6) If in any building or buildings used in connection with any creamery, or factory of dairy products, any insects or other species of animal life are permitted, or if upon the floor or walls any milk or its products or any filth is allowed to accumulate or ferment, or decay, or if the bodies or wearing apparel of persons employed, or coming in contact with any milk or its products in any creamery, or factory of any dairy products, are unclean and not washed from time to time with reasonable frequency, or if suitable toilet and lavatory facilities and clean towels are not provided for employees.

Score cards.

(b) The score cards used for the official scoring of factories of dairy products shall be those established by the regulations adopted by the department of agriculture of the State of California as provided for in section 21 of this act.

Stats. 1923,
p. 864,
amended.
Pasteuriza-
tion.

SEC. 7. Section 15 of said act is hereby amended to read as follows:

Sec. 15. (a) The process of pasteurization, as applied to milk, skim milk, cream and other milk products, is hereby defined to be a process for the elimination therefrom of organisms harmful to human beings, which process shall consist of uniformly heating such milk, skim milk or cream, as the case may be, to a temperature of not less than one hundred forty degrees Fahrenheit and of holding the same at a temperature between one hundred forty and one hundred forty-five degrees Fahrenheit for a period of not less than thirty minutes, nor more than one and one-half hours, and immediately thereafter cooling the same to a temperature of not above fifty degrees Fahrenheit; *provided*, that when cream is pasteurized to be used and is used in the manufacture of butter, or when milk is pasteurized to be used and is used in the manufacture of cheese, and where the process of ripening or starting in each case is to be commenced immediately, then it shall not be required that such cream or milk be cooled to a lower degree than necessary for such ripening or starting; *and provided, further*, that modification of this method may be practiced when approved in writing by the department of agriculture of the State of California after due

investigation of the efficiency of such method. Milk or skim milk or cream that is to be used in the manufacture of butter or cheese may be pasteurized by heating above one hundred forty-five degrees Fahrenheit and when the same is uniformly heated to and held at a temperature above one hundred fifty-one degrees Fahrenheit, the time for holding may be decreased from thirty minutes by one minute for each degree of temperature above one hundred forty-five degrees Fahrenheit. If milk is repasteurized, it must not be sold as market milk.

(b) All apparatus used for the pasteurization of milk, skim milk or cream shall be kept in strictly clean and sanitary condition and every pasteurizing plant shall be equipped with sufficient recording thermometer devices to accurately record the temperature to which, and the length of time for which the pasteurized product has been heated. Apparatus.

All recording thermometer devices used in the pasteurization of any milk, skim milk or cream must be of a type approved by, and the use thereof must at all times be subject to the approval of, the department of agriculture of the State of California. All persons, firms, corporations or associations using pasteurizing apparatus within the State of California shall date, preserve and keep on file for a period of not less than two months after the same are made, all records made by such thermometer, or in lieu of such preservation may deliver such records to any public officer authorized by law or ordinance to receive the same, and said records shall, at all times, be open to the inspection of the said department of agriculture, state board of health, and of all other state, county, and municipal officers charged with the enforcement of laws and ordinances respecting dairy products or the public health.

(c) No person, firm, corporation or association shall sell, exchange or offer or expose for sale or exchange, or have in its possession for sale or exchange any milk, cream, skim milk, ice cream, butter, buttermilk, cheese, or other products of milk as and for pasteurized milk, cream, skim milk, ice cream, butter, buttermilk, cheese or other products of milk, as the case may be, nor use the word, "pasteurized," or any of its derivatives in connection with the sale, designation, advertising, labeling or billing of any milk, cream, skim milk, ice cream, butter, buttermilk, cheese or other milk products, unless the same and all products of milk contained therein or used in the manufacture thereof consist exclusively of milk, skim milk or cream which has been treated by the process of pasteurization as defined and regulated in this section. Unlawful sales.

SEC. 8. Section 16 of said act is hereby amended to read as follows: Stats. 1925,
p. 841,
amended.

Sec. 16. (a) Every person, firm, corporation or association, before regularly engaging in the business of dealing in, receiving, manufacturing, freezing or processing milk or any product of milk shall obtain a license to do so for Factory licenses.

Factory
licenses
(cont'd).

each separate plant or place of business from the department of agriculture of the State of California; *provided*, that nothing in this section shall apply to retailers dealing in finished products received from a distributor or producer in final form. Upon receipt of an application for such license, the said department of agriculture shall investigate the equipment and the sanitary condition of the plant where milk or the products of milk are to be received, processed, frozen or manufactured, and provide the applicant with a copy of the dairy laws of the State of California. If the condition of the plant is found to be satisfactory, a "factory license" shall be issued by said department of agriculture to such applicant upon receipt of a license fee of ten dollars, except that every person, firm, corporation, or association engaged in the business of dealing in, receiving, manufacturing, freezing, or processing ice cream, ice milk and all similar frozen products shall be required to pay annually a minimum factory license fee of twenty-five dollars for the manufacture of fifty thousand gallons or fraction thereof per year, and for each additional ten thousand gallons or fraction thereof manufactured per year, said applicant shall pay an additional license fee of one dollar. All factory licenses herein required shall expire at the end of each calendar year; *provided*, that such license shall remain in full force and effect during the month of January of the next succeeding year or such part thereof as may be necessary for the renewal of said license by said department of agriculture. All licenses may be renewed each successive year provided that the plant for which previous license was issued or the business thereof shall have been conducted in accordance with the requirements of this act during the year next preceding that for which renewal is requested. The fee for the renewal of such license (except for ice cream, ice milk, and all similar frozen products, which shall be as hereinbefore provided) shall be one dollar for each one hundred thousand pounds of milk fat or part thereof, or each four hundred thousand gallons of milk or part thereof, purchased or received during the preceding year, ending the thirty-first day of December; *provided*, in no case shall the renewal fee exceed ten dollars except for ice cream, ice milk, and all similar frozen products which shall be as hereinbefore provided. The correct amount of the fee for the renewal of said license shall be forwarded with said application for its renewal. Any factory license may be suspended or revoked by the said department of agriculture for violation of any of the provisions of this act, or for violation of any of the rules and regulations promulgated for its enforcement as provided in section 21 of this act.

Testers'
licenses.

(b) All persons who shall test milk or cream, purchased, received or sold on the basis of the milk fat contained therein must first obtain and hold a license to do so from the department of agriculture of the State of California, said license to be known as a "tester's license." Any method or process

which gives accurate results may be used; *provided*, that all glassware and other apparatus must be examined for accuracy and the procedure be approved by the department of agriculture of the State of California; *and provided, further*, that a tester's license must be obtained for each method or process used. The said department of agriculture upon receipt of an application for such license, shall examine into the qualifications of the applicant and every applicant shall satisfy said department of agriculture of his qualifications, and shall have a thorough knowledge of the provisions of the law with which he must comply and pay a fee of five dollars before any such license shall be issued. Said applicant shall state the method of testing to be used by the applicant, which method must be approved by said department of agriculture of the State of California before a license may be issued. All such licenses shall expire with the thirty-first day of December of each year and may be renewed within thirty days prior to expiration upon filing application for such renewal and payment of a renewal fee of one dollar; *provided*, all requirements of the law and regulations pertaining to the work of the licensee have been observed. Any "tester's license" may be suspended or revoked by the said department of agriculture for violation, by the holder thereof, of any of the provisions of this act, or any of the rules and regulations for its enforcement, promulgated as provided in section 21 of this act.

(c) All persons, other than licensed testers, who shall take samples of milk or cream purchased, received or sold on the basis of the milk fat contained therein, on which sample tests are to be made as a basis of payment, and all persons who shall make weighings of milk or cream, the weights thus obtained to be used as a basis of payment, must first obtain and hold a license to do so from the department of agriculture of the State of California, said license to be known as a "sampler's and weigher's license"; *provided*, that when the same person does both the sampling and weighing only one license shall be required; *and provided, further*, that in case of emergency a person may weigh or sample for a period not exceeding one week before making application for a license. The said department of agriculture upon receipt of an application for such license shall examine into the qualifications of the applicant, and every applicant shall satisfy said department of agriculture of his qualifications and shall have a thorough knowledge of the provisions of the law with which he must comply and pay a fee of one dollar before any such license shall be issued. All such licenses shall expire with the thirty-first day of December of each year and may be renewed within thirty days prior to expiration upon filing application for such renewal and payment of a renewal fee of one dollar; *provided*, all requirements of the law and regulations pertaining to the work of the licensee have been observed. Any "sampler's and weigher's license" may be suspended or revoked by the said department of agriculture

Samplers'
and weighers'
licenses.

for violation, by the holder thereof, of any of the provisions of this act, or of any of the rules and regulations for its enforcement, promulgated as provided in section 21 of this act.

Any person who shall take samples of milk or cream for testing shall be required to hold the same in an unchanged condition until delivered to a licensed tester.

Technicians'
licensees.

(d) All persons who shall make bacteriological determinations upon milk or cream which determinations are used as a basis of payment or determining value must first obtain and hold a license to do so from the department of agriculture of the State of California, said license to be known as a "technician's license". The department of agriculture upon receipt of an application for such license shall examine into the qualifications of the applicant. Upon successfully passing the required examination and the payment of a fee of five dollars a license shall be issued to said applicant. All such licenses shall expire with the thirty-first day of December of each year and may be renewed within thirty days prior to expiration upon filing application for such renewal and payment of a renewal fee of one dollar; *provided*, all requirements of the law and regulations pertaining to the work of the licensee have been observed. Any "technician's license" may be suspended or revoked by the department of agriculture of the State of California for violation, by the holder thereof, of any of the provisions of this act, or of any of the rules and regulations promulgated as provided in section 21 of this act.

Stats. 1925,
p. 843,
amended.
Weighing
and sampling
milk.

SEC. 9. Section 17 of said act is hereby amended to read as follows:

Sec. 17. (a) No person, firm, corporation or association shall fraudulently manipulate the measure or weight or under-read or overread or otherwise manipulate any test used for determining the grade or quality of milk or cream, or the per cent of milk fat in milk or cream, nor take an unfair sample of milk or cream on which a test is to be made, nor fraudulently manipulate such samples, or the records of any measurement, weight, or test, or combination thereof. A permanent record in duplicate of all tests of milk or cream purchased, received, or sold on the basis of the amount of milk fat contained therein, must be made by a tester, licensed by the department of agriculture of the State of California, on standard forms supplied by, or in accordance with the specifications for such records, adopted by the said department of agriculture. Each test shall be legibly recorded with indelible pencil or ink and shall be accompanied by the patron's name or number in such a manner as to correctly identify the test obtained upon the milk or cream of each patron. Each sheet or page shall be authenticated by the signature of the tester licensed by the said department of agriculture, and a duplicate record shall be deposited by said licensed tester immediately after completing the test or the day's samples, in a

box provided by the purchaser or receiver or seller of milk or cream, as the case may be, said box to be constructed, sealed and maintained in accordance with the rules and regulations promulgated as provided in section 21 of this act. The original record shall be immediately delivered to the purchaser or receiver or seller of said milk or cream, who shall retain said original record for a period of at least three months. The said licensed tester shall retain an unmodified sample of all milk or cream tested by him for a period of not less than forty-eight hours after tests of said milk or cream have been made and said purchaser or receiver or seller of milk or cream shall provide a suitable place where such samples so retained may be kept and such place shall be acceptable to the said department of agriculture. When payment for milk or cream is made on the basis of the milk fat contained therein, samples shall be taken from each lot of said milk or cream upon delivery, and payment shall be made in accordance with the percentage of milk fat actually found in said samples; *provided*, that nothing in this section shall be construed to prohibit weighing and sampling on a route; *and provided, further*, that nothing in this section shall be construed to prohibit the use of composite samples of milk.

(b) In conducting the Babcock test, the milk fat column in tests on milk, in milk test bottles, shall be read from the extreme bottom of the fat column to the top of the top meniscus. In tests on cream in cream test bottles the meniscus at the top of the milk fat column shall be destroyed by the use of an overlying foreign oil approved by the department of agriculture of the State of California, and the milk fat column shall be read from the extreme bottom of the fat column to the plane of separation between the fat column and the overlying foreign oil. The reading of the test shall be made when the temperature of the milk fat is between one hundred thirty and one hundred forty degrees Fahrenheit.

Reading
of tests.

(c) No person shall knowingly render any statement or bill showing the weight, grade, percentage of fat, amount of fat, price, or total amount paid, which shall be false, deceptive or misleading in any particular.

False
statements.

(d) All measuring glassware, weights or scales used by licensed testers or licensed technicians shall be accurate. All glassware shall be examined by the department of agriculture of the State of California and if found to be accurate, each piece shall have a legible or indelible distinguishing mark placed upon it by the said department of agriculture. All Babcock glassware and scales shall comply with the following specifications:

Accuracy
of tests

(1) Milk test bottle. The total per cent graduation shall be eight. The graduated portion of the neck shall have a length of not less than sixty-three and five-tenths millimeters and the graduation shall represent whole per cent, five-tenths per cent and tenths per cent. The error in the total graduation or in any part thereof shall not exceed one-tenth of one per

Milk test
bottle.

cent. The neck shall be cylindrical for at least five millimeters below the lowest and above the highest graduation mark.

Fifty per cent nine-gram, long-neck cream test bottle.

(2) Fifty per cent nine gram long-neck cream test bottle. The total per cent graduation shall be fifty. The graduated portion of the neck shall have a length of not less than one hundred twenty millimeters. The graduation shall represent five per cent, one per cent and five-tenths per cent. The cylindrical part of the neck shall extend at least five millimeters below the lowest and above the highest graduation mark. Each bottle shall bear at the top of the neck above the graduations, in plain legible characters, a mark defining the weight of the charge to be used—nine grams. The error in the total graduation or in any part thereof, shall not exceed twenty-five hundredths of one per cent.

Fifty per cent eighteen-gram, long-neck cream test bottle.

(3) Fifty per cent eighteen gram long-neck cream-test bottle. The total per cent graduation shall be fifty. The graduated portion of the neck shall have a length of not less than one hundred twenty millimeters. The graduation shall represent five per cent, one per cent and five tenths per cent. The cylindrical part of the neck shall extend at least five millimeters below the lowest and above the highest graduation mark. Each bottle shall bear at the top of the neck above the graduations, in plain legible characters a mark defining the weight of the charge to be used—eighteen grams. The error in the total graduation or in any part thereof shall not exceed twenty-five hundredths of one per cent.

Seventeen and six-tenths milliliter pipette.

(4) Seventeen and six-tenths milliliter pipette. The delivery tube shall have a length of one hundred to one hundred twenty millimeters and an outside diameter between four and five-tenths and five and five-tenths millimeters, and a straight nozzle. The pipette shall contain seventeen and six-tenths milliliters of water at twenty degrees centigrade when the bottom of the meniscus coincides with the mark on the suction tube. The error in the graduation shall not exceed five one-hundredths of a milliliter.

Scales or balance.

(5) Scales or balance. The scales or balance used in weighing cream samples into the test bottles shall have a sensibility of not more than thirty milligrams.

Examination fees.

(e) A fee of one dollar shall be paid by the owner of said glassware to the department of agriculture of the State of California for every dozen pieces of Babcock glassware examined in accordance with the provisions of paragraph (d) of this section. The said department shall charge fees for examining glassware and apparatus used in methods of testing other than the Babcock test, which fees shall be sufficient to cover the actual cost of such examination.

Stats. 1923, p. 868, amended.

SEC. 10. Section 18 of said act is hereby amended to read as follows:

Containers to be kept sanitary and in good condition.

Sec. 18. (a) Every person, firm, corporation or association, not a common carrier, who receives from a private or common carrier in cans, bottles, vessels or other containers, any milk, cream, ice cream, or other product of milk intended for human

consumption, which has been transported over any railroad, or boat, or freight line, or by other common or private carrier, which said cans, bottles, vessels or other containers, are to be returned to the manufacturer, distributor, consignor or shipper, shall cause the said empty cans, bottles, vessels or other containers to be thoroughly cleansed and sterilized by boiling water or superheated steam before return shipment of the same, and every private or common carrier before accepting such cans or containers to be returned to the manufacturer or distributor shall require that each container be plainly marked with the name and address of the person returning same. All milk bottles, cans or containers of any kind in which milk or any product of milk is kept, stored, transported or delivered shall be sound, smooth, free from rust or open seams, and at all times kept in a condition which will permit thorough cleansing of all surfaces with which the milk or its products come in contact. Bottles, cans, tubs, cabinets, containers or other receptacles commonly used for the reception, storage or delivery of milk, cream, ice cream or other products of milk shall not be used as a receptacle for, or storage place of, any vegetables, fish, fowls, meats, other foodstuffs, or refuse matter, bottles, or filthy or offensive substance, or for any other purpose than that for which they were originally intended. All empty cans, bottles, vessels or other containers delivered to the producer by the manufacturer, retailer, or distributor for the reception of milk or any product of milk shall be kept by said producer in a clean, sanitary, sterile condition and shall be used for no other purpose whatsoever. All empty cans, bottles, vessels or other containers delivered to the consumer by retailer or distributor shall be thoroughly cleansed before returning the same to the retailer or distributor.

(b) Any person, firm, corporation or association engaged in receiving, producing, manufacturing, packing, canning, bottling, handling or selling milk or any product of milk in containers marked or otherwise identified with the name or names of such person, firm, corporation, or association, or with any fictitious or other name or word or words or with any mark or device whatsoever, may file with the department of agriculture of the State of California a description of the name or names, or word or words, or mark or device so used, and an application for registration of the same as a brand, which application shall be accompanied by a fee of five dollars. The applicant shall also cause such description to be printed once a week for three successive weeks in one or more newspapers of general circulation published in the locality or localities in which said applicant shall be engaged in business. The department of agriculture of the State of California may refuse to register a brand when it appears that the same or a similar brand has been previously registered by another; and whenever it appears that two or more applicants have applied for the registration of the same or similar brands, the director of agriculture may after hearing determine the right of prior

Branded
containers.

ownership in such brand; and when such right of prior ownership is determined, the director of agriculture shall refuse to register, or shall cancel the registration of, any duplicate or similar brand. Any person, firm, corporation or association acquiring any container marked with a brand registered under the provisions of this section, by purchase or by other lawful means, shall so notify the department of agriculture of the State of California, and shall not thereafter be required again to file and publish said description, but may acquire as a part of said purchase all such benefit as the vendor had under this act. It shall be the duty of every person who finds or receives in the regular course of business or in any other manner any container marked with a brand registered under the provisions of this section to make diligent effort to find the owner thereof and to restore or return the same.

Stats. 1923,
p. 869,
amended.
Wagons to
be labeled
and kept
sanitary.

SEC. 11. Section 19 of said act is hereby amended to read as follows:

Sec. 19. (a) All wagons, vehicles or carts from which market milk, cream, butter, ice cream, buttermilk or ice milk are regularly sold, marketed, delivered or peddled, shall have the name and address of the owner plainly lettered thereon in letters at least three inches high, and one and a half inches wide, on both sides of such vehicle. All carriers of milk, cream or other products of milk, whether producer, gratuitous private carrier other than the producer, private carrier for hire, or common carrier, in transporting milk and cream shall maintain all cars, motor trucks, other vehicles or boats in a clean and sanitary condition.

Protection
from sun,
dust, etc.

(b) All vehicles, boats, or other conveyances, while transporting milk or cream or clean empty containers intended for milk or cream, and all shipping platforms or premises where such containers are held awaiting shipment, shall either be enclosed or provided with canvas covering or otherwise afforded protection from the direct rays of the sun, from warm air, from dust, mud, rain and other sources of contamination when in the judgment of an authorized representative of the department of agriculture of the State of California it is necessary. No milk or cream or other product of milk shall be transported in connection with or close to any other commodity from which it may absorb foreign flavors or which may contaminate it, and no milk or cream or empty containers used for milk or cream shall be hauled in any vehicle used for hauling manure, or garbage, or in any other unclean vehicle, car or boat. All milk or cream cans or other shipping containers for products of milk shall be handled carefully, and while containing milk, cream or other products of milk, shall be kept right end up; *provided*, nothing herein shall be construed to derogate from any powers or authority of the railroad commission of the State of California.

Restrictions
on trans-
portation.

(c) No carrier of milk, cream or other product of milk, whether gratuitous private carrier, private carrier for hire, or common carrier, shall receive or transport any milk or cream

or product of milk after notification by an authorized representative of the department of agriculture of the State of California, that such product is unclean, polluted, tainted, unwholesome, stale, impure, or adulterated, or has been produced in violation of the provisions of this act.

SEC. 12. Section 21 of said act is hereby amended to read as follows: Stats 1925, p 846, amended

Sec. 21. (a) It shall be the duty of the department of agriculture of the State of California to enforce the provisions of this act and the director of agriculture shall promulgate such rules and regulations as are incidental to the enforcement of the provisions and accomplishment of the purposes of this act. Duties of of dept. of agriculture.

(b) The director of agriculture, through his agents or employees, is hereby authorized to enter upon and inspect any car, truck, dairy premises, creamery, cheese factory, ice cream factory, or other place where milk, cream, or products of milk of any kind are being produced, sold, handled, kept, transported, delivered, or used, or where the director of agriculture, his agents or employees have reason to believe that oleomargarine or substances designed to be used as a substitute for butter, or imitation butter, or imitation cheese, or imitation milk is being manufactured, sold, kept, delivered, transported or stored in violation of any of the provisions of this act, or where they have reason to believe that containers used in the handling of milk or any product of milk are being used, kept, delivered, transported, or stored, and to take samples of milk or any product of milk, imitation milk, or oleomargarine from such premises, and to impound and hold for evidence or pending an analysis, any milk, or product of milk, or imitation milk, or oleomargarine, or any container used in the handling of milk or any product of milk, which he has reason to believe may be manufactured, sold, kept, delivered, transported, stored, or handled in violation of any of the provisions of this act. The director of agriculture shall cause posters to be placed in a conspicuous manner on dairies throughout the state, indicating in a brief and simple manner the most important requirements for the production of dairy products. Inspection of dairies, etc.

(c) No tolerance in weights, measures, percentages of milk fat or moisture, or any other measure or standard shall be permitted under or according to the provisions of this act, except where specific provisions therefor are made in this act. Tolerance in weights, etc.

(d) The director of agriculture, through his agents or employees, is authorized to condemn any milk, cream, butter, cheese, or other product of milk which is found to be impure, unclean, unwholesome, or stale, or that is produced, manufactured, handled or kept in an insanitary place, or that is adulterated; and he shall have power to destroy, or to mark for identification with a nontoxic substance, any condemned milk or product of milk; *provided*, that no manufactured product of milk or cream may be destroyed without due notice Condemnation of milk and milk products

to the owner thereof and a hearing before the director of agriculture of the State of California, or other officer especially designated by him.

Recovery of
containers.

(e) Upon the representation of any interested party, the director of agriculture may institute proceedings in any court of competent jurisdiction to recover to the owner thereof any container marked with a brand registered under the provisions of section 18 of this act. The expense of such proceedings shall be paid by the owner of such container, or by other interested party on whose representations such proceedings were instituted, and shall be a lien on such container.

Condemna-
tion of
containers.

(f) Containers found to be used in violation of the requirements of paragraph (a) of section 18 of this act shall be condemned and marked with the word "condemned" in an appropriate manner, and shall not be used again in connection with the handling of milk or any product of milk for human consumption, until they have been cleaned or repaired in a manner acceptable to an authorized representative of the department of agriculture of the State of California.

Interference
with
inspectors.

(g) It shall be unlawful for any person, firm, corporation or association to prevent or to interfere with or to attempt to nullify in any way the work of duly authorized representatives of the department of agriculture of the State of California, or of an approved milk inspection service maintained under the provisions of the pure milk law of California, or to interfere with or prevent any of said representatives from examining any records or books in the conduct of his official duty, or to prevent or to interfere with any of said authorized representatives in the event he deems it advisable to secure samples of milk or any product of milk, imitation milk, imitation butter, or oleomargarine, or any substance designed to be used as a substitute for milk or any product of milk.

Suspension
or revocation
of licenses.

(h) The licenses issued in accordance with the provisions of section 16 of this act, upon a hearing before the director of agriculture, of which the licensee shall have a written notice of the time and place of said hearing and the charges made against him, may be suspended or revoked by said director of agriculture if, after written notice, the licensee fails, after thirty days, to comply with the laws, rules and regulations under which the license was granted; *provided*, that no such thirty days' notice shall be required in cases of manipulation of the measures, weights, samples, or tests for milk fat content of milk, or cream, upon which payment is based, or the records thereof.

Prosecutions
based on
samples.

(i) No prosecution based on a sample or samples of milk, or any product of milk, shall be had, unless a duplicate of said sample or samples is left with the accused; *provided*, it shall not be required that samples taken in connection with the establishment of proof of fraudulent manipulation of the test for milk fat in milk, or cream, be given to the accused.

Duty of
district
attorneys.

(j) It shall be the duty of the district attorney of each and every county in this state, upon application of the department

of agriculture of the State of California or its authorized representatives, to attend to the prosecution, in the name of the people, of any action brought for the violation of any of the provisions of this act within his county.

SEC. 13. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty-seven thousand dollars to be expended by the department of agriculture of the State of California to carry out the provisions of this act. Appropriation.

SEC. 14. It is hereby expressly provided that this amendment shall become an integral part of the general dairy law of California and that it shall be read and interpreted in connection with the context of said act as a whole, and that it is subject to the same general provisions relating to unlawful sales, enforcement, violations and penalties as are provided by said law. Effect of act.

CHAPTER 818.

An act to amend section one thousand seven hundred sixty-one of the Code of Civil Procedure, relating to special notice of administration proceedings and demand thereof.

[Approved by the Governor May 30, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows

SECTION 1. Section 1761 of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1923,
p. 99,
amended.

1761. At any time after the issuance of letters of guardianship upon the estate of any minor, insane or incompetent person, any relative for the ward or attorney for such relative or any attorney for any department or bureau of the United States government which makes allowance in the form of compensation insurance or pension for the benefit of the estate of any such minor, insane or incompetent person, said relative of the ward or attorney for such relative, or attorney for said department or bureau of the United States government, may serve upon the guardian or upon the attorney for the guardian, and file with the clerk of the court wherein administration of such ward's estate is pending, a written request, stating that he desires special notice of any or all of the following mentioned matters, steps or proceedings in the administration of said estate, to wit: Special notice of administration proceedings.

1. Filing of the return of sales of any property of the ward's estate.
2. Filing of all accounts.
3. Filing of application for removal of ward's property to any foreign jurisdiction.
4. Filing of petition for partition of any property of the ward's estate.
5. Filing of petition for allowances of any nature payable from the ward's estate.

6. Filing of petitions for investment of funds of the estate.

7. Procedure for removal, suspension, or discharge of the guardian or final determination of the guardianship.

Such request shall state the post office address of such relative, department or bureau of the United States government, or his or its attorney, and thereafter a brief notice of the filing of any such petitions, application, or accounts, or proceedings, except petitions for sale of perishable property, or other personal property which will incur expense or loss by keeping, together with a copy of such petitions, applications, accounts, or proceedings, shall be addressed to such relative, or to said department or bureau of the United States, or by his or its attorney, at his or its stated post office address and deposited in the United States post office with postage thereon prepaid, within two days after the filing of such petition, account, application, or commencement of such proceedings, or personal service of such notices, petitions, applications or accounts or proceedings made on such relative, or said bureau or department of the United States government, or on his or its attorney, within the said two days, and such personal service shall be equivalent to such deposit in the post office; and proof of mailing or of personal service at least ten days before the hearing of any such matter must be filed with the clerk prior to the hearing. If, upon the hearing, it shall appear to the satisfaction of the court that said notice has been regularly given and filing of proof made, the court shall so find in its order on judgment and such judgment shall be final and conclusive upon all persons; *provided, however*, that when it shall appear to the satisfaction of the court that there is good cause for a shorter time of notice, the court may reduce the time of notice before the hearing to not less than five days prior to the date of the hearing on any such matter.

CHAPTER 819.

An act to amend section three thousand seven hundred seventy-three of the Political Code, relating to land sold for taxes, and disposition of money received.

[Approved by the Governor May 30, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 10,
amended.
Impairment
of value of
property.

SECTION 1. Section 3773 of the Political Code is hereby amended to read as follows:

3773. When lands have been sold, or shall hereafter be sold, to the State of California by reason of nonpayment of taxes, no owner or claimant of such lands, nor any other person, shall remove or destroy any building, fixture or other improvement on such lands, or cut or remove any timber, or do or cause to be done any other act which shall tend permanently to impair the value of the lands or the value of the

improvements thereon; *provided*, the provisions of this section shall not apply when such lands have been redeemed from sale or such lands have been sold and disposed of by the state. Violations of any of the provisions of this paragraph of this section shall constitute a misdemeanor.

From and after the date of recording of the deed to the state as provided in section 3785 of this code, the state shall be entitled to rent, receive and collect all rents, issues and profits arising in any manner from the property so conveyed. The controller of state may demand from the former owner of said property, or any person having any interest therein, or any person in the possession, actual or constructive, of said property, or of any part thereof, an accounting for said rents, issues and profits, and may at any time after recording of the deed to the state as aforesaid demand and receive possession of the property so conveyed, and such possession shall be surrendered to any person designated by the controller, authority for such designation being hereby granted. For the enforcement of the provisions of this paragraph of this section the controller is authorized to commence and maintain an action or actions in behalf of the state. The superior court of the county of Sacramento shall have jurisdiction in the matter of such actions.

Rents, issues
and profits.

All moneys received under the provisions of this section shall be paid into the state treasury to the credit of the tax land fund and shall not be considered as a credit on the amount necessary to be paid in redemption of the property from the sale to the state.

Moneys
recovered.

CHAPTER 820.

An act to amend section three thousand eight hundred sixteen of the Political Code, relating to the distribution of redemption moneys.

[Approved by the Governor May 30, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 3816 of the Political Code is hereby amended to read as follows:

Stats. 1895,
p 333,
amended.

3816. Whenever property sold to the state, pursuant to the provisions of this chapter, shall be redeemed as herein provided, the moneys received on account of such redemption shall be distributed as follows: The original and subsequent taxes, and percentages, penalty, and the interest paid on redemption, shall be apportioned between the state and county, or city and county, in the same proportion that the state rate bears to the county, or city and county, rate of taxation; the additional penalties received on account of delinquency, together with the costs, shall be paid into the treasury for the use and benefit of the county, or city and county; the total

Distribution
of
redemption
moneys.

amount received for state poll-tax shall be paid to the state, without deduction of any percentages; the amounts received for road or hospital poll-tax, and the amounts received for school, or road district, or other taxes, together with the penalties thereon, shall be paid into the county treasury, and placed to the credit of the proper funds. The county treasurer and auditor shall each keep an accurate account of any and all moneys received in pursuance of this section, and shall at the time the treasurer is required to settle with the state, in pursuance of sections 3865, 3866, and 3863, make a detailed report, verified by their affidavit, of each account, year for year, to the controller of state, in such form as the controller may desire. The state's portion from such redemptions shall be paid into the state treasury to the credit of the tax land fund.

CHAPTER 821.

An act to amend section ten of the Political Code, relating to holidays.

[Approved by the Governor May 30, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats. 1923,
p. 838,
amended.
Holidays

SECTION 1. Section 10 of the Political Code is hereby amended to read as follows:

10. Holidays within the meaning of this code, are every Sunday, the first day of January, twelfth day of February, to be known as Lincoln day, twenty-second day of February, thirtieth day of May, fourth day of July, ninth day of September, first Monday in September, twelfth day of October to be known as "Columbus day," twenty-fifth day of December, eleventh day of November, known as "Armistice day," every day on which an election is held throughout the state, and every day appointed by the President of the United States or by the governor of this state for a public fast, thanksgiving or holiday.

If the first day of January, twelfth day of February, twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twelfth day of October, the eleventh day of November or the twenty-fifth day of December falls upon a Sunday, the Monday following is a holiday.

Saturday
half-holiday.

Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this state, and also in political divisions thereof where laws, ordinances or charters provide that public offices shall be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoon;

and provided, further, that the public schools of this state shall close on Saturday, Sunday, the first day of January, the thirtieth day of May, the fourth day of July, the ninth day of September, eleventh day of November, the twenty-fifth day of December, and on every day appointed by the President of the United States or the governor of this state for a public fast, thanksgiving or holiday; *provided, still further*, that the governing board of any junior college may provide for the maintenance of classes on Saturday. Said public schools shall continue in session on all other legal holidays and shall hold proper exercises commemorating the day. Boards of school trustees and city boards of education shall have power to declare a holiday in the public schools under their jurisdiction when good reason exists therefor.

School
holidays.

All public offices of the state and all state institutions, including the state university and all public schools in the state shall be closed on the ninth day of September of each year, known as "Admission day." All public offices of the state and all state institutions, except the state university, shall be closed on the eleventh day of November of each year, known as "Armistice day."

"Admission
day" and
"Armistice
day."

CHAPTER 822.

An act to amend sections four, six, seven and eight of an act entitled "An act providing for farm and home aid for veterans, defining the powers and duties of the veterans' welfare board in respect thereto and making an appropriation therefor," approved May 30, 1921, as amended, relating to the powers and duties of the veterans' welfare board.

[Approved by the Governor May 30, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. An act to amend section 4 of an act entitled "An act providing for farm and home aid for veterans, defining the powers and duties of the veterans' welfare board in respect thereto and making an appropriation therefor," approved May 30, 1921, is hereby amended to read as follows:

Stats. 1923,
p. 913,
amended.

Sec. 4. The board may acquire in any manner for sale to a veteran a farm, the value of which does not exceed the sum of seven thousand five hundred dollars or a home the value of which does not exceed the sum of seven thousand five hundred dollars, which farm or home must be situated in the State of California; *provided*, that the cost of said home to the board does not exceed the sum of five thousand dollars, and that said veteran purchasing said home may and he is hereby given the right to advance a sum of money not exceeding the sum of two thousand five hundred dollars on the purchase price of said home so that the total purchase price of said home shall not exceed the sum of seven thousand five hundred

Purchase of
farms and
homes.

dollars; *provided*, that no veteran shall receive the benefits hereof who, in the case of the purchase by him of a farm, would thereby become the holder of real estate exceeding in value the sum of seven thousand five hundred dollars, or in the case of the purchase by him of a home would thereby become the holder of real estate exceeding in value the sum of seven thousand five hundred dollars; *provided, further*, that the board may acquire a farm or home in which the veteran to whom such farm or home is to be sold has theretofore acquired an interest; *and provided, further*, that no veteran who has taken advantage of the benefits of the California veterans' welfare act, or of an act entitled "An act to provide educational opportunities for persons who served in the army, navy or marine corps of the United States in time of war, and making an appropriation therefor," approved May 30, 1921, both of which acts were adopted by the forty-fourth session of the Legislature of the State of California, shall be permitted to take advantage of the opportunities afforded under this act.

Stats. 1923,
p. 914,
amended.
Selection
of farm
or home.

Sec. 2. Section 6 of said act is hereby amended to read as follows:

Sec. 6. When a veteran has been authorized by the board to select the farm or home he desires he shall submit his selection, in such form as may be prescribed by the board. The board, if satisfied of the desirability of the property submitted, and that such veteran has agreed with the board to actually reside upon such property within sixty days from the date of the purchase by the board, and that the purchase price of said property to the board does not exceed the sum of seven thousand five hundred dollars in the case of a farm, or five thousand dollars in the case of a home, shall be empowered to purchase said property from the owner thereof upon such terms as may be by them agreed. The board shall enter into a contract with the veteran for the sale of said property to said veteran. The board shall fix the selling price of such property by adding to the purchase price of said property or to the value of such property as determined by the board when such property is acquired by the board in a manner other than by purchase, all expenses incurred and estimated to be incurred by the board in relation thereto, inclusive of interest, administration, appraisals, examination of title, incidental expenses, and such sum as shall be deemed necessary to meet unforeseen contingencies. The purchaser shall make an initial payment of at least ten per cent of the selling price of the property, in the case of a farm, and five per cent in the case of a home. The balance of said selling price may be amortized over a period to be fixed by the board, but not exceeding forty years, together with interest thereon at the rate of five per cent per annum compounded at periods to be fixed by the board; *provided, however*, that the purchaser shall have the right on any installment date to pay any or all installments still remaining unpaid; *provided, further*, that in any

Contract
with veteran.

individual case the board may for good cause postpone from time to time, upon such terms as the board may deem proper, the payment of the whole or any part of any installment of the selling price or interest thereon. The board is empowered in each individual case to specify the terms of the contract entered into with the purchaser, but no property sold under the provisions of this act shall, voluntarily or involuntarily, by operation of law or otherwise, be transferred, assigned, encumbered, leased, let or sublet, in whole or in part, without the written consent of the board, until the purchaser has paid therefor in full and has complied with all the terms and conditions of his contract of purchase.

Consent to transfer.

Before the purchase of any property by the board there must be filed with the board an appraisalment of the market value of such property by one member of the board, or by the duly authorized agent of said board, and by an officer or by an authorized appraiser of a banking corporation formed under and by virtue of the laws of the State of California, or by the manager of a branch bank of such banking corporation, or by an officer or cashier of a national banking association, having a place of business in the county, or city and county, in which the property, or some portion thereof is situated; *provided*, that if there be no such banking corporation or national banking association having a place of business in the county, or city and county, in which said property or some portion thereof is situated, then by an officer or by an authorized appraiser of such a banking corporation, or by the manager of a branch bank of such a banking corporation, or by an officer or cashier of a national banking association, having a place of business in a county adjacent thereto. Each appraisalment shall be verified by the maker thereof, which verification shall state, among other things, that it is made in good faith, and that the valuation is honestly determined and represents the bona fida opinion of the maker.

Appraisalment of property.

The board, before consummating a purchase under the provisions of the act, shall cause the title of the property sought to be purchased to be examined and may require for that purpose an abstract, an unlimited certificate of title, or a policy of title insurance, and may refer the same to the attorney general for his opinion.

Examination of title.

Sec. 3. Section 7 of said act is hereby amended to read as follows:

Stats 1923, p. 915, amended. Duties of purchaser.

Sec. 7. The contract entered into between the board and purchaser shall provide, among other things, that the purchaser shall maintain said farm or home as his place of residence and keep in good order and repair all buildings, fences, and other permanent improvements situate thereon and that each purchaser shall, if required, insure and keep insured against fire or other hazards, all buildings, fences, other permanent improvements, or crops on said property, loss if any, under the policies therefor to be made payable to the board as

its interest may appear and to be in such amount or amounts and in such insurance companies, and under such conditions, as may be by it specified.

Board may
pay taxes,
etc.

If the purchaser fails or neglects to pay, satisfy and discharge at maturity all taxes or assessments, and all other charges or encumbrances which shall be a lien upon the property being purchased from the board, or any part thereof, and also all taxes or assessments levied or assessed upon the interest created by the contract of purchase of such property; or to keep the buildings, fences, other permanent improvements and crops upon such property insured as herein provided; or to keep in good order and repair all buildings, fences and other permanent improvements situated upon such property as herein provided; then, and in any of such events, it shall be lawful for the board to pay, satisfy or discharge, or settle, or compromise said taxes, assessments, charges or encumbrances, or to insure said buildings, fences, permanent improvements or crops, or any of them, or to do or cause to be done the work and supply the materials necessary to keep the buildings, fences, and other improvements situated upon such property in good order and repair. All moneys so expended by the board shall be added to the selling price of such property and bear interest at the rate of seven per cent per annum compounded semiannually, from the date of expending the same, and shall be repaid by the purchaser to the board on demand; *provided*, that the board may amortize the repayment of such expenditures or permit repayment in installments upon such terms and conditions as it deems proper; *provided, further*, that the board shall be the sole judge of the legality or validity of such taxes, assessments, charges or encumbrances, and the amount necessary to be paid in satisfaction or discharge thereof, and of the amount of insurance to be placed upon the buildings, fences, other permanent improvements and crops situate upon such property and of the amount necessary to be paid for the premiums for such insurance, and of the necessity and nature of the work necessary to keep the buildings, fences and improvements situate upon such property in good order and repair and of the amount necessary to be paid therefor.

Cancellation
of contract.

In the event of a failure of a purchaser to comply with any of the terms of his contract of purchase, the board shall have the right at its option to cancel such contract of purchase, and thereupon shall be released from all obligations, at law or in equity, to the purchaser under such contract of purchase, and the purchaser shall forfeit all right thereto and all payments theretofore made shall be deemed to be rental paid for occupancy. Upon such forfeiture, the board shall take possession of the property covered by such contract of purchase, and shall remove all persons and personal property therefrom without any liability whatsoever on the part of the board or of any official or employee thereof for any damage or injury caused by or incident to said entry or removal. The

failure of the board to exercise any option to cancel or other privilege under the contract of purchase for any default shall not be deemed a waiver of the right to exercise the option to cancel, or other privilege under the contract of purchase for any other default on the part of the purchaser.

In the event of a forfeiture of a contract of purchase under the provisions of this act, the board may sell or otherwise dispose of the property covered by the forfeited contract of purchase, to such person or persons, and upon such terms and conditions as it deems proper.

Sale of
property
by board.

The board, may, in the contract of purchase between it and a veteran purchaser, provide that in the event of default by such purchaser and forfeiture of his rights under said contract and subsequent sale of the property by the board, it may, in its discretion pay to him the net gain, if any, realized by the board upon such subsequent sale. The board shall be the sole judge of said net gain.

Net gain.

The board shall have the power to insure and keep insured against fire or such other hazards as the board may determine, all buildings, fences, other permanent improvements or crops, or any of them, situated upon any property which has reverted to and is under the control of the board, or to do or cause to be done the work and supply the materials necessary to keep said buildings, fences, and other improvements situated upon such property in good order and repair; *provided*, that the board shall have authority to lease or let such property, in whole or in part, upon such terms as it may deem proper, and if a farm, to cultivate such farm or cause it to be cultivated, or harvest or cause to be harvested the crop or crops growing thereon.

Management
of reverted
property.

If illness or accident prevents a purchaser of a farm from cultivating his farm, or harvesting any crop or crops growing thereon, the board may enter upon and cultivate the farm, or cause it to be cultivated, or harvest or cause to be harvested the crop or crops growing thereon. In such event the board shall have a first lien upon said crop or crops for all moneys expended and may sell such crop or crops so harvested. Out of the proceeds of such sale or sales the board may reimburse itself for any expense which it may have incurred in the cultivation of the farm, the harvesting of the crops and the sale thereof, and retain any moneys due to the board from the purchaser, and the balance, if any, shall be paid by the board to the purchaser.

Management
in case of
illness.

When a purchaser dies, indebted to the board under contract of purchase, his rights acquired under this act and such contract shall devolve upon his heirs, devisees or personal representatives, pursuant to the laws of the State of California, but subject to all rights, claims and charges of the board. Default on the part of such heir, devisee or personal representative, with respect to any right, claim or charge of the board shall have the same effect as would default on the part of the purchaser but for his death.

Death of
purchaser.

Stats. 1921,
p 818,
amended.
Rules,
regulations
and appro-
priations.

SEC. 4. Section 8 of said act is hereby amended to read as follows:

Sec. 8. The board shall have authority to make all needed rules and regulations for carrying out the provisions of this act. For the purposes of carrying out the provisions of this act the sum of two million dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated. Of this amount the sum of one million nine hundred fifty thousand dollars shall constitute a revolving fund to be known as the veterans' farm and home building fund which is calculated to be returned to the state within a period of fifty years from the effective date of this act with interest at the rate of four per cent per annum on so much thereof as shall be withdrawn from said veterans' farm and home building fund from the date of withdrawal until returned into said fund, or until returned into the general fund in the state treasury, as the case may be; *provided*, that in the event of the sale of any bonds which may be hereafter authorized to be issued to create a fund to be expended in accordance with the provisions of this act, then and in that event the said sum of one million nine hundred fifty thousand dollars hereby appropriated shall be returned without interest into the general fund in the state treasury out of the proceeds from the sale of such bonds. The remaining fifty thousand dollars shall constitute a fund available for the payment of administrative expenses alone until such time as other moneys are available for such purposes from the sales of real estate as provided for in this act. The state controller is authorized and directed to draw warrants upon such funds from time to time upon requisition of the board approved by the state board of control and the state treasurer is hereby authorized and directed to pay such warrants.

CHAPTER 823.

An act to add a new section to the Code of Civil Procedure, to be numbered section one thousand three hundred eighty-one, relating to the rights of the United States government of a department or bureau thereof in the matter of estates of deceased persons, incompetent persons, and minors in cases where compensation, pension, insurance, or other allowance is made.

[Approved by the Governor May 30, 1927. In effect July 20, 1927.]

The people of the State of California do enact as follows:

New section

SECTION 1. A new section is hereby added to the Code of Civil Procedure to be numbered 1381 and to read as follows:

Un.ted
States as a
party to
estates
proceedings,
etc.

Sec. 1381. Where compensation, pensions, insurance or other allowance is made or awarded by the United States government or a department or bureau thereof, to estates of decedents or to minor or incompetent persons for whom

guardians have been appointed, or to their estates, the department or bureau of the United States government making or awarding such allowance, compensation, pension or insurance shall have the same right to commence and prosecute actions on executors, administrators and guardians' bonds, and shall have the same right to petition the courts for appointment or removal of guardians of minor and incompetent persons, and shall have the same right to file exceptions in writing to accounts of executors, administrators and guardians and to contest same, as is provided in this code for interested parties, heirs at law and relatives.

CHAPTER 824.

An act to amend the title of and to add two new sections to be numbered three a and three b to an act entitled "An act appropriating money to pay the expenses of erecting a suitable building, and of collecting and maintaining an exhibit of the products of the State of California, at the Nevada transcontinental highways exposition, to be held in the city of Reno, Nevada, in 1926, and to provide for a commissioner thereof," approved May 25, 1925, providing for the erection of a marker on the Victory highway and by appropriating and allocating a part of said moneys in order to erect said marker.

[Approved by the Governor May 30, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

SECTION 1. The title of an act entitled "An act appropriating money to pay the expenses of erecting a suitable building, and of collecting and maintaining an exhibit of the products of the State of California, at the Nevada transcontinental highways exposition, to be held in the city of Reno, Nevada, in 1926, and to provide for a commissioner thereof," approved May 25, 1925, is hereby amended to read as follows:

Stats. 1925,
p. 535,
amended.

An act appropriating money to pay the expenses of erecting a suitable building, and of collecting and maintaining an exhibit of the products of the State of California, at the Nevada transcontinental highways exposition, to be held in the city of Reno, Nevada, in 1926, and to erect a marker on the Victory highway on or near the California-Nevada state line, and to provide for a commissioner thereof.

Title.

SEC. 2. A new section to be numbered section 3a is hereby added to said act to read as follows:

Stats 1925,
p. 535,
amended.

Sec. 3a. In connection with the collection and maintenance of exhibits and other duties heretofore enumerated, the commissioner shall have power and it shall be his duty to erect a marker on the Victory highway on or near the California-Nevada state line, which shall conform as nearly as possible to the standard form of marker which has been heretofore

Victory
highway
marker.

or such as may have been proposed to be hereafter erected by any state, political subdivision thereof, person, firm or corporation on said highway and which shall be placed entirely on California territory, but as nearly to the edge of the California-Nevada state boundary line as may be practical and convenient. The cost thereof shall be paid out of the moneys appropriated under the provisions of section 3 hereof.

Stats 1925,
p. 535,
amended.
Appropriation for
marker.

SEC. 3. A new section to be numbered 3b is hereby added to said act to read as follows:

Sec. 3b. There is hereby appropriated and allocated out of said fund to be retained for said purpose the sum of four thousand dollars and said commissioner is authorized and directed to expend said amount in the construction of said marker, or so much thereof as may be required, and to pay the balance of said fund into the state treasury for the use of the state.

CHAPTER 825.

An act to amend section nine of an act entitled "An act providing for farm and home aid for veterans, defining the powers and duties of the veterans' welfare board in respect thereto and making an appropriation therefor," approved May 30, 1921, as amended, relating to powers and duties of veterans' welfare board.

[Approved by the Governor May 30, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Stats 1923,
p. 917,
amended.

SECTION 1. Section 9 of an act entitled "An act providing for farm and home aid for veterans, defining the powers and duties of the veterans' welfare board in respect thereto and making an appropriation therefor," approved May 30, 1921, as amended, is hereby amended to read as follows:

Advances by
board of
control.

Sec. 9. The state board of control is hereby authorized to provide for advances of money to the board, needed to meet contingent expenses, to such an amount not exceeding twenty-five thousand dollars, as the said board of control shall deem necessary, and to provide for advances of money to the board, needed to facilitate the purchase of farms and homes to such an amount not exceeding seven hundred fifty thousand dollars, as the board of control may deem necessary, such advances to be administered as revolving funds. The state controller is hereby authorized and directed to draw his warrants upon the veterans' farm and home building fund for such advances, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 826.

An act to amend section three hundred forty-one a of the Code of Civil Procedure, relating to actions to recover personal property left in hotels.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 341a of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1921,
p. 150,
amended.

341a. All civil actions for the recovery or conversion of personal property, wearing apparel, trunks, valises or baggage alleged to have been left at a hotel, boarding house, lodging house, furnished apartment house, or furnished bungalow court, shall be begun within ninety days from and after the date of the departure of the owner of said personal property, wearing apparel, trunks, valises or baggage from said hotel, boarding house, lodging house, furnished apartment house, or furnished bungalow court. Recovery of
personal
property
left in
hotels.

CHAPTER 827.

An act to amend section one hundred three and one-half of the Code of Civil Procedure of the State of California, relating to clerks of justices' courts in cities or towns of the second and one-fourth, second and one-half, second and three-fourths and third classes, and appointments, salaries and duties of same.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 103½ of the Code of Civil Procedure is hereby amended to read as follows: Stats. 1925,
p. 183,
amended.

103½. Every city justice's court in any city or town of the second and one-fourth, second and three-fourths and third classes shall have a clerk. Every city justice's court in any city or town of the second and one-half class where there is a police court or other inferior court organized under the city charter shall have one clerk and every city justice's court in any city or town of the second and one-half class where there is no police court or other inferior court organized under the city charter shall have one justice's clerk and one justice's deputy clerk. Said clerks shall be respectively appointed by the justice of the peace of said court subject to the approval of the board of supervisors of the county and shall hold office during the pleasure of said justice. Said clerks and deputy clerk shall give a bond in the sum of five thousand dollars with at least two sureties to be approved by the mayor or, if the Clerks of
justices'
courts in
various
cities.

Clerks of
Justices'
courts in
various
cities
(cont'd).

clerk's salary is paid by the county, shall be approved as provided for county officers, conditioned for the faithful discharge of the duties of their office. They shall keep a record of the proceedings of said court and issue all process ordered by the justice of said court. The clerk of said court or justice's deputy clerk in the discretion of the justice of the peace, shall receive and pay into the city treasury, or into the county treasury if the salary of the clerk is paid by the county, all fines, forfeitures and fees paid into said court, and shall render each month to the city council or county board of supervisors where the salary of the clerk is paid by the county an exact account under oath of all fines, forfeitures and fees paid and collected. Said clerks and deputy clerk shall prepare bonds, justify bail when the amount has been fixed by the court or justice and may administer and certify oaths, and shall remain in the court rooms of said court during court hours and during such reasonable times thereafter as may be necessary for the proper performance of their duty. The clerk of the court shall have custody of all records and papers of said justice's court. Every clerk of the justice's court in any city or town of the second and one-fourth class shall receive a salary of one thousand six hundred dollars per annum. Every clerk of the justice's court in any city or town of the second and one-half class, where there is a police court or other inferior court organized under the city charter, shall receive an annual salary of two thousand one hundred dollars. Every clerk of the justice's court in any city or town of the second and one-half class where there is no police court or other inferior court organized under the city charter, shall receive an annual salary of two thousand seven hundred dollars, and the justice's deputy clerk of said city or town shall receive an annual salary of one thousand five hundred dollars. Every clerk of the justice's court in any city or town of the second and three-fourths class shall receive an annual salary of one thousand five hundred dollars. Every clerk of the justice's court of any city or town of the third class shall receive an annual salary of one thousand two hundred dollars; said salaries shall respectively be payable in equal monthly installments by warrants drawn each month upon the salary fund, or if there be no salary fund, then upon the general fund, of such city or county as the case may be, such warrants to be audited and paid as salaries of any other city or county officials respectively, and said salaries shall be the full compensation for all services rendered by the clerks of said courts.

CHAPTER 828.

An act to amend section four thousand two hundred sixty of the Political Code, relating to the salaries, fees and expenses of officers, their clerks, deputies, stenographers and assistants, in counties of the thirty-first class.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 4260 of the Political Code is hereby amended so as to read as follows:

Stats. 1925,
p 821,
amended.
Counties of
31st class:
officers
and
employees.

4260. In counties of the thirty-first class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum, and five hundred dollars additional per annum for compiling the great register of the county. In counties of this class the county clerk may appoint a deputy county clerk at a salary of one thousand five hundred dollars per annum, and a copyist and stenographer at a salary of nine hundred dollars per annum, which offices are hereby created and said salaries fixed, to be paid out of the county treasury in equal monthly installments, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. The county clerk may appoint such number of deputies as may be necessary for the convenient registration of electors in their respective precincts or townships, and each such registration deputy shall receive as compensation for all services performed as such the sum of ten cents per name for each elector registered by him to be paid monthly, at the same time, in the same manner and out of the same fund as salaries of county officers are paid; *provided*, that each such registration deputy, when so appointed, shall, prior to the drawing of any warrant for such compensation, first file with the auditor a statement, verified by the oath of such registration deputy, and approved in writing by the county clerk, showing the number of electors so registered by him during the period covered by such statement. The county clerk shall also receive and retain for his own use such fees as are now or may hereafter be allowed by law for issuing hunting and fishing licenses, for the naturalization of persons desiring to become citizens, and such other fees of similar character as are now or may hereafter be allowed by law for the performance of any service rendered by the county clerk other than in his official character as county clerk. All other fees or commissions shall be collected by the county clerk and shall be by him paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

Clerk.

2. The sheriff, four thousand five hundred dollars per annum. In counties of this class the sheriff may appoint an

Sheriff.

Sheriff
(cont'd).

undersheriff, which office of undersheriff is hereby created, and said undersheriff shall receive as compensation for all services performed as such the sum of two thousand dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund as salaries of county officers are paid. In counties of this class the sheriff shall be allowed such sum as the board of supervisors shall fix for the board of prisoners confined in the county jail, and his actual necessary expenses for pursuing, searching for and arresting criminals and persons charged with being insane and for conveying prisoners and persons charged with being insane to court and to prison or other place of confinement or detention and to and from state prisons, state hospitals and other institutions, and his actual necessary expenses for keeping, preserving and selling property seized, held or sold on attachment, execution or other process, and for the service and posting of all process papers and notices required by law to be served or posted by the sheriff. All such actual necessary expenses and said sum for the board of prisoners shall be a proper legal charge against the county and shall be allowed, audited and paid out of the county treasury in the same manner as other county charges are allowed, audited and paid. The sheriff shall collect from the state all per diem and expenses incurred in conveying prisoners and persons adjudged insane, to and from state prisons, state hospitals and other institutions and pay the same, when so collected, into the county treasury, and the same and all other fees, commissions and compensations other than as hereinabove provided, which, in other counties of other classes, are allowed by law to the sheriff, as a part of his compensation, shall be paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

Recorder.

3. The recorder, two thousand dollars per annum; *provided*, that in counties of this class the recorder may appoint a deputy which office is hereby created, and said deputy county recorder, shall receive as compensation for all services performed as such the sum of one thousand two hundred dollars per annum, payable out of the county treasury in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. The recorder may employ as many copyists as may be required, who shall receive as compensation, the sum of five cents per folio for recording any instrument or notice, except maps or plats, and for making copies of any records or papers, five cents per folio. The salaries of such copyists shall be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; *provided*, that the recorder shall file monthly with the auditor a verified statement showing in detail the persons employed as copyists and the amount due to each for such copying. All fees, commissions or other compensation allowed by law to the recorder in other counties of

other classes, as a part of his compensation, shall be paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

4. The auditor, two thousand four hundred dollars per annum; *provided*, that in counties of this class the auditor may appoint a deputy, which office of deputy auditor is hereby created, and said deputy auditor shall receive as compensation for all services performed as such, the sum of nine hundred dollars, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. In counties of this class the auditor may appoint additional deputies, to serve during the month that installments of taxes on real property are due and payable but not delinquent, and such deputy auditor shall receive as compensation for all services performed as such the sum of four dollars per day for each day actually employed, and the total compensation, in the aggregate, shall not exceed the sum of two hundred twenty-five dollars per annum for all additional deputies employed. Such compensation shall be paid out of the county treasury, at the same time and out of the same fund as salaries of county officers are paid.

5. The county treasurer, three thousand dollars per annum. All fees, commissions or other compensation allowed by law to the treasurer in other counties of other classes shall be collected by the treasurer and be by him paid into the county treasury and no part thereof shall be retained by him as a part of his compensation.

6. The tax collector, two thousand dollars per annum; *provided*, that in counties of this class the tax collector may appoint a deputy tax collector, which office of deputy tax collector is hereby created, and said deputy tax collector shall receive as compensation for all services performed as such, the sum of nine hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, in the same manner, at the same time and out of the same fund as salaries of county officers are paid. In counties of this class the tax collector may appoint a cashier which office of cashier to the tax collector is hereby created, and said cashier shall receive as compensation for all services performed as such the sum of five dollars per day for each day actually employed as such, to be paid out of the county treasury in the same manner, at the same time, and out of the same fund as salaries of county officers are paid; *provided*, that such cashier shall be paid for not to exceed two hundred days in any one calendar year. All fees, commissions or compensation allowed by law to the tax collector in other counties of other classes shall be collected by the tax collector and be by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

7. The assessor, three thousand six hundred dollars per annum; *provided*, in counties of this class the assessor may appoint a chief deputy assessor, which office of chief deputy

Assessor
(cont'd).

assessor is hereby created, and said chief deputy assessor shall receive as compensation for all services performed as such the sum of one thousand eight hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner, and out of the same fund as salaries of county officers are paid. The assessor may also appoint an additional deputy assessor, which office of additional deputy is hereby created, and said additional deputy assessor shall be employed for a period not to exceed ninety days in any one year from January first to December thirty-first, and who shall receive as compensation seven dollars per diem for the time so employed, to be paid in the same manner, at the same time and out of the same funds as salaries of county officers are paid. The assessor may also appoint one copyist, which office of copyist is hereby created, to serve for not more than one hundred eighty days in any one year, and said copyist shall receive as compensation for all services performed as such, the sum of five dollars per day for each day actually and necessarily employed as such. The assessor may also appoint six field deputies, which offices of field deputies are hereby created, to serve for not exceeding ninety days in any one year, and said field deputy assessors shall each receive as compensation for all services performed as such the sum of seven dollars per day for each day actually and necessarily employed as such, to be paid out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid; *providing*, that each field deputy, when so employed, shall file with the auditor a statement verified by the oath of such field deputy and approved by the assessor, showing the number of days actually and necessarily employed in the performance of the duties of such employment during the period covered by said statement before any warrant for the payment of such compensation shall be drawn by the auditor. All commissions, fees or compensation for the collection of taxes on personal property, for the collection of poll taxes and road poll taxes, and for services in making out the roll of persons subject to military duty, and all other fees or commissions shall be collected by the assessor and by him paid into the county treasury, and no part thereof shall be retained by him as a part of his compensation.

Attorney.

8. The district attorney, two thousand five hundred dollars per annum. In counties of this class the district attorney may appoint a deputy district attorney, which office of deputy district attorney is hereby created, and said deputy district attorney shall receive as compensation for all services performed as such the sum of one thousand five hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of county officers are paid. The district attorney may also appoint a stenographer for service in his office, which office of stenographer to the district attorney

is hereby created, and said stenographer shall receive as compensation for all services performed as such the sum of nine hundred dollars per annum, to be paid out of the county treasury, in equal monthly installments, at the same time, in the same manner and out of the same fund that salaries of county officers are paid.

9. The coroner, nine hundred dollars per annum. In counties of this class the coroner shall be allowed his actual traveling expenses in the performance of his official duties in the county when called away from the county seat, which are hereby declared to be a proper legal charge against the county, and shall be allowed, audited and paid out of the county treasury in the same manner as other county charges are allowed, audited and paid. All fees, commissions or other compensations allowed by law to the coroner in other counties of other classes as a part of his compensation shall be paid into the county treasury and no part thereof shall be retained by him as a part of his compensation. Coroner

10. The public administrator, such fees as are now or may hereafter be allowed by law. Adminis-
trator.

11. The superintendent of schools, two thousand dollars per annum and actual necessary traveling expenses when visiting schools of the county. The superintendent of schools may appoint a deputy superintendent of schools, which office of deputy superintendent of schools is hereby created, and said deputy superintendent of schools shall receive as compensation for all services performed as such the sum of one thousand two hundred dollars per annum, to be paid out of the county treasury in the same manner, at the same time and out of the same fund as salaries of county officers are paid. Supt. of
schools.

12. The surveyor, one thousand dollars per annum, for all work performed for the county and in addition thereto his actual necessary traveling expenses incurred in connection with field work, and also actual necessary expenses incurred in such field work and actual necessary expenses and costs of supplies in preparing maps, tracings, plats and diagrams for the county assessor or other county officers, when directed by him or them to prepare the same; *provided*, that whenever it is necessary to furnish, or otherwise make the county assessor a new and complete set of block books, the board of supervisors may employ a competent draftsman for the purpose of making such block books, who shall receive a salary of eight dollars per day for each day actually and necessarily employed, or contract with some other competent person for the making thereof. All of such expenses and costs shall be proper legal charges against the county and shall be allowed, audited and paid out of the county treasury in the same manner that other county charges are allowed, audited and paid. All fees, commissions or other compensations allowed to the surveyor in other counties of other classes, except fees or charges for surveys made for private persons and not directed by the board Surveyor.

of supervisors or county officers for county uses or purposes, shall be collected by the surveyor and by him paid into the county treasury and no part thereof, except such fees or charges for such private surveys shall be retained by him as a part of his compensation.

Classification
of
townships.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in counties of this class are hereby classified according to their population, as shown by the federal census of 1920 as follows: Townships having a population of five thousand, or more, shall belong to and be known as townships of the first class; townships having a population of three thousand, and less than five thousand, shall belong to and be known as townships of the second class; townships having a population of one thousand, and less than three thousand, shall belong to and be known as townships of the third class, and townships having a population of less than one thousand shall belong to and be known as townships of the fourth class.

Justices.

14. Justices of the peace shall receive the following salaries, which shall be paid monthly, out of the county treasury, in the same manner, at the same time and out of the same fund as salaries of county officers are paid, to wit:

1. In townships of the first class, one hundred dollars per month; *provided*, that commencing on the first Monday after the first day of January in the year 1927, justices of the peace of townships of the first class shall receive the sum of one hundred fifty dollars per month, to be paid in the same manner as county officers; *and provided, further*, that said justice may, in the interim, appoint a clerk at a salary of twenty-five dollars per month, to be paid in like manner, which salary shall cease on the first Monday after the first day of January, 1927.

2. In townships of the second class, seventy dollars per month;

3. In townships of the third class, forty dollars per month;

4. In townships of the fourth class, twenty-five dollars per month.

In addition to the said monthly salaries herein provided for, each justice of the peace may receive and retain for his own use fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions or proceedings.

Justices of the peace, in townships of the first class, shall be allowed their actual office rent and necessary incidental expenses, not to exceed the sum of twenty-five dollars for any one month.

Constables.

15. Constables shall receive the following salaries, which shall be paid monthly, out of the county treasury, at the same time, in the same manner and out of the same fund that salaries of county officers are paid, and which shall be in full of all services rendered by them in criminal cases, to wit:

1. In townships of the first class, one hundred dollars per month when there is but one constable provided for said class,

and seventy-five dollars per month when more than one constable is provided for said class;

2. In townships of the second class, fifty-five dollars per month;

3. In townships of the third class, thirty dollars per month;

4. In townships of the fourth class, twenty dollars per month.

In addition to said monthly salaries each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions or proceedings, and shall also be allowed all necessary expenses actually incurred in arresting and pursuing criminals and in conveying prisoners to court or to prison, which said actual necessary expense shall be allowed, audited and paid out of the county treasury, in the same manner other county charges are allowed, audited and paid.

16. Each member of the board of supervisors shall receive ^{Supervisors.} one thousand two hundred dollars per annum, payable in equal monthly installments and which shall be in full for all services rendered as supervisors.

17. In counties of this class the fees of grand jurors and ^{Jurors.} trial jurors, in the superior court, in civil and criminal actions and in all special proceedings, shall be three dollars a day for each day's attendance, and mileage, to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, or in attending sessions of the grand jury, in going only.

In criminal actions such fees and mileage of such trial jurors shall be paid by the treasurer, out of the general funds of the county, upon warrants drawn by the auditor, who shall draw such warrants upon the written order of the judge of the superior court in which said juror was in attendance, and the treasurer shall pay all such warrants.

18. The salaries herein provided in this act for deputies, ^{Effective.} assistants and stenographers, shall take effect and be in force from and after the approval of this act.

SEC. 2. The provisions of this act, so far as they are sub- ^{Effect of}stantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 829

An act confirming and validating the boundaries of counties.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

County
boundaries
validated

SECTION 1. Every common boundary between counties of the State of California which has been mutually recognized and used by the counties adjacent to such common boundary for the purpose of the assessment and collection of taxes for a period of twenty-five years continuously, prior to the taking effect of this act, is hereby confirmed, validated and declared to be legally established.

CHAPTER 83C.

An act to amend section three thousand seven hundred eighty-seven of the Political Code, and relating to the effect of certain deeds to the state.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

Stats. 1917,
p. 241,
amended.

Effect of
deed to
state.

SECTION 1. Section 3787 of the Political Code is hereby amended to read as follows:

3787. Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all other proceedings, from the assessment of the assessor, inclusive, up to the execution of the deed. Such deed conveys to the state the absolute title to the property described therein, free of all encumbrances, except any lien for taxes levied for municipal, or for irrigation, reclamation, protection, flood control, public utility or other district purposes, or for special assessments which are collected on tax rolls, and except any lien or assessment for other amounts which by law are collected upon tax rolls by or for account of municipalities, and except interest and penalties on the same, and other amounts which would be paid municipalities or for their account in the event of redemption of such property from sales for such taxes, assessments or other amounts, and except when the land is owned by the United States or this state, in which case it is prima facie evidence of the right of possession accrued as of the date of the deed to the state but without prejudice to the lien for such other taxes or assessments or amounts or to the claim of the municipality for such interest, penalties and other amounts.

CHAPTER 831.

An act to amend section four thousand three hundred seven of the Political Code, relating to county charges.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 4307 of the Political Code is hereby amended to read as follows: Stats 1925,
pp 173,
and 998,
amended.

4307. The following are county charges:

1. Charges incurred against the county by virtue of any of the provisions of this act. County
charges.

2. The traveling and other personal expenses of the district attorney and the sheriff incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by either of them in the detection of crime, and in the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested, other than those crimes declared to be misdemeanors by the "California vehicle act," approved May 30, 1923, and any act amendatory therefor supplemental thereto.

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail, and for other services in relation to criminal proceedings for which no specific compensation is prescribed by law.

4. The sums required by law to be paid to the grand and trial jurors and witnesses in criminal cases.

5. The accounts of the coroner of the county for such services as are not provided to be paid otherwise.

6. All charges and accounts for services rendered by any justice of the peace in the examination or trial of persons charged with crime, not otherwise provided for and allowed by law.

7. The necessary expenses incurred in the support of the county hospitals, almshouses, and the indigent sick and otherwise dependent poor, whose support is chargeable to the county. The board of supervisors may, in its discretion, authorize the payment of expenses incurred, by county authorities, for temporary, emergency, or extended care or treatment of indigent patients of such county, by local hospitals.

8. The contingent expenses necessarily incurred for the use and benefit of the county.

9. The premiums on official bonds of county officers as required by the provisions of section 4022 of the Political Code.

10. The fees of constables in criminal cases allowed by law.

11. The actual and necessary expenses of county auditors, clerks, district attorneys, assessors, sheriffs, coroners, recorders, tax collectors, probation officers, surveyors and treasurers,

incurred while traveling to and from and while attending the annual convention of their respective associations; *provided*, that in no event shall such expense exceed the sum of fifty dollars for each of said officers in any one year.

12. The necessary expenses other than attorney's fees incurred by county auditors and treasurer in the defense and prosecution of any action brought by, or against said officers, for the purpose of testing the validity or constitutionality of any act of the Legislature providing for the payment of county funds or funds held in trust by the county.

13. Every other sum directed by law to be raised for any county purpose under the direction of the board of supervisors, or declared to be a county charge.

CHAPTER 832.

An act to amend sections twenty-six, thirty-two and thirty-six of the "water commission act," approved June 16, 1913, as amended, relating to water rights.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

Stats. 1917,
p. 231,
amended.

SECTION 1. Section 26 of the "water commission act," approved June 16, 1913, as amended, is hereby amended to read as follows:

Publication
of notice
of order

Sec. 26. As soon as practicable after the state water commission shall make and enter the order granting the said petition or selecting the stream system upon which the determination of water rights by appropriation is to begin, it shall prepare a notice setting forth the fact of the entry of said order and of the pendency of the said proceedings, the date when the state water commission shall begin said examination, and that all claimants to rights by appropriation of the waters of said stream system including claimants of rights initiated by application to the water commission as provided in section 16 of this act, as well as claimants of rights initiated according to law prior to the passage of this act are required, as in this act provided, to make proof of their claims. The notice shall be published for a period of four consecutive weeks in one or more newspapers of general circulation published in each county in which any part of said stream system is situated.

Stats 1921,
p. 482,
amended.

SEC. 2. Section 32 of said act is hereby amended to read as follows:

Fees to be
collected
from
claimants.

Sec. 32. At the time of submission of proof of appropriation, the state water commission shall collect from such claimants, on the basis of the statements in the proofs, a fee of five (5) dollars for each cubic foot per second or fraction thereof claimed for any purpose. For all purposes of this section three hundred fifty acre-feet of water per annum claimed

for storage shall be deemed the equivalent of one cubic foot per second. At the time of, or as soon as practicable after the mailing of its order of determination as provided in section 36 of this act the state water commission shall compute the entire cost it has incurred in performing the duties prescribed in sections 26 to 36 of this act, both inclusive, and should the aggregate cost thereof exceed the total amount received from claimants with their submission of proofs, the excess shall first be apportioned among the claimants for the irrigated acreage surveyed by the state water commission to the extent of the total cost of surveys and maps thereof, and according to the proportions which the irrigated acreage surveyed for each claimant bear to the total irrigated acreage surveyed, and for the purposes of this apportionment only claimants for acreages surveyed by the commission shall first share such excess and claimants for acreages covering which existing surveys and maps are acceptable under rules and regulations adopted by the state water commission, and which but require a field examination to confirm the accuracy thereof, shall not share in such first apportionment of such excess; and if such aggregate cost incurred by the state water commission shall exceed the amount collected with the submission of proofs and the amount due from the claimants for acreages surveyed, then such excess shall be apportioned among all claimants in proportion to water claimed by them. Notice of the assessment of said additional charges shall be sent by registered mail to each claimant, such notice to include a statement of the total sum assessed and of the sum assessed to claimant addressed. All assessments remaining unpaid sixty days after the mailing of said notice shall bear interest at the rate of seven per cent per annum from the end of said sixty day period, and all assessments remaining unpaid at the time of entry of decree as provided in section 36c of this act shall be taxed as costs against the delinquent claimants and collected in the manner provided by law for the collection of judgments. All fees charged and collected under this section shall be paid, at least once each month, accompanied by a detailed statement thereof, into the cash revolving fund of the state water commission in the state treasury.

SEC. 3. Section 36f of said act is hereby amended to read as follows:

Stats 1917,
p 238,
amended.

Sec. 36f. The state water commission shall have authority and power in making a determination as to the rights by appropriation of the waters of any stream system, to fix a time limit for the completion of all appropriations of water from such stream, where such rights of appropriation have been initiated according to law and since prosecuted with reasonable diligence, and such appropriators having been duly notified as provided in this act, must appear and submit their proofs of claim, in accordance with section 28 of this act, or they shall be deemed and held to be in default, and to have abandoned or to have no right, title or interest in or

Rights
acquired
within
time limit
fixed by
commission.

Rights
acquired
within
time limit
fixed by
commission
(cont'd).

to the waters of such stream. In determining rights of such appropriators, the state water commission shall prescribe such a reasonable time for the completion of such appropriations, and the application of the water appropriated to a beneficial use, as will enable such appropriators acting in good faith and with due diligence to complete the same. The findings of the state water commission shall provide for the submission of proof or evidence as to the completion of such appropriation and the amount of water actually applied to beneficial use upon the expiration of such time limit, and shall, in accordance with such proof, enter supplemental findings, establishing and determining such rights of appropriation, in so far as the same shall have been completed; and certificates of water right shall be issued in accordance with such supplemental findings and order of determination of said commission; but this section shall not be construed to confer any rights of appropriation upon parties who shall have abandoned their said appropriations or failed to use due diligence in the application of the water to a beneficial use and in the completion of their appropriations; and all such appropriators, who shall fail to complete their said appropriations within the limit of time fixed by the state water commission in said findings, or such further time granted upon application made prior to the expiration of such time limit, as the state water commission shall find equitable and just, shall be deemed to have abandoned their rights of appropriation and rights acquired by virtue thereof waived, and such appropriators shall be deemed and held to have no right, title or interest in or to the waters of such stream by virtue of their said appropriations. The findings and determination of the state water commission made under the provisions of this section may be reviewed in the manner prescribed by section 36b of this act.

CHAPTER 833.

An act to amend sections one, eight, ten and eighteen and one-half of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, as amended, relating to insurance against loss or damage by fire, lightning, wind storm, tornadoes and earthquakes.

[Approved by the Governor May 31, 1927 In effect July 30, 1927.]

The people of the State of California do enact as follows:

Stats. 1897,
p 439,
amended.

SECTION 1. Section 1 of an act entitled "An act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, as amended, is hereby amended to read as follows:

Authority
to incor-
porate.

Section 1. Any number of persons, not less than twenty-five, residing in any county of this state owning insurable property aggregating not less than fifty thousand dollars in

value, which they desire to have insured may incorporate for the purpose of mutual insurance against loss or damage by fire, lightning, wind storm, tornadoes or earthquakes.

SEC. 2. Section 8 of said act is hereby amended to read as follows:

Stats 1921,
p. 1579,
amended,

Sec. 8. Such company may issue policies on detached dwellings, schoolhouses, churches, community, creamery or farm buildings (except hotels and public barns or garages) and such property as may be contained therein; also on property owned by the assured on the premises or stored in public or private warehouses outside the corporate limits of any city or town; and may also enter into contracts with one or more other county fire insurance companies for mutual reinsurance and to reinsure or issue policies of reinsurance upon risks carried by any of such companies; *provided*, that insurance upon personal property owned by the insured including automobiles and live stock permitted under this act, shall continue in full force and effect during the use or transportation thereof in the ordinary course of business of the insured wherever the same may be located at the time of loss; all for any time not exceeding five years and not to extend beyond the time limited for the existence of the charter; *provided, however*, that if an amount in excess of six thousand dollars subject to one risk or hazard be written, then all in excess of this amount must be immediately placed with or reinsured in some other company; *provided, also*, that no company that has been organized less than three months shall write insurance in excess of two thousand dollars subject to one risk without immediately reinsuring all in excess of that amount and no company organized more than three months shall write insurance subject to one risk in excess of one per cent of the amount of insurance in force on the books of that company at that time without immediately reinsuring all in excess of that amount. All persons, whose property is so insured, shall give their obligations to the company binding themselves, their heirs and assigns to pay their pro rata share to the company of the necessary expense and loss by fire which may be sustained by any member thereof during the time for which their respective policies are in force and they shall also at the time of effecting the insurance pay such percentage in cash and such other charges as may be required by law or by the rules and by-laws of the company.

What may
be insured.

Reinsurance.

Sharing
expense
and loss

SEC. 3. Section 10 of the said act is hereby amended to read as follows:

Stats 1923,
p. 742,
amended.

Sec. 10. No such company shall insure any property beyond the limits of the county wherein the said company is organized, excepting that the company may insure in any county next adjoining the county wherein such company is organized. No such company shall issue policies covering on property in excess of six thousand dollars on any one risk or hazard under one or more policies, without immediately reinsuring the excess amount in some other company. Nor shall any such company

Insuring
outside
county and
in city.

Reinsurance

assume a risk or risks on property situated in the limits of any city or town, or within any closely built up district, within any one block, without immediately reinsuring all in excess of six thousand dollars. Any such company may reinsure or accept reinsurance in any company operating under the provisions of this act or in any company organized for the purpose of providing reinsurance for county mutual fire insurance companies or under any agreement for mutual reinsurance between two or more county mutual fire insurance companies, but in no case shall the reinsurance taken by any one company exceed the amount of the risk retained by the company originating the business. The character of, and number of risks reinsured shall not vary from that permitted in the case of original insurance. Where the amount of insurance covered by policies already written amounts to six thousand dollars, no additional insurance shall be written by such company on country property, within a radius of one hundred feet and such radius shall continue at not less than seventy-five feet during the life of the policy, unless covered by reinsurance, nor shall any risk be taken on any building closer than one hundred feet to any business property, nor shall any insurance be written by any such company on city or country property in excess of seventy-five per cent of its actual cash value and no additional insurance shall be allowed; *provided*, that in case of class A or class B buildings, having no exposures, that would constitute a special hazard insurance may be written by said companies, covering not to exceed ninety per cent of their actual cash value.

Terms defined.

For the purpose of this act "a city or town block" shall be construed to be an area having at least one frontage in a closely built up district fronting on a used public street or highway, surrounded on all sides by a clear space at least equal in width to the clear space of such public street or highway and containing an area of not more than one hundred sixty thousand square feet.

"Closely built up district" shall mean territory on the line of a public highway or street or block or blocks where for not less than a quarter of a mile the dwelling houses and business structures average less than one hundred feet apart.

"One risk" means one hazard under one or more policies, subject to one fire and relates to the amount named in the policy or policies.

"Clear space" means space free from combustible material likely to communicate fire.

Stats 1925,
p. 340,
amended
Form of
county fire
insurance
policy.

SEC. 4. Section 18½ is hereby amended to read as follows:
Sec. 18½. The following is adopted as a standard form of county fire insurance company's policy for the State of California:

CALIFORNIA STANDARD FORM COUNTY FIRE INSURANCE POLICY.

No. ----- Amount ----- Rate -----
No other insurance permitted except by agreement endorsed hereon or added hereto. (Here insert name of company, and

place of its main office in California, and name of county in which incorporated or organized.) By this policy of insurance the ----- of ----- county, in consideration of ----- dollars, and the obligation as described herein and in application, does accept as a member and insures ----- against loss or damage by fire during a term of ----- years, commencing at noon on the ----- day of ----- 19____, and terminating at noon of the ----- day of -----, 19____, to the amount of ----- dollars on the following described property located and contained as described herein, and not while located or contained elsewhere, to wit: (Blank space for the attachment of forms.) For a more particular description, and as forming a part of this policy, reference is had to application No. ----- on file in the office of this company.

Form of
county fire
insurance
policy
(cont'd)

This company will not be liable beyond the three-quarters actual cash value of the interest of the insured in the property at the time of loss or damage nor exceeding three-quarters what it would then cost the insured to repair or replace the same with material of like kind and quality; *provided*, where insurance in excess of three-fourths value is allowed by law and has been written by the company, then in case of loss or damage by fire the percentage of the actual cash value insured, shall be paid for; said cash value to be estimated without allowance for any increased cost of repair or reconstruction by reason of any ordinance or law regulating repair or reconstruction of buildings, and without compensation for loss resulting from interruption of business or manufacture.

This policy is made and accepted subject to the foregoing stipulations and conditions and those hereinafter stated, which are hereby specifically referred to and made a part of this policy, together with such other provisions, agreements or conditions as may be indorsed hereon or added hereto, and no officer, agent, or other representative of this company shall have power to waive any provision or condition of this policy except by writing indorsed hereon or added hereto, and no person unless duly authorized in writing shall be deemed the agent of this company.

The charter and by-laws of this company are to be resorted to and used to explain the rights and obligations of the parties hereto in all cases not herein otherwise especially provided for, and are hereby made a part of this policy. This policy is made and accepted upon the above expressed condition.

This policy shall not be valid until countersigned by the duly authorized secretary of the company at -----, California.

In witness whereof, this company has executed and attested these presents (here insert the name of company) by -----, President. Countersigned at -----, California, this ----- day of -----, 19____ Secretary.

STIPULATIONS AND CONDITIONS SPECIALLY REFERRED TO.

Stipulations
and condi-
tions

Stipulations and Conditions—Property not Covered. (*a*) This company shall not be liable for loss to accounts, bills, currency, evidence of debt or ownership of other documents, money, notes, or securities; nor (*b*) unless liability is specifically assumed hereon, for the loss of bullion, casts, curiosities, drawings, dies, jewels, manuscripts, medals, models, patterns, pictures, scientific apparatus, business or store or office furniture or fixtures, sculptures, frescoes and decorations, or property held on storage or for repair.

Hazards
not covered.

Hazards Not Covered—This company shall not be liable for loss by (*a*) theft, or (*b*) neglect of the insured to use all reasonable means to save and preserve the property at and after a fire, or when the property is endangered by fire; or (*c*) (unless fire ensues, and in that event the damage by fire only) by explosion of any kind, or lightning; or (*d*) by invasion, insurrection, riot, civil war, or commotion, or (except as hereinafter provided) by military or usurped power, or order of any civil authority, but the company will be liable, unless otherwise provided by indorsement hereon or added hereto, if the property is lost or damaged, by fire or otherwise, by civil authority or military or usurped power exercised to prevent the spread of fire not originating from a cause excepted hereunder and which fire otherwise probably would have caused the loss of or damage to the insured property.

Matters
avoiding
policy.

Matters Avoiding Policy—This entire policy shall be void (*a*) if the insured has concealed or misrepresented any material fact or circumstance concerning this insurance or the subject thereof; or (*b*) in case of any fraud or false swearing by the insured touching any matter relating to this insurance or the subject thereof, whether before or after a loss.

Unless otherwise provided by agreement indorsed hereon or added hereto this entire policy shall be void (*a*) if the insured now has or shall procure any other insurance whether valid or not, on property covered in whole or in part by this policy, or (*b*) if the interest of the insured be other than unconditional and sole ownership, or (*c*) if the subject of insurance be a building on ground not owned by the insured in fee simple, or (*d*) if with the knowledge of the insured foreclosure proceedings be commenced or notice given of sale of any property covered by this policy by virtue of any mortgage or trust deed, or (*e*) if this policy be assigned before a loss.

Matters
suspending
insurance.

Matters Suspending Insurance—Unless otherwise provided by agreement indorsed hereon or added hereto this company shall not be liable for loss or damage occurring (*a*) while the hazard be materially increased by any means within the control of the insured, or (*b*) if the subject of insurance be a manufacturing establishment, while it is operated in whole or in part at night later than ten o'clock or while it ceases to be operated beyond the period of ten consecutive days; or (*c*)

while mechanics or artisans are employed in building or altering or repairing the described premises for more than fifteen days at any one time; or (*d*) while illuminating gas or vapor be generated in the described building (or adjacent thereto) for use therein; or (*e*) while there be kept, used or allowed on the described premises (any usage or custom of trade or manufacture to the contrary notwithstanding), calcium carbide, phosphorus, dynamite, nitroglycerine, fireworks or other explosive; or exceeding one quart each of benzine, gasoline, naphtha or ether; or more than twenty-five pounds of gunpowder; or (*f*) while a building herein described whether intended for occupation by owner or tenant is vacant or unoccupied beyond the period of ten (10) consecutive days; (*g*) while the interest in, title to or possession of the subject of insurance is changed excepting: (1) by death of the insured; (2) change of occupancy of building without material increase of hazard; and (3) transfer by one or more several copartners or coowners to the others.

Such suspension shall not extend beyond the term of this policy nor create any right for refund of the whole or any portion of premium, nor affect the respective rights of cancellation.

Chattel Mortgage—Unless otherwise provided by agreement in writing indorsed hereon or added hereto this company shall not be liable for loss or damage to any property insured hereunder while encumbered by a chattel mortgage, but the liability of the company upon other property hereby insured shall not be affected by such chattel mortgage.

Fallen Building Clause—Unless otherwise provided by agreement indorsed thereon or added thereto, if the building or any material part thereof fall, except, as a result of fire, all insurance by this policy on such building or its contents shall immediately cease.

Removal When Endangered By Fire—Should any of said property be necessarily removed because of danger from fire, and there is no other insurance thereon, that part of this policy in excess of the value of the insured property remaining in the original location, or, if there is other insurance thereon, that part of this policy in excess of its proportion of the value of the insured property remaining in the original location, shall, for the ensuing five days only, cover the said removed property in its new location or locations.

Cancellation—This policy may be canceled and the insured as a member of this company may withdraw therefrom by the insured surrendering his policy for cancellation at any time during the life of the policy and while the company continues the business for which it was organized, by giving notice in writing to the secretary thereof and by paying his share of all claims that may exist against the company on the day of cancellation; *provided*, that this company shall have power to cancel or terminate any policy by giving the insured ten days written notice to that effect either in person or by registered

mail to his last post-office address or if this not known then to the address given upon the application blank which is a part of this policy and by returning to him in the same manner by check or otherwise any excess premium he may have paid during the term of this policy, over the cost of his insurance as measured by the rate of standard fire insurance companies doing business in this state.

Notice to
holder of
mortgage.

Also, in case of cancellation by this company it must also notify in the same manner any holder of a mortgage or deed of trust whose name appears either on the signed application which is part of this policy or upon a paster or otherwise upon this policy or the party names "to whom loss if any is payable to -----," *provided, however*, that if the insured shall fail to pay the premium on this policy within thirty days from date thereof, then this policy shall be suspended and of no further force and effect until reinstated by the payment of all delinquent charges or fees; *and provided, further*, that this policy shall not be suspended as far as the interest of said mortgagee or other party to whom, with the written consent of the company this policy is made payable until and after ten days written notice of such failure.

Assignment.

Assignment—This company may give its consent in writing allowing the assignment of this policy upon the bona fide sale of the property insured herein; *provided*, within thirty days from the transfer of the title to the within property and upon the assignment thereof said purchaser or his agent signs an agreement becoming a member and accepting the conditions of the within policy; otherwise this policy to be null and void, except as to holders of a mortgage or deed of trust.

Adjustment
of losses

Adjustment of Losses—Arbitration—The insured who may sustain loss or damage by fire shall immediately notify the president, or in his absence, the secretary of this company, stating the amount of damage or loss sustained or claimed and if not more than one thousand five hundred dollars then the president and secretary shall proceed to ascertain the amount of such loss or damage and adjust the same. If the claim for damage or loss be for an amount greater than one thousand five hundred dollars, then the president of this company, or in his absence, the vice president, or in the absence of both the secretary thereof, shall forthwith convene the board of directors of said company, whose duty it shall be when convened to adjust the same. If in either case there is a failure of the parties to agree upon the amount of such damage or loss they shall submit the question of the amount of such loss to arbitration, and in that event the president of the company shall appoint one disinterested person to act as an arbitrator, and the claimant or insured shall appoint another, and if such two arbitrators fail to agree upon the amount of such loss, then they shall select a third disinterested person to act with them and such arbitrators so appointed shall have full authority to examine witnesses and do all other things necessary to the

Arbitration.

property determination of the amount of loss sustained by the

claimant, and shall make their award in writing to the president of the company and to the insured, and such award, so as aforesaid made, shall be final as to the amount of loss sustained. The pay of said committee shall be five dollars per day for each day's services so rendered and five cents for each mile necessarily traveled in the discharge of their duties, which shall be paid by the claimant unless the award of such committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case such expense shall be paid by the company.

Option of Company in Case of Loss—This company may, at its option, take all or any part of the property for which insurance hereunder is claimed at its ascertained or appraised value, and may also, at its option, in satisfaction of its liability hereunder, repair, rebuild, or replace any building or structure or machine or machinery used therein, with other of like kind and quality, within a reasonable time, upon giving notice within twenty days of its intention so to do after the receipt by it of the preliminary proof of loss, or, if verified amendments have been requested, within twenty days after their receipt, or, within twenty days after the receipt of an affidavit that the insured is unable to furnish such amendments. There can be no abandonment to this company of any property.

Option of
company in
case of
loss.

Apportionment of Loss—This company shall not be liable under this policy for a greater proportion of any loss on the described property, or for loss by, and expense of, removal from the premises endangered by fire, than the amount hereby insured bears to the entire insurance covering such property whether valid or not, or by solvent or insolvent insurers.

Apportion-
ment of
loss

Assessment for Deficiency—When the amount of any loss shall have been ascertained, which exceeds in amount the cash funds of the company, the president shall convene the directors of this company, who shall proceed in the manner as provided in section 12 of this act.

Assessment
for
deficiency

Notice of Assessment—It shall be the duty of the secretary, whenever assessment shall have been made, to immediately notify every person holding a risk in this company, personally, by an agent, or by letter directed to his usual post-office address, of the amount of such loss, and the sum due from him, as his share thereof, and of the time and to whom such payment is made; but such time shall not be less than thirty days, nor more than ninety days from date of such notice.

Notice of
assessment.

Action for Neglect or Refusal to Pay Assessments—An action may be brought against the member whose property is insured herein and this policy is automatically suspended if the insured shall not have paid, before it is delinquent, his portion of any assessment levied or other liability due this company for a period in excess of ninety days. The directors of this company who shall wilfully refuse or neglect to perform the duties imposed upon them by law or the by-laws of the company, shall be liable in their individual capacity to the person sustaining such loss. An action may also be brought

Action for
neglect or
refusal to
pay assess-
ments.

and maintained against this company by members thereof for losses sustained if payment is withheld after the amount of such losses have been determined and is due by the terms of the policy.

Nonwaiver
by appraisal
or
examination.

Nonwaiver by Appraisal or Examination—This company shall not be held to have waived any provision or condition of this policy of any forfeiture thereof, by assenting to the amount of the loss or damage or by any requirement, act or proceeding on its part relating to the appraisal or to any examination herein provided for.

Subrogation.

Subrogation—If this company shall claim that the fire was caused by the act of any person or corporation, this company shall, upon payment of the loss be subrogated to the extent of such payment to all right of recovery by the insured for the loss resulting therefrom, and such right shall be assigned to this company by the insured on receiving such payment.

Limitation
of actions.

Time for Commencement of Action—No suit of action on this policy for the recovery of any claim shall be sustained, until after full compliance by the insured with all of the foregoing requirements, nor unless begun within fifteen months next after the commencement of the fire.

Definitions.

Definitions—Wherever in this policy the word “insured” occurs, it shall be held to include the legal representatives of the insured in case of death, and wherever the word “loss” occurs, it shall be deemed the equivalent of “loss or damage,” and wherever the words “the time of loss or damage” are used they shall be deemed the equivalent of “the time of the commencement of the fire.”

Statement
on outside
of policy.

There shall be printed on the outside fold of said policy in type not smaller than small pica the following words in this form:

READ THIS POLICY.

Insurance company is liable only for the percentage of the actual cash value.

Policy is void in case of any fraud, false swearing, misrepresentation or concealment about material facts.

Policy is void, unless otherwise agreed in writing, if

1. It is assigned before loss;
 2. Insured has or shall procure other insurance;
 3. Any change occurs in location of property;
 4. Insured building is on ground not owned in fee simple by the insured;
 5. Insured is not sole and unconditional owner;
- Policy is suspended unless otherwise agreed in writing, if
6. Described building becomes vacant or unoccupied for ten days;
 7. Mechanics are employed more than fifteen days in repairing same;
 8. Property is or becomes encumbered by chattel mortgage;
 9. Illuminating gas or vapor is generated in or adjacent to described building;

10. Explosives or prohibited quantities of gasoline, etc. (except the gasoline contained in automobiles and gas engine tanks), as are kept on the premises; and provided, also, that the insurance on livestock and automobiles shall cover wherever located at the time of the fire.

(Paster.)

Insurance ceases if described building or any material part falls except as result of fire.

Policy does not cover certain enumerated personal property.

Note particularly duty of insured in case of loss; also provisions avoiding or suspending policy, including changes of ownership or possession.

DWELLING-HOUSE AND CONTENTS POLICY FORM.

\$----- on the----- dwelling-house and all its additions, foundations, porches, verandas and screens, including all permanent wall and ceiling decorations, frescoes, gas, steam, water, heating and lighting fixtures and connections, and all other permanent fixtures attached to and forming a part of the building, situate-----, California. Dwelling-house and contents form.

\$----- on household furniture, useful and ornamental, family wearing apparel, family stores and supplies, and all other personal effects of every kind and description (except accounts, bills, currency, evidences of debt or ownership, or other documents, money, notes, securities, bullion, drawings, dies, manuscripts, medals, models and patterns) including casts, curiosities, pictures, scientific apparatus and sculptures, the property of the insured or of any member of the insured's household, unless specifically insured, all contained in the above-described dwelling-house.

Loss, on building, if any, payable to-----

Claim for loss on any one picture, piece of statuary, curiosity, or work of art, shall not exceed the cost of same, and unless specifically insured, shall not exceed one hundred dollars.

The privilege for the within described dwelling to remain vacant or unoccupied is hereby increased to thirty (30) consecutive days.

Permission is granted for mechanics or artisans to make alterations or repairs to the within described building for more than fifteen (15) days at any one time, and to build additions, this policy to cover on and in same under the respective items hereof.

Permission is hereby granted (when not prohibited by local ordinance) for the use of gasoline stoves or lamps, it being warranted by the insured that the reservoir attached to each

stove or lamp be filled during daylight only, and then only when the stove or lamp is not in use, and that no artificial light be permitted in the room when the reservoir is being filled, and that no gasoline, except that contained in the reservoir, shall be kept within the building. A breach of this warranty renders this permit null and void.

Attached to policy No. _____ of the _____
Dated _____, 19____ Secretary.

(Paster.)

Agreed valuation.

By special agreement indorsed on the policy or added thereto, the provisions regarding appraisalment or apportionment of loss may be waived and the valuations of all or any of the insured property in case of total loss may be agreed upon in advance of loss.

Use of standard form.

Said standard form of policy shall be plainly printed and no portion thereof shall be in type smaller than small pica and subheads shall be in type larger than pica, and the lines of the policy shall be numbered consecutively.

All mutual fire insurance policies on property in California shall be on standard form, and except as herein provided, shall not contain additions thereto. No part of the standard form shall be omitted therefrom.

The blanks in said standard form shall be appropriately filled. The company may add to the standard form any matter relating to its financial condition, directors, officers, stockholders and history, and the address of its home office, and principal office in the state; also in red ink any provisions respecting any limitations of liability of the company, its stockholders or members which it is required or permitted by law of the state or county of its organization to insert in its policies.

Optional clauses

Clauses may be added to the standard form providing for and defining the rights, duties and obligations of mortgagees, assignees and other parties who have acquired or may acquire an interest in, right to or lien upon the insured property.

Earthquakes

No clause shall be inserted or rider attached affecting the standard form liability of the insurer for loss or damage by fire occasioned either directly or indirectly by earthquake, hurricane, volcanic action or other disturbance of nature, unless the same shall be printed in red ink in type larger than small pica and at the head of the policy there shall be printed in red ink in large bold-faced type the words, "This policy contains limitations of liability not permitted in the California standard form."

Optional clauses.

Clauses may be added to the standard form (a) covering property and risks not otherwise covered; (b) assuming greater liability than is otherwise imposed on the insurer; (c) granting insured permits and privileges not otherwise provided; (d) waivers of any of the matters, voiding the policy or suspending the insurance; (e) waivers of any of the requirements imposed on the insured after loss.

Except as herein otherwise provided clauses may be attached ^{Riders.} to the standard form by separate riders in type larger than pica imposing specified duties and obligations upon the insured and limiting the liability of the insurer.

Any insurer, or the agent countersigning or issuing a fire ^{Penalty} insurance policy covering in whole or in part property in California varying from the California standard form of policy except as herein provided is guilty of a misdemeanor but any policy so issued shall notwithstanding be binding upon the company issuing the same.

CHAPTER 834.

An act to modify the elective provisions of the "workmen's compensation, insurance and safety act of 1917," approved May 23, 1917, as amended, with respect to acceptance of the provisions of said act by persons engaged in farm, dairy, agricultural, viticultural or horticultural employments and in stock or poultry raising by providing that employers and employees in such employment shall be presumed to have accepted the provisions of said act unless either employer or employee shall have made and filed a notice of rejection of said act.

[Approved by the Governor May 31, 1927. In effect Sept. 1, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Any employer and his employees engaged in farm, dairy, agricultural, viticultural or horticultural employments or in stock or poultry raising, not subject to the compensation provisions of the "workmen's compensation, insurance and safety act of 1917," as amended, shall, from and after the date this act takes effect, be conclusively presumed to have accepted the compensation provisions of said act and amendments thereto and to have included in their contract of hire or apprenticeship, express or implied, a mutual agreement to accept said provisions, unless either such employer or employee shall, prior to the occurrence of any injury have given notice of rejection of said provisions of said act in the manner herein provided. ^{Workmen's compensation for agricultural laborers}

SEC. 2. Such notice of rejection shall be given by the employer by posting in a conspicuous place at his place of employment where it may conveniently be seen and read by his employees one or more notices to the effect that he rejects the provisions of said act and amendments thereof, and filing a copy of the same with proof of posting of original, with the industrial accident commission. Such notice of rejection shall be given by the employee by delivering a copy to the employer personally or by registered mail and filing a copy thereof with proof of service with the industrial accident commission. The ^{Notice of rejection.}

industrial accident commission may prescribe the form of said notices and proofs.

Effect on existing contracts and excluded employ-
ments. SEC. 3. This act shall apply to all contracts of excluded employment, hire or apprenticeship specified in section 1 of this act in effect upon the effective date of this act, unless notice of rejection shall have been given in the manner prescribed herein, prior to said effective date. Such notices may be given at any time after the passage of this act.

This act shall also apply to all such excluded employments entered into after its effective date, unless the notice of rejection be given prior to the occurrence of the injury upon which the claim for compensation is based; *provided*, that if the required copy of such notice is not filed until after the occurrence of the injury, such rejection shall be effective if the notice was actually posted or given prior to the occurrence of the injury and proof thereof received in the office of the commission for filing within ten days after the date of such delivery or posting.

Withdrawal of notice of rejection. SEC. 4. Notice of rejection of the compensation provisions of the "workmen's compensation, insurance and safety act of 1917," as amended, may be withdrawn at any time by the employer and/or employee by posting or delivering notice of withdrawal in the manner herein required for posting or delivering notices of rejection. Such notice of withdrawal shall take effect at the time it is given, but it shall be the duty of the party giving the notice of withdrawal to forward a copy of the same to the industrial accident commission, whereupon the notice of rejection shall become inoperative, null and void. The commission may prescribe the form of such notice of withdrawal of rejection.

Other acceptances. SEC. 5. Any person who, not being otherwise subject thereto shall have accepted or may hereafter accept the compensation provisions of the "workmen's compensation, insurance and safety act of 1917," as amended, in any of the modes prescribed by section 70 thereof shall be bound thereby the same as if this act had not been passed.

Effective. SEC. 6. This act shall take effect on September 1, 1927.

CHAPTER 835.

An act to add a new section to the Political Code, to be numbered two thousand six hundred fifty-five a, relating to records of county road districts.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

New section. SECTION 1. A new section is hereby added to the Political Code, to be numbered 2655a, and to read as follows:

Road district records. 2655a. The board of supervisors shall make and keep on file a road mileage record and keep the same corrected to date

showing every road in the respective road districts of the county, upon which county funds are expended for construction or maintenance, and may determine such mileage by automobile speedometer. Each supervisor shall keep an account of the actual work done in his district and the cost per mile thereof, except in a county in which the road work is in charge of a road engineer or highway engineer or in a county governed by a county charter adopted under and pursuant to the provisions of article XI of the constitution.

CHAPTER 836.

An act to amend section one thousand five hundred ninety and section one thousand seven hundred thirty-three of the Political Code, relating to schools.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 1590 of the Political Code is hereby amended to read as follows:

1590. On the first day of July next ensuing after the formation of a union or joint union school district, the county superintendent of schools, or superintendents in joint union school districts, shall transfer, by requisition upon the county auditor, all funds remaining to the credit of the different districts uniting to form the union or joint union district, to the credit of such union or joint union district.

For the purposes of teachers' reports and for the estimating of the number of teachers and the amount of money to which each district is entitled, the several districts uniting to form the union school district shall continue their separate existence, and may also continue their separate existence for high school connections as in this section provided.

The teacher or teachers shall keep the enrollment and attendance of each district separate from that of the other districts composing the union. At the close of the term or year, a report shall be made of the attendance of each district composing the union separately. These separate reports shall be combined into a principal's report. In case of a joint union school district, the teacher or teachers shall send a copy of each report to the county superintendent in whose county parts of the district lie; *and provided, further*, that no moneys shall be apportioned directly to any of such several districts, while forming a part of an organized union or joint union school district, but there shall be apportioned to such union or joint union district the aggregate of moneys that would be apportioned to the several school districts composing it, if such several districts were not united.

If a union or joint union district shall hold an election to determine the question of becoming a part of a union or joint

Stats. 1923,
p. 704,
amended

Transfer of
funds to
union
district.

Separate
reports.

Apportion-
ment of
moneys.

Joining high
school
district.

Joining high
school
district
(cont'd)

union high school district as provided in section 1733 of this code, and if at such election the union or joint union district shall vote not to become a part of a high school district, then at any time after such election and prior to the first day of the following September any of the districts comprising the union or joint union district may hold an election to determine whether or not such district shall become a part of a union or joint union high school district. If the trustees of any district comprising a part of the union or joint union district, or a majority of the heads of families who reside in such district and have children attending school as shown by the teachers' register, deem it advisable to hold such election they shall so notify the county superintendent of schools and request him to call an election. The county superintendent of schools, within twenty days after receiving such request from said trustees, or from the majority of heads of families as aforesaid, shall call an election for the determination of the question in such particular district and shall appoint three qualified electors in said district to conduct the election therein. Said election shall be held in the public school house of the district and shall be called by posting notices therein at least ten days prior to the election in three of the most public places in said district, one of which places shall be the said public school house. Said election shall be conducted by the officers appointed for that purpose in the manner provided by law for conducting school elections. The ballot at such election shall contain the words "Shall the (name of district) become a part of the (name) union or joint union high school district?", and the voter shall write or print after said words on his ballot the word "yes" or the word "no".

It shall be the duty of said election officers to canvass the vote at said election as soon as the polls are closed and report the result to the superintendent of schools within five days subsequent to the holding of said election. Within ten days after receiving the returns of said election, the superintendent of schools shall declare and record the result of said election in a book kept by him for that purpose. If a majority of the votes cast at said election are in favor of the district becoming a part of such union or joint union high school district the superintendent of schools shall also file with the county clerk of the county a certificate showing the number of votes cast in favor of said district becoming a part of such union or joint union high school district, the total number of votes against the question and the result of said election. If it shall appear from such certificate that a majority of the votes cast at such election were in favor of said district becoming a part of said union or joint union high school district then such district shall be included as a part of such union or joint union high school district for all high school purposes; *provided, however*, that no separate district comprising a part of a union or joint union district shall become a part of a union or joint union high school district under the provisions of this section unless

the assessed valuation of such union or joint union high school district is less than three million five hundred thousand dollars.

SEC. 2. Section 1733 of the Political Code is hereby amended to read as follows:

Stats 1909,
p. 480,
amended.
Change in
school
district
boundaries.

1733. Except as in this section and in section 1590 of this code provided, a school district can not lie partly within a high school district and partly without; and in all cases where the boundaries of a school district comprised within any high school district shall for any cause be changed to include territory not previously in such school district, the territory added to such school district shall become and constitute a part of the high school district; and in all cases where the boundaries of a school district comprised within any high school district shall be changed so as to exclude territory therefrom such excluded territory shall, except as hereinafter provided, be excluded from the high school district. Where a new school district is formed from territory situated wholly within one high school district, such new school district shall continue to be a part of the high school district; and where a new school district is formed from territory situated in two or more high school districts or situated partly in a high school district and partly in no high school district, the electors of such new school district shall decide by a majority vote to which high school district the new school district shall belong or whether such new school district shall be a part of such high school district, such election being held within thirty days after the formation of the school district, and called by the superintendent of schools of the county in which such school district is situated, in the manner provided in section 1727. The result of such election shall be certified by the superintendent of schools to the county clerk of the county in which such school district is situated, and to the clerk of every other county in which any part of the high school district selected by the electors is situated, and entered in such clerk's record of high school districts.

If such election is held in consequence of two or more school districts having been formed into a union or joint union district, and if such election results in the new union or joint union district not becoming a part of a high school district, then elections may be held in the separate districts which form the union or joint union district as such elections are provided for in section 1590 of this code.

CHAPTER 837.

An act appropriating money to pay the claim of Tryon and Brain against the State of California.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

Appropriation claim of Tryon and Brain.

SECTION 1. The sum of thirty thousand dollars is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to pay the claim of Tryon and Brain against the State of California.

CHAPTER 838.

An act to amend sections five, six, seven, eight, ten, twenty-five, and thirty-three of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors for president and vice president of the United States, and providing for the election of party county central committees; and to repeal the act approved April 7, 1911, known as the direct primary law; and also to repeal the act approved December 24, 1911, amending sections one, three, five, seven, ten, twelve, thirteen, twenty-two, twenty-three and twenty-four of the said direct primary law; and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913; and amended and approved May 29, 1917; and amended and approved April 8, 1919.

[Approved by the Governor May 31, 1927. In effect July 31, 1927.]

The people of the State of California do enact as follows:

Stats 1919, p. 39, amended.

SECTION 1. Section 5 of an act entitled "An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to state conventions and for nominating electors for president and vice president of the United States, and providing for the election of party county central committees: and to repeal the act approved April 7, 1911, known as the direct primary law; and also to repeal the act approved December 24, 1911, amending sections 1, 3, 5, 7, 10, 12, 13, 22, 23, and 24, of the said direct primary law; and also to repeal all other acts or parts of acts inconsistent with or in conflict with the provisions of this act," approved June 16, 1913; and amended and approved May 29, 1917; and amended and approved April 8, 1919, is hereby amended to read as follows:

Method of getting name on ballot.

Sec. 5. (a) The name of no candidate shall be printed on the official ballot to be used at the August primary election unless at least sixty days and not more than ninety days prior thereto there shall be filed a declaration of his candidacy, by

such candidate, or a declaration of candidacy by sponsors on behalf of such candidate, and an acceptance of such candidacy by the candidate so proposed. The declaration of such candidacy by such candidate shall be substantially as follows:

Candidate's declaration of candidacy.

DECLARATION OF CANDIDACY.

I hereby declare myself a _____ party candidate for nomination to the office of _____ to be voted for at the primary election to be held _____ 19____ and declare the following to be true:

My name is _____

My present residence is _____

My present occupation is _____

My present business address is _____

The name of my employer (if any) is _____

The address of my employer (if any) is _____

My occupation for the past three years has been as follows:

The duration of my residence in California is _____ years.

My address for the past five years has been as follows:

I am at present an incumbent of the following public office (if any): _____

I have held the following public offices (if any): _____

_____ for _____ years,

_____ for _____ years.

I am registered as affiliated with the _____ party. (The candidate may here insert, at his option, in not over fifty words, a statement of what he considers to be his special fitness, training or experience in the line of work which he will be called upon to perform in case of his election.)

If nominated, I will accept such nomination and not withdraw and will qualify as such officer if nominated and elected.

Signature of Candidate.

State of California }
County of _____ } ss.

Subscribed and sworn to before me this _____ day of _____ 19_____

Notary Public (or other official).

Examined and certified by me this _____ day of _____ 19_____

Registrar of voters—County Clerk.

Declaration of candidacy by sponsors

In the event the said declaration of candidacy is made by sponsors, as herein provided, each such declaration of candidacy shall be substantially as follows :

DECLARATION OF CANDIDACY BY SPONSORS.

I, the undersigned, do solemnly swear (or affirm) that I am a qualified elector of the County of _____ State of California, and that I am registered affiliated with the _____ party, and I do hereby sponsor, propose and nominate _____ who resides at No. _____ Street in the City of (or in the town of) _____ County of _____ State of California, as a party candidate for the nomination of such party for the office of _____, to be voted for at the primary election to be held on the _____ day of _____ 19____, and I hereby assert as follows :

My knowledge of the said _____ is sufficient to warrant my urging his election to the office of _____ and in my opinion he is fully qualified mentally, morally and physically for the said office and should be elected to fill it. I am not at this time a signer of any other declaration of candidacy, nominating, proposing or sponsoring any other candidate for the above named office, or in case there are several places to be filled in the above named office, I have not signed more declarations of candidacies than there are places to be filled in the above named office. My residence and occupation are correctly set forth after my signature hereto :

Name :	Residence :	Occupation :
_____	_____	_____
_____	_____	_____

State of California }
County of _____ } ss.

Subscribed and sworn to before me this _____ day of _____ 19____.

Notary public (or other official).

Examined and certified by me this _____ day of _____ 19____.

Registrar of voters—County Clerk.

Signatures.

Such declaration or declarations of candidacy by sponsors shall contain, in the aggregate, the same number of signatures as required by subdivision (d) hereof, and no further signatures shall be necessary or required to place such candidate so proposed on the official primary ballot.

Such candidate so nominated or proposed by said sponsors shall, if he accepts such nomination, file with the proper

officials and within the time provided by law, an affidavit of acceptance, which affidavit shall be substantially as follows: Declaration of acceptance of nomination

DECLARATION OF ACCEPTANCE OF NOMINATION.

I hereby accept the nomination as proposed by a certain declaration of candidacy by sponsors, as a candidate of the _____ party for nomination to the office of _____, to be voted for at the primary election to be held _____ 19____ and declare the following to be true:

- My name is _____
My present residence is _____
My present occupation is _____
My present business address is _____
The name of my employer (if any) is _____
The address of my employer (if any) is _____
My occupation for the past three years has been as follows: _____

The duration of my residence in California is _____ years.
My address for the past five years has been as follows: _____

I am at present an incumbent of the following public office (if any): _____

I have held the following public offices (if any):

_____ for _____ years,
_____ for _____ years.

I am registered as affiliated with the _____ party. (The candidate may here insert, at his option, in not over fifty words, a statement of what he considers to be his special fitness, training or experience in the line of work which he will be called upon to perform in case of his election.)

If nominated I will accept such nomination and not withdraw and will qualify as such officer if nominated and elected.

Signature of candidate.

State of California }
County of _____ } ss.

Subscribed and sworn to before me this _____ day of _____ 19____.

Notary public (or other official).

(b) The declaration shall be subscribed and sworn to before some officer authorized to administer oaths, and thereupon at least sixty-five days before the August primary election shall be delivered to the county clerk or registrar of voters

Filing of declarations

in the county in which the candidate resides. Such clerk or registrar of voters shall forthwith certify and transmit to the secretary of state the declaration of candidacy and acceptance as herein provided, for each candidate for state officers, United States senators, representatives in congress, members of the state senate and assembly, delegates to state conventions from holdover senatorial districts, and all officers to be voted for in districts comprising more than one county.

Non-partisan
offices.

(c) A candidate for a non-partisan office shall omit all reference to party candidacy or party affiliations from said declaration.

Number of
sponsor
certificates
required

(d) Said declaration shall be signed, certified and filed as provided in this section, and at least sixty-five days before said primary election, the candidate shall cause to be filed sponsor certificates herein provided for, of not less than sixty-five nor more than one hundred sponsors if the candidate is a candidate for a state office or for United States senator, and not less than forty nor more than sixty if the candidacy is for representative in congress, member of the board of equalization, or for any office voted for in more than one county, and not state wide, except for the state senate or for the assembly, and not less than twenty nor more than thirty if the candidacy is for the state senate or for the assembly, or a candidacy in a single county or any political subdivision thereof, or for delegate to state convention from a hold-over senatorial district. In the case of every candidate to be voted for at the primary election for whom the number of sponsor certificates is not above provided, the number shall be not less than ten nor more than twenty; *provided*, that if any political party has less than fifty registered voters in the state or in the county or district in which the election is to be held, a candidate for nomination by such party need not have more sponsors than one-half the number of said registered voters of said party.

Qualifica-
tions of
sponsors.

Sponsors must be electors and qualified to vote at the ensuing primary election in the district or political subdivision in which the candidate is to be voted on, and shall be affiliated with the party, if any, in which the nomination is proposed.

Filing of
certificates
and declara-
tions by
sponsors.

(e) Sponsor certificates and declarations of candidacy by sponsors shall be delivered to the county clerk or registrar of voters of the county in which the sponsor resides and is a registered voter and the county clerk or registrar of voters shall not accept for filing any declaration or sponsor certificate unless all blanks therein are filled. The county clerk or registrar of voters shall forthwith file said certificates in his office or forward the same for filing as provided in this act.

Verification
of
signatures

The county clerk or registrar of voters before filing or forwarding for filing any declaration or sponsor certificate shall verify the signature on each declaration and certificate

and the political affiliation set forth therein with the registration affidavits on file in his office and mark "not sufficient" any signature in any declaration or certificate which does not appear in the same handwriting as appears on the affidavit of registration in his office or in which the declaration of party affiliation is not in accordance with the declaration of party affiliation in such affidavit of registration.

(f) Sponsors for candidates for non-partisan offices shall omit all reference to party candidacy or affiliations from their declarations and certificates.

(g) All sponsor certificates which by section 6 of this act are required to be filed in the office of the secretary of state shall be delivered to the county clerk or registrar of voters as provided herein at least sixty-five days prior to the August primary election and within five days after being so left such certificates shall be forwarded by such county clerk or registrar of voters to the secretary of state, who shall receive and file the same. The county clerk or registrar of voters shall forward with said sponsors' certificates a statement showing the total number which have not been marked "not sufficient," as hereinabove provided, and shall include therewith a typewritten list of the sponsors not marked "not sufficient," their addresses and occupations, and shall file a copy of such statement and list in his office.

All sponsor certificates which are not required by this act to be filed in the office of the secretary of state shall be filed in the office of the county clerk or registrar of voters. All sponsor certificates shall be so arranged, by pluralizing of pronouns and otherwise, as to admit of the signatures of not exceeding thirty sponsors on the same sponsors' certificates.

Sponsors, other than those who shall sign declarations of candidacy by sponsors, shall certify to the qualification of the candidate as follows:

SPONSOR'S CERTIFICATE.

I, the undersigned sponsor for _____ for the _____ party nomination to the office of _____ to be voted for at the primary election to be held on the _____ day of _____, 19____, hereby assert as follows:

My knowledge of the said _____ is sufficient to warrant my urging his election to the office of _____ and in my opinion he is fully qualified mentally, morally and physically for the said office and should be elected to fill it. I am a qualified elector of _____ county and I am registered as affiliated with the _____ party and am not at this time a signer of any other certificate nominating any other candidate for the above named office, or, in case there are several places to be filled in the above-named office, I have

not signed more certificates than there are places to be filled in the above-named office. My residence and occupation are correctly set forth after my signature hereto.

Name:	Residence:	Occupation:
-----	-----	-----
-----	-----	-----
-----	-----	-----

State of California }
County of ----- } ss.

Subscribed and sworn to before me
this ----- day of -----, 19----

Notary public (or other official).
Examined and certified by me this----- day of-----, 19---

Registrar of Voters—County Clerk.

Defects. (h) No defect in any declaration or sponsor certificate presented shall prevent the filing of another declaration or sponsor certificate which is presented within the period allowed for presenting the declaration or sponsor certificate.

Preservation of declarations and certificates. (i) The secretary of state, county clerk or registrar of voters shall preserve in his office, for a period of four years, all declarations and sponsors' certificates filed in accordance with this section.

Sponsors (j) Each signer of a sponsor certificate must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, or, in case there are several places to be filled in the same office signed to more certificates for candidates for that office than there are places to be filled for such office.

Pamphlet containing declarations of candidates, etc. (k) The secretary of state before any primary election shall cause to be printed in pamphlet form a copy of all declarations of candidates received by him, said declarations to be followed by the names, addresses, and occupations of all sponsors. The pamphlet shall contain the declarations and sponsor list of all candidates for state offices, United States senators, representatives in congress, and all officers to be voted for in districts comprising more than one county, except state senators, assemblymen and delegates to state convention.

The state printer shall furnish to each county clerk or registrar of voters sufficient copies of said pamphlet containing only declarations of candidates and list of sponsors of the candidates to be voted for in such county or city and county to supply one copy to each registered voter in his county; copy for said pamphlet shall be furnished to the state printer by the secretary of state.

The county clerk or registrar of voters shall mail one copy of said pamphlet to each registered voter with his sample ballot. As soon as said pamphlets are printed the county clerk or registrar of voters of each county or city and county, shall send one copy to each candidate whose declaration of candidacy is printed therein.

The names of candidates and sponsors shall be printed in black face type, the names of the candidates to be in capital letters. The size of the pamphlet shall not exceed six by nine inches. Said pamphlets shall be headed in large type "Information concerning candidates to be voted on at the primary election" and below this shall be printed in black face type the following: "Retain this pamphlet until the November election for information concerning candidates nominated at this primary election." These pamphlets shall be printed with appropriate headings and shall contain, first, the names of all candidates of that party whose candidate for governor received the highest vote at the last gubernatorial election; secondly, the names of all candidates of that party whose candidate for governor received the second highest vote, and so on. For parties which had no candidate for governor the order shall be as determined by the secretary of state. Every candidate who is the candidate of more than one party shall have his declaration of candidacy or acceptance printed but once; but under each party for whose nomination he is a candidate, shall appear a statement that he is a candidate of such party, together with the list of party sponsors who have proposed his nomination by such party. Under each party division of said pamphlet shall appear all the offices for which nominations are to be made, and under the name of each office the names of all party candidates for such office, the names of both offices and candidates to appear in the same order in which they are to appear upon the primary ballot for the first assembly district. After the lists of all party candidates with their respective declarations of candidacy and sponsor lists, shall appear, in the order of offices and names of candidates provided for the primary ballot for the first assembly district, all other offices to be voted on in more than one county, with the declarations of candidacy and sponsor lists for the several candidates under each of said offices.

(l) Nothing herein shall be construed as prohibiting the independent nomination of candidates as provided by section 1188 of the Political Code, as said section reads at the time of said nomination; except one whose name has appeared upon the ballot as a candidate of any political party at a primary election held under the provisions of this act, and who is defeated for such party nomination at such primary election, shall be ineligible for nomination as an independent candidate, or as a candidate named by a party central committee to fill a vacancy as provided in section 25 of this act for the same or any other office at the ensuing general election; and no person shall be permitted to file nomination papers for a

Independent
nominations
and filling
of vacancies.

party nomination and an independent nomination for the same office, or for more than one office at the same election. Nor shall any person whose name has been written in upon any ballot or ballots for any office at any primary election, have his name placed upon the ballot as a candidate for such office at the ensuing general election, except under the provisions of said section 1188 of the Political Code, or of section 25 of this act providing for the filling of vacancies by party central committees, unless at such primary election he shall have received for such office votes equal in number to one per cent of all votes cast for such office at the last preceding general state election.

Filing
record.

(m) The officer with whom declarations of candidacy are filed shall keep a record in which he shall enter the name of the candidate, the title of the office, the party, if any, and the time of filing.

Exceptions.

(n) The provisions of this section of the direct primary law shall not apply to municipal elections nor to the May presidential primary election, but nominations under the provisions of the presidential primary act and under the provisions of section 1188 of the Political Code shall be made through the method of nomination papers provided by the direct primary law as it existed in 1926.

Stats. 1919,
p. 49,
amended
Office in
which
papers
must be
filed.

SEC. 2. Section 6 of said act is hereby amended to read as follows:

Sec. 6. All declarations of candidacy and sponsor certificates provided for by this act and designated as "nomination papers" in other portions of this act, shall be filed as follows:

1. For state offices, United States senators, representatives in congress, members of the state senate and assembly, delegates to state conventions from holdover senatorial districts, and all officers to be voted for in more than one county, in the office of the secretary of state.

2. For all officers to be voted for wholly within one county or city and county except as provided in subdivision 1 of this section, in the office of the county clerk or registrar of voters of such county or city and county.

Stats 1917,
p. 1354,
amended.
Filing
fees

SEC. 3. Section 7 of said act is hereby amended to read as follows:

Sec. 7. A filing fee of two per cent of the first year salary shall be paid to the secretary of state by each candidate for state office or for the United States senate, except as otherwise provided in this section.

2. A filing fee of one per cent of the first year salary shall be paid to the secretary of state by each candidate for representative in congress or for any office except member of state senate and assembly, to be voted for in any district comprising more than one county.

3. A filing fee of twenty dollars shall be paid to the secretary of state by each candidate for the state senate or assembly.

4. A filing fee of ten dollars, except as in subdivision 5 below shall be paid to the county clerk or registrar of voters

in any county or city and county when the declaration of any candidate to be voted for wholly within one county or city and county is filed with such county clerk or registrar of voters.

5. No filing fee shall be required from any person to be voted for at the May presidential primary election, or from any candidate for an office to the holder of which no fixed compensation is required to be paid, or for township offices the compensation to the holder of which does not exceed the sum of six hundred dollars per annum.

6. In no case shall the secretary of state, county clerk or registrar of voters, receive any declaration for filing until the requisite fee for such filing, as prescribed in this section, has first been paid to him.

7. When a person for whom a declaration has not been filed is nominated for an office by having his name written on a primary election ballot, he must pay the same filing fee that would have been required if his declaration had been filed, otherwise his name must not be printed on the ballot at the ensuing general election.

8. When a candidate for nomination to office is proposed for nomination by more than one political party, he must pay a separate filing fee for each party in which he is proposed for nomination; or if, having filed a declaration for one party, he is nominated by another party by having his name written on a primary election ballot, he must pay the same filing fee for such other party nomination that would have been required if his declaration for such other party had been filed; otherwise his name shall not be printed on the general election ballot as the nominee of such other party.

SEC. 4. Section 8 of said act is hereby amended to read as follows:

Stats. 1913,
p. 1393,
amended.

Sec. 8. The county clerk shall pay to the county treasurer, and the registrar of voters in any city and county shall pay to the city and county treasurer, all fees received from candidates. Within ten days after the primary election the secretary of state shall pay to the state treasurer all fees received from candidates and shall apportion the fees paid to him by each candidate to the county in which such candidate resides if such candidate is to be voted for wholly within one county or city and county, and otherwise equally among the counties within which such candidate is to be voted for, and certify such apportionment to the state controller, who shall issue warrants on the state treasurer for the amount due each county and the state treasurer shall pay the same.

Disposition
of fees
received.

SEC. 5. Section 10 of said act is hereby amended to read as follows:

Stats. 1913,
p. 1393,
amended.

Sec. 10. At least forty-five days before any August primary election preceding a November election the secretary of state shall transmit to each county clerk or registrar of

Secretary of
state to
transmit list
of nominees.

voters of any county or city and county, a certified list containing the name and post-office address of each person for whom nomination papers have been filed in the office of such secretary of state, including the candidate for delegate to a state convention, if any, from a "hold-over senatorial district," and who is entitled to be voted for in such county at such primary election, together with a designation of the office for which such person is a candidate, and except in the case of a non-partisan office of the party he represents. Such county clerk or registrar of voters shall forthwith, upon receipt thereof, publish under the proper party designation the title of each office (except a nonpartisan office) which appears upon the certified list transmitted by the secretary of state as hereinbefore provided, together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices in the office of the secretary of state, and also the names of all candidates for the state senate and assembly when such candidates are to be voted for wholly within one county or city and county, and for the county central committee, filed in the office of the county clerk or registrar of voters. He shall also publish the title of each nonpartisan office, together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices, either in the office of the secretary of state or in the office of the county clerk or registrar of voters, and shall state that candidates for said judicial, school, county, and township offices may be voted for at the primary election, by any registered, qualified elector of the county, whether registered as intending to affiliate with any political party or not. He shall also publish the date of the primary election, the hours during which the polls will be open, and that the primary election will be held at the legally designated polling places in each precinct, which shall be particularly designated. It shall be the duty of the county clerk or registrar of voters in any city and county to cause such publication to be made once each week for two successive weeks prior to said primary election.

Publication
by clerk.

Stats 1919,
p. 53,
amended
Withdrawing
as
candidate.

SEC. 6. Section 25 of said act is hereby amended to read as follows:

Sec. 25. No candidate whose declaration certificate has been filed for any primary election can withdraw as a candidate at such primary election. No candidate nominated at any primary election can withdraw as a candidate at the ensuing general election except such as are permitted to withdraw by this section. In case as a result of any primary election a person has received a nomination to any office without first having filed a declaration certificate, and having his name printed on the primary election ballot, he may at least fifty days before the day of election cause his name to be withdrawn from nomination by filing in the office where he would have filed his declaration certificate had he been a candidate for nomination, his request therefor in writing,

signed and acknowledged by him; and his name shall not be printed on the election ballot for the ensuing general election as a candidate for such office. The vacancy created by the withdrawal of such person as aforesaid, or on account of the ineligibility of such person to qualify as a candidate because of the inhibitions of subdivision (1) of section 5 of this act, or by reason of the failure of a party to nominate any candidate for the office at the primary election, or for any other cause shall not be filled except in the following cases:

Filling
vacancies.

1. By reason of the death of a candidate occurring at least twenty-five days before the date of the next ensuing November election.

2. By reason of the disqualification of a candidate occurring on account of the failure of such candidate to secure nomination in his own party as required by section 23 of this act.

Vacancies occurring by reason of such death of any candidate, or because of such disqualification imposed by section 23 of this act, may, in the case of legislative offices, be filled by the newly elected county central committee or committees of the party in which such vacancy occurs, in the county or counties comprising the legislative district of such deceased or disqualified candidate; and in the case of all other district or state offices requiring party nomination, by the newly selected state central committee of such party.

If such vacancy occurs among candidates chosen at the primary election to go on the ballot for the succeeding general election for a nonpartisan office by reason of the provisions of section 23 of this act, the name of that candidate receiving at said primary election the next highest number of votes, shall go upon said ballot to fill said vacancy; *provided, however*, that a vacancy authorized to be filled by the provision of subdivision 1 of this section shall be filled and certified to the officer charged with the duty of printing the ballots twenty-five days before the day of election and a vacancy authorized to be filled by the provisions of subdivision 2 of this section shall be filed with the officer with whom a nomination paper for such office may be filed at least thirty-five days before the day of election.

Whenever anyone has declared or accepted a candidacy for a primary election, the name of such person must be printed upon the ballot or ballots of such primary election as hereinbefore provided in section 12 of this act, unless such person has died and such fact has been ascertained by the officer charged with the duty of printing the ballot at least twenty-five days before the day of election.

Whenever a candidate has been nominated at any primary election after having a declaration certificate filed, the name of such candidate must be printed upon the ballot at the ensuing general election unless such candidate has died and such fact has been ascertained by the officer charged with the

duty of printing the ballots, at least twenty-five days before the day of election.

Whenever, upon the death or disqualification of any candidate, the vacancy thereby created is filled by a party committee, a certificate to that effect shall be filed with the officer with whom a declaration certificate for such office may be filed, and shall be accepted and acted upon by him as in the case of an original declaration certificate.

Stats. 1917,
p. 1366,
amended.
Preparation
of forms.

SEC. 7. Section 33 of said act is hereby amended to read as follows:

Sec. 33. It shall be the duty of the secretary of state and the attorney general to prepare on or before January 1, 1928, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primary elections held in pursuance thereof.

CHAPTER 839.

An act to amend section four thousand two hundred forty-nine of the Political Code, relating to the salaries and compensation of officers in counties of the twentieth class.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 139,
amended.
Counties of
20th class:
officers and
employees.

SECTION 1. Section 4249 of the Political Code is hereby amended to read as follows:

4249. In counties of the twentieth class, the county and township officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Clerk.

1. The county clerk shall receive three thousand six hundred dollars per annum and the fees that have been and are now allowed said clerk by the United States bureau of naturalization; *provided*, that in counties of this class there shall be, and there hereby is allowed to the county clerk the following clerks, deputies and employees, who shall be appointed by the county clerk and shall be paid salaries as follows: Three deputies at a salary of one hundred fifty dollars per month each, and one stenographer at a salary of one hundred and twenty-five dollars per month and one copyist at a salary of one hundred dollars per month; *and provided, further*, that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the convenient registration of voters, each of said deputies to receive the sum of ten cents per name for each and every elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county, after proper allowance of said claim by said board of supervisors; *and provided, further*, that during any year when one

or more official primary elections are held in said county the said clerk may appoint for each such election one additional deputy to serve for a period of not to exceed three months before each such election at a monthly salary of one hundred fifty dollars.

2. The sheriff shall receive four thousand eight hundred ^{Sheriff.} dollars per annum; and there shall be and there is hereby allowed to the sheriff the following deputies, who shall be appointed by the sheriff and shall be paid salaries as follows: One chief deputy at a salary of two thousand four hundred dollars per annum; one deputy at a salary of two thousand one hundred dollars per annum; five deputy sheriffs, each at a salary of one thousand eight hundred dollars per annum; one matron at a salary of one thousand two hundred dollars per annum; *provided*, that there is hereby created in counties of the twentieth class a fund to be known as the "sheriff's special fund" in the sum of one thousand dollars for each fiscal year which shall be available for use by the sheriff for expenses incurred in criminal cases in the detection of crime; and it shall be the duty of the board of supervisors within thirty days after this act takes effect and annually thereafter at the beginning of the fiscal year to transfer from the general fund to the sheriff's special fund such sum as may be necessary so that there shall be in such fund at the beginning of each fiscal year the said sum of one thousand dollars. The sheriff shall file vouchers with the auditor at the end of each fiscal year showing what disposition he has made of any money received from such fund and the particular purpose for which it was spent.

3. The recorder shall receive three thousand three hun- ^{Recorder.} dred dollars per annum, and there shall be and there is hereby allowed to the county recorder two deputies who shall be appointed by the recorder; one chief deputy who shall be paid two thousand one hundred dollars per annum; one deputy who shall be paid one thousand eight hundred dollars per annum.

Said recorder may also appoint such copyists as may be required for the recording of all papers, notices and documents in his office, who shall receive as compensation for their services the sum of six cents per folio for actual work done in copying any instrument to be recorded (except maps and plats) and for making copies of all records or papers; *provided*, that the total amount paid to such copyists shall not exceed one thousand two hundred dollars in any one year, and such copyists shall be paid on presentation and filing with the board of supervisors of said county duly verified claims therefor.

The salaries and compensations of all deputies and copyists herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid; *provided*, that the recorder shall file monthly

with the auditor a verified statement, showing in detail the persons employed as such copyists and the amount due to each for such copying. All fees collected by said recorder for filing and recording of instruments and other documents, maps and plats, or for copies made from records shall be paid into the county treasury.

Auditor.

4. The auditor shall receive three thousand six hundred dollars per annum, and there is hereby allowed to the auditor three deputies, who shall be appointed by the auditor; one deputy who shall be paid two thousand one hundred dollars per annum, and one who shall be paid one thousand six hundred twenty dollars per annum, and one who shall be paid one thousand five hundred dollars per annum; *and it is further provided*, that if the board of supervisors in any year shall act, order or direct the auditor to prepare and compile its annual statistical report, and on so performing such services and in that event he shall be allowed the further sum of three hundred dollars payable upon the completion and acceptance of said report, and if said report is mailed throughout the county by the auditor he shall be allowed the further sum of one hundred dollars; *provided, further*, that in addition to the duties of the auditor in counties of the twentieth class as provided by law it shall also be the duty of the auditor to inspect, examine and audit the books and accounts of all township officers charged with the receipt, safe-keeping or disbursement of public moneys, in townships having a population of more than three thousand persons, at least once each month and also to inspect the books and accounts of all other county or township officers in said county charged with the receipt, safe-keeping or disbursement of public moneys as often as in his discretion it may be deemed necessary and to require all persons who have received any money belonging to the county and who have not accounted therefor to settle their accounts. The auditor shall establish and maintain a complete budget system of accounts in his office. For the purpose of carrying into effect the additional duties imposed upon the auditor, he shall be allowed an extra deputy at a salary of one thousand eight hundred dollars per annum, who shall perform any and all work required by the auditor. The actual traveling expenses of such deputy, or of the auditor, in making such inspection and audits shall be paid by the county as other county bills are paid.

Treasurer.

5. The treasurer shall receive three thousand dollars per annum; and there is hereby allowed to the treasurer one deputy to be appointed by him, who shall receive a salary of one thousand five hundred dollars per annum.

Tax collector.

6. The tax collector shall receive three thousand dollars per annum, and there shall be and there hereby is allowed to the tax collector one deputy, who shall be appointed by the tax collector and shall receive a salary of one thousand eight hundred dollars per annum. And there shall be and there hereby is allowed one copyist to the tax collector who shall receive a

salary of one thousand five hundred dollars per annum. And there shall be and there is hereby allowed to the tax collector an additional sum of three hundred dollars per annum to be used for extra help as needed, to be paid on presentation and filing with the board of supervisors of said county upon duly verified claim or claims therefor.

7. The license collector shall receive ten per cent of all licenses collected by him. License collector.

8. The assessor, four thousand dollars per annum; *provided*, Assessor. that in counties of this class there should be allowed to the assessor the following deputies, whose offices are hereby created and who shall be appointed by the assessor: One deputy who shall be chief deputy at a salary of two thousand four hundred dollars per annum, one assistant deputy at a salary of one thousand eight hundred dollars per annum; and an office deputy at a salary not to exceed one thousand five hundred dollars per annum; and one typist at a salary not to exceed one thousand two hundred dollars per annum; and such field deputies as the assessor may require, and whose compensation shall not in the aggregate exceed the sum of nine thousand dollars per annum. Said field deputies shall not be allowed a compensation of more than eight dollars per diem; and *provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts and the persons to whom such compensation is paid; said assistants to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim or claims therefor. Said assessor may employ such assistants as may be necessary in making maps, plats and drawings essential for use in the assessor's office in the performance of his duties and the expense thereof shall be a charge against the county. It is hereby *further provided*, that the said assessor shall retain no commissions for the collection of personal property taxes or road poll taxes, but that all such collections shall be paid into the county treasury and become the property of the county; the assessor and deputies shall be allowed their actual and necessary traveling expenses incurred in the performance of their duties outside incorporated cities, but not to exceed in the aggregate five hundred dollars in any one year.

9. The district attorney shall receive four thousand two hundred dollars per annum and said district attorney while in receipt of said salary shall be disqualified from engaging in the practice of law in any and all of the courts of this state, in any action or cause wherein the county in which he is elected and serves or the State of California is not a party or parties, and there is hereby allowed to the district attorney one deputy to be appointed by him, who shall receive a salary of three thousand dollars per annum; one deputy to be appointed by him who shall receive a salary of one thousand eight hundred dollars per annum; one stenographer who shall receive a salary of one thousand five hundred dollars per annum and there is hereby allowed the district attorney one detective, Attorney.

to be appointed by him, who shall receive a salary of two thousand one hundred dollars. Said detective shall have all the powers of a peace officer as set forth in sections 834 and 836 of the Penal Code.

Coroner. 10. The coroner shall receive such fees as are now, or may hereafter be allowed by law.

Adminis-
trator. 11. The public administrator shall receive such fees as are now, or may hereafter be allowed by law.

Supt. of
schools. 12. The superintendent of schools, three thousand dollars per annum; and there shall be and there is hereby allowed to the superintendent of schools, one deputy who shall be appointed by the superintendent of schools, and shall be paid a salary of one thousand five hundred dollars per annum.

Surveyor. 13. The surveyor shall receive two thousand four hundred dollars per annum and necessary traveling expenses while in the performance of duties of his office; *provided*, that in the event the office of county surveyor is abolished and that of county engineer is created, then the salary of such county engineer shall be four thousand dollars per annum.

Librarian. 13a. The county librarian shall receive two thousand dollars per annum, and shall be allowed actual and necessary traveling expenses.

Supervisors. 14. Each supervisor one thousand eight hundred dollars per annum, and mileage at twenty cents per mile for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed in any one year the sum of one thousand dollars.

Reporter. 15. The official shorthand reporter shall receive two thousand dollars per annum for the department of the superior court to which he has been appointed. Whenever one reporter shall be appointed to and shall perform the duties required of the official shorthand reporter, for more than one department of said superior court, he shall receive a salary therefor of three thousand four hundred dollars per annum.

In addition thereto he shall receive for transcribing notes, the sum of twenty cents per folio for the original, and five cents per folio for all copies thereof.

Justices. 16. In townships having a population of seven thousand or over, two justices of peace shall be elected, and each shall receive a salary of one hundred twenty-five dollars per month. In townships having a population less than seven thousand and over three thousand there shall be but one justice of the peace elected and he shall receive a salary of fifty dollars per month. In all other townships there shall be but one justice of the peace, who shall receive a salary of twenty dollars per month. All justices in counties of this class shall collect in civil cases only, the following fees, to wit:

Justices'
fees.

(1) For all services before trial or entry of judgment by default or confession, two dollars and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

(2) For the trial of civil actions and all proceedings subsequent thereto, three dollars.

(3) For certificate and transmitting paper and transcript on appeal, one dollar.

(4) For copies of papers on dock, per folio, ten cents.

(5) For issuing a search warrant, the fee to be paid by the party demanding the same, one dollar.

(6) For celebrating a marriage, and returning a certificate thereof to the county recorder, five dollars.

(7) For taking an acknowledgment of an instrument, for the first name fifty cents, and for each additional name twenty-five cents.

(8) For administering an oath, and certifying the same, fifty cents.

(9) For issuing a commission to take testimony, one dollar.

(10) For all services connected with the posting of estrays, one dollar.

(11) For issuing each affidavit, certificate, process, writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

(12) For taking bail in all proceedings, pending before another magistrate, fifty cents.

All such fees collected by such justice shall be paid into the salary fund of the county treasury.

17. In townships having a population of seven thousand ^{Constables.} or over, two constables shall be elected and each shall receive a salary of forty dollars per month. In townships having a population less than seven and over three thousand, there shall be but one constable elected, and he shall receive a salary of twenty-five dollars per month.

In all other townships there shall be but one constable, who shall receive twenty dollars per month. All constables in addition to the salaries above provided for, shall receive and collect for their use and benefit, in civil cases only, the following fees, to wit: ^{Constables' fees.}

(1) For serving summons and complaints, for each defendant served, fifty cents.

(2) For each copy of summons made by him, twenty-five cents.

(3) For levying writ of attachment or execution, or executing an order of arrest, in a civil case or for delivery of personal property, two dollars.

(4) For serving a writ of attachment or execution on any ship, boat or vessel, three dollars.

(5) For keeping personal property, such sum as the court may order, but no more than two dollars fifty cents per day, for a keeper, when necessarily employed.

(6) For taking a bond and undertaking, one dollar.

(7) For copies of writs or other papers, except summons, complaints and subpoenas, per folio fifteen cents; *provided*, that when correct copies are furnished by him for use, no charge shall be made for such copies.

Constables'
fees
(cont'd).

(8) For serving any writ, notice or order, except summons, complaint, or subpoena, for each person served, fifty cents.

(9) For writing and posting each notice of sale of property, fifty cents.

(10) For furnishing notice of publication, twenty-five cents.

(11) For serving subpoenas, each witness including copy, fifty cents.

(12) For collecting money on execution two and one-half per cent.

(13) For executing and delivering certificates of sale, fifty cents.

(14) For executing and delivering constable's deed, two dollars fifty cents.

(15) For each mile actually traveled within his county in the service of any civil suit, order, or paper, in going only, per mile twenty-five cents. No constructive mileage shall be allowed.

(16) For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from place of arrest, fifteen cents; and the actual cost of the transportation of the prisoners from the place of arrest to the justice court, and the necessary expense of assistance; *provided*, that for traveling in performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

(17) For each mile necessarily traveled outside his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.

(18) For transporting prisoners to the county jail, from the justice's court or from the county jail to the justice court, actual cost of transportation and assistance, and mileage at twenty-five cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged.

(19) For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars and fifty cents, and for the necessary expense of maintenance and assistance in keeping said prisoner.

(20) For summoning a jury in a civil case, twenty-five cents for each of the persons so summoned, and mileage at a rate of twenty-five cents per mile, going only.

(21) For attending court during the trial of a civil cause, per day, three dollars.

(22) For making sales of estrays in civil cases, the same fees as for sales of execution.

(23) For serving a writ of possession or restitution, putting a person in possession of the premises and removing the occupants therefrom, three dollars per day, and mileage at twenty-five cents per mile, going only.

(24) The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

18. The fees of grand jurors and trial jurors in the superior courts of said counties of the twentieth class, in civil and criminal cases shall be three dollars, in lawful money of the United States for each day's attendance, and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending court, in going only. In criminal cases such fees and mileage of said trial jurors in the superior court shall be paid by the treasurer of the county out of the general fund of said county upon warrant drawn by the county auditor upon the written order of the judge of the court in which said jurors were in attendance and the treasurer of said county shall pay said warrants. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

Jurors.

19. The fees of jurors in justice's courts in civil and criminal cases shall be two dollars in lawful money of the United States for each day's attendance and mileage to be computed at the rate of fifteen cents per mile for each mile necessarily traveled in attending the court, in going only; in criminal cases such fees and mileage of said trial jurors in the justice's courts shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the court in which said jury was in attendance and the treasurer of said county shall pay said warrants. The fees of jurors on coroner's juries shall be one dollar for each day's attendance, said fees to be paid out of the general fund of said county upon the presentation and filing with the board of supervisors of said county a duly verified claim therefor on proper allowance of said claim by said board of supervisors and the approval of the coroner of said county. The board of supervisors of said county is hereby directed to make suitable appropriations for the payment of the fees herein provided for.

Jurors in
Justices'
courts.

20. All salaries of principals and deputies provided for in this article shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid.

Payment.

CHAPTER 840.

An act to amend section two thousand three hundred twenty-two x eight of the Political Code, relating to salaries of county horticultural commissioners, deputies, clerks and inspectors in counties of the eighth class.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 2322x8 is hereby amended to read as follows:

Stats. 1925,
p. 199,
amended.

2322x8. In counties of this class, the county horticultural commissioner shall receive a salary of two thousand four hundred dollars per annum; *provided*, that in counties of this

Counties of
8th class:
horticultural
commis-
sioner.

class, there shall be and there is hereby allowed to the commissioner the following deputies, clerks and inspectors to be appointed by said commissioner, and the salaries are hereby fixed as follows, to wit:

Two deputy county horticultural commissioners at a salary of two thousand one hundred dollars per annum each; one clerk to act as stenographer and bookkeeper at a salary of not to exceed one thousand five hundred dollars per annum; one clerk to act as stenographer and bookkeeper at a salary of not to exceed one thousand two hundred dollars per annum; one clerk to act as warehouseman and truck driver at a salary of one thousand six hundred eighty dollars per annum; twenty inspectors at a salary of not less than one hundred nor more than one hundred fifty dollars per month each; fifteen inspectors at a salary of one dollar per annum each.

CHAPTER 841.

An act to amend section six hundred twenty-eight of the Penal Code, relating to fish and game.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 455,
amended.
Protection
of shrimp.

SECTION 1. Section 628 of the Penal Code is hereby amended as follows:

628. (a) Every person who dries any shrimps caught or taken in the waters of this state, or who takes shrimps from the waters of the state for any purpose other than for fresh market purposes is guilty of a misdemeanor; *provided*, that in fish and game districts eleven, twelve and thirteen unmarketable shrimps which may be unavoidably taken in fishing for the fresh market, may be dried, but at no time shall more than fifty per cent of the shrimps, brought in by any boat be dried.

Spiny
lobster.

(b) Every person who, between the first day of March and the fourteenth day of October, inclusive, of any year, takes, catches, kills, has in possession, buys, sells or offers for sale any spiny lobster (*Panulirus interruptus*), or who at any time takes, catches, kills, has in possession, buys, sells, or offers for sale any spiny lobster (*Panulirus interruptus*), of less than ten and one-half inches or more than sixteen inches in length, measured from one extremity to the other and exclusive of legs, claws or feelers, shall be guilty of a misdemeanor. Every person who at any time takes, catches, kills, has in possession, buys, sells, or offers for sale any crab (*Cancer magister*), of less than seven inches in breadth, measured straight across the back from point to point, or any female crab (*Cancer magister*), or who, between the thirty-first day of July and the fourteenth day of November, inclusive, of any year takes, catches, kills, has in possession, buys, sells, or

Crab.

offers for sale any crab (*Cancer magister*), shall be guilty of a misdemeanor. Any person who shall at any time, pickle, can, or otherwise preserve any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*), or who shall at any time sell any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) meat not in the shell of any such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*), or who shall bring to shore any part or portion of any spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) without the remaining portions of such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) in such condition that the size of any such spiny lobster (*Panulirus interruptus*) or crab (*Cancer magister*) can not be measured, shall be guilty of a misdemeanor; *provided*, that crab (*Cancer magister*) meat from without the state may be imported into the state for sale at any time under regulations to be prescribed by the fish and game commission.

(c) Every person who ships or offers for shipment or who transports or carries any species of crab from fish and game districts one and one-half, two and one-half, five, six, seven, eight and nine, either to a point outside of the state or into any part of the state other than in districts one and one-half, two and one-half, five, six, seven, eight and nine, or who holds any crabs in live cars within said fish and game districts, is guilty of a misdemeanor. Shipment
of crab.

For the purposes of this act a live car shall be any box, crate or pen in which live crabs are kept.

(d) None of the provisions of this act shall apply to spiny lobster caught or taken without the water of this state, when said spiny lobster are caught in waters lying south for a distance of ten miles from the international boundary line between the United States and Mexico, extended westerly in the Pacific ocean, and bearing after inspection such evidence of having been so caught or taken as may be hereafter prescribed by the fish and game commission; *and be it provided*, that all the expenses of such inspection shall be borne by the importer of such spiny lobster; *and be it provided, further*, that all spiny lobster imported into this state shall be of the size prescribed in this section. Spiny
lobster
caught
below
Mexican
boundary.

CHAPTER 842.

An act to repeal section five hundred ninety-eight of the Civil Code, relating to the sale of real property, and granting of easements by religious corporations.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 598 of the Civil Code is hereby repealed. Stats. 1925,
p. 470,
repealed.

CHAPTER 843.

An act to repeal that certain act entitled "An act to impose a license fee for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicles; to provide for certain exemptions; to provide for the enforcement of the provisions hereof and for the disposition of the amounts collected on account of such licenses; to make an appropriation for the purpose of this act; and to repeal all acts or parts of acts in conflict herewith," approved May 23, 1925.

[Approved by the Governor May 31, 1927. In effect Jan. 1, 1928.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 833,
repealed.

SECTION 1. An act entitled "An act to impose a license fee for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle; to provide for certain exemptions; to provide for the enforcement of the provisions hereof and for the disposition of the amounts collected on account of such licenses; to make an appropriation for the purpose of this act; and to repeal all acts or parts of acts in conflict herewith," approved May 23, 1925, is hereby repealed.

Effective.

SEC. 2. This act shall become effective on the first day of January in the year 1928.

CHAPTER 844.

An act to amend section seventy-seven of "the California vehicle act," relating to registration fees.

[Approved by the Governor May 31, 1927. In effect Jan. 1, 1928.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 404,
amended.

Registration
fees.

SECTION 1. Section 77 of "the California vehicle act" is hereby amended to read as follows:

Sec. 77. Registration fees. (a) A registration fee of three dollars shall be paid to the division for the registration of every motor vehicle, trailer or semitrailer, except for those which are exempted in this act, and such fee shall be paid at the time application is made for registration.

Electric
vehicles.

(b) In addition to the registration fee specified in subdivision (a) of this section, there shall be paid for the registration of every electric passenger motor vehicle a registration fee of ten dollars, and for the registration of every electric motor vehicle designed, used or maintained primarily for the transportation of passengers for hire, or for the transportation

of property, there shall be paid fees according to the following schedule:

For each such vehicle weighing, when unladen, less than six thousand pounds.....	\$50.00
For each such vehicle weighing, when unladen, six thousand pounds or more, but less than ten thousand pounds	70.00
For each such vehicle weighing, when unladen, ten thousand pounds or more.....	90.00

(c) The following registration fees in addition to the registration fee specified in subdivision (a) of this section shall be paid for the registration of vehicles, including trailers and semitrailers, designed, used or maintained primarily for the transportation of passengers for hire or for the transportation of property, according to the following table, except that the fees specified in this subsection need not be paid for electric vehicles:

Vehicles for transportation for hire.

When such vehicles are equipped wholly with pneumatic tires:

For each such vehicle weighing, when unladen, three thousand pounds or more, but less than six thousand pounds	\$15.00
For each such vehicle weighing, when unladen, six thousand pounds or more, but less than ten thousand pounds and limited under the provisions of this act to a total weight, including vehicle and load, not exceeding twenty-two thousand pounds..	40.00
For each such vehicle weighing, when unladen, ten thousand pounds or more and limited under the provisions of this act to a total weight, including vehicle and load, not exceeding twenty-two thousand pounds	50.00
For each such vehicle weighing, when unladen, six thousand pounds or more and entitled under the provisions of this act to a total weight, including vehicle and load, in excess of twenty-two thousand pounds	70.00

When such vehicles are not equipped wholly with pneumatic tires there shall be paid in addition to the fees specified in subdivision (a) of this section fees according to the weight thereof unladen amounting to twice the fees set forth in the foregoing table.

Upon registration issued after the beginning of the registration year, the fees required under subdivisions (b) and (c) of this section shall be reduced by one-fourth for each three months which shall have elapsed since the beginning of the registration year.

Part of year.

(d) If the license tax provided for by that certain act entitled "An act to regulate and license the business of producing, refining or distributing gasoline, distillate and other motor vehicle fuels, providing for the collection and disposition

Fees to be charged if gasoline tax is declared unconstitutional.

Fees to be
charged if
gasoline tax
is declared
unconstitu-
tional
(cont'd).

of license taxes, prescribing penalties for violation of the provisions of said act, and repealing all acts and parts of acts inconsistent herewith," heretofore adopted by the Legislature at its forty-fifth session is held by the Supreme Court of the State of California, or by the Supreme Court of the United States, to be unconstitutional, then beginning with the first year next succeeding the date upon which such decision becomes final there shall be paid upon and for the registration and reregistration of every motor vehicle with the division of motor vehicles, in addition to any other fees imposed by law, a registration fee of five dollars for every electric motor vehicle and for every other motor vehicle a fee amounting to the sum of forty cents for each horsepower or major fraction thereof of such motor vehicle and a proportionate amount thereof for the registration of such vehicle for a period of less than one year. The horsepower of any motor vehicle, except electric or steam driven motor vehicles, shall be determined by the formula commonly known as that of the Association of Licensed Automobile Manufacturers (A. L. A. M.), being as follows: Square the diameter of the cylinder in inches, multiply by the number of cylinders, and divide by two and five-tenths; *provided*, that for the purposes hereof the horsepower of any steam driven motor vehicle shall be the horsepower rating fixed and advertised by the manufacturer thereof. In the event that the registration fees for electric motor vehicles and fees based on horsepower as hereinabove specified shall be collected, all such fees shall be paid into the motor vehicle fund of the State of California, and shall be distributed and used for such purposes as may be provided by law for the distribution and use of such motor vehicle fund; *and provided, further*, that in the event the provisions of this section, relative to registration fees based upon horsepower rating, shall become effective the provisions of this section contained in subdivisions (a) and (b) shall be deemed to be superseded.

Effective.

SEC. 2. This act shall go into effect and be enforced from and after the date on which there shall become effective an act heretofore or hereafter adopted by the Legislature at its forty-seventh session repealing that certain act entitled "An act to impose a license fee for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle; to provide for certain exemptions; to provide for the enforcement of the provisions hereof and for the disposition of the amounts collected on account of such licenses; to make an appropriation for the purpose of this act; and to repeal all acts or parts of acts in conflict herewith," approved May 23, 1925.

Repealed.

SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed.

Constitutionality.

SEC. 4. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional,

such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 845.

An act to regulate the occupations and practices of hairdressers and cosmeticians, cosmetologists, and the branches of cosmetology; to create the state board of cosmetology, and to provide for the issuance by said board of certificates of registration and licenses entitling the holders thereof to engage in and to teach such occupations and practices; to insure the better education of hairdressers and cosmeticians; to provide for rules regulating the proper conduct and sanitation of cosmetological establishments, schools of cosmetology, and places where the occupations of hairdressers and cosmeticians are practiced; prescribing penalties for the violation of the provisions of this act.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known as the "Act concerning Short title. cosmetology."

SEC. 2. (a) Wherever in this act the word "board" is used, Words and phrases defined it shall be construed to mean the state board of cosmetology.

(b) The word "cosmetology," as used in this act, is defined as the following practices, namely: Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, tinting, coloring, or similar work, the hair of any person, with the hands, or with mechanical or electrical apparatus or appliances, or by any means; massaging, cleansing or stimulating the scalp, face, neck, arms, bust, or upper part of the human body, by the use of cosmetic preparations, antiseptics, tonics, lotions or creams; cleansing or beautifying the hair, by the use of cosmetic preparations, antiseptics, tonics, lotions or creams; beautifying the face, neck, arms, bust, or upper part of the human body, by the use of cosmetic preparations, antiseptics, tonics, lotions or creams; removing superfluous hair from the body of any person by the use of electrolysis to remove the hair from the surface of the body where the growth is a blemish, or by the use of depilatories, or by the use of tweezers, and manicuring the nails of any person; and said word "cosmetology" shall be construed to include any branch or any combination of branches of the occupation of a hairdresser and cosmetician, and any branch or any combination of branches of the occupation of a cosmetician, or cosmetologist, or beauty culturist, which are now or may hereafter be practiced.

(c) The words "hairdresser and cosmetician" are defined as any person who, for compensation, engages in the practice of cosmetology, or in more than a majority of the branches thereof, except the branches of electrolysis and manicuring.

(d) The word "electrologist" is defined as any person who, for compensation, engages in the occupation of removing superfluous hair from the body of any person by the use of the electric needle only; and the word "manicurist" is defined as any person who for compensation engages only in the occupation of manicuring the nails of any person.

(e) The term "cosmetological establishment" is defined as any premises, building, or part of a building, whereon or wherein any branch or any combination of branches of cosmetology, or the occupations of a hairdresser and cosmetician, are practiced.

(f) The words "junior operator" are defined as any person who is engaged in learning or acquiring a knowledge of the occupations of a hairdresser and cosmetician in a hairdressing or cosmetological establishment.

Licenses
required
from Oct. 1,
1927, on.

SEC. 3. On and after the first day of October, 1927, every person, firm or corporation who shall conduct or operate a cosmetological establishment, school of cosmetology, hairdressing shop, beauty parlor, or any other place of business in which any one or any combination of the occupations of a hairdresser and cosmetician are taught or practiced, and every person who shall engage in, or attempt to engage in, the practice of cosmetology, or any branch or branches thereof, without a license therefor, issued as herein provided, by the state board of cosmetology, shall be guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment for a term of not less than fifty days or not more than one hundred eighty days, or by both such fine and imprisonment; *provided, however*, that nothing in this act shall be construed to prohibit any junior operator from engaging in any one or any combination of the occupations of a hairdresser and cosmetician, under the immediate supervision of a licensed hairdresser and cosmetician; nor to prohibit any student in any school of cosmetology, legally established under the provisions of this act, from engaging, in said school and as such student, in work connected with any branch or any combination of branches of cosmetology taught in said school.

Cosmetology
board.

SEC. 4. There is hereby created the state board of cosmetology, to consist of five members. Within thirty days after this act becomes effective, the governor shall appoint, as members of said board, persons who are at least twenty-five years of age, who shall have been citizens of this state for at least three years immediately prior to their appointment, and who are not ineligible as in this section provided.

Qualifica-
tions.

No person shall be eligible to appointment as one of the first five members constituting said board (a) who has not been engaged in actual practice, as a hairdresser and cosmetician,

for at least five years; (b) who is connected, directly or indirectly, with any school of cosmetology.

In the matter of the appointment of succeeding members of the board, no person shall be eligible to appointment as a member (a) who is not registered as a hairdresser and cosmetician under the provisions of this act; (b) who is connected, directly or indirectly, with any school of cosmetology, or was so connected while previously serving as a member of said board; (c) who is not, at the time of appointment, either actually engaged in conducting a cosmetological establishment, or actually engaged in the practice of a branch of cosmetology.

The personnel of the board shall, at all times, be so constituted that two graduates of the same school of cosmetology shall not be members at the same time.

The terms of office of the members of the board first ^{Terms.} appointed shall be as follows: two of the members shall serve for two years, two for three years, and one for four years; upon the expiration of such terms, respectively, the succeeding members shall be appointed for the term of four years. In case of vacancy occurring in the board, the governor shall fill the same by appointing a member to serve for the remainder of such term only. Before entering upon the discharge of their duties each member shall make, and file with the secretary of state, the constitutional oath of office.

The members of the board shall receive ten dollars per diem ^{Compensation.} for every meeting of the board which they attend, together with their necessary expenses, and mileage at the rate of five cents per mile for each mile necessarily traveled. All such compensation, necessary expenses and mileage, shall be paid by the board out of the funds received by it, and no part thereof shall be paid by the state.

The members of the board shall, annually, elect from among ^{Officers.} their number, a president, and also a treasurer; and shall, annually, appoint a secretary, who shall not be a member of the board. The compensation of the secretary shall be fixed by the board, and shall be paid out of the funds received by it, and no part of such compensation shall be paid by the state. The treasurer, before entering upon the discharge of his or her duties, shall file with the secretary of state a good and sufficient bond in the penal sum of two thousand dollars, payable to the State of California, to insure the faithful performance of his or her duties; and the premium for such bond shall be paid out of the funds received by the board.

The board shall prescribe the duties of its officers and employees, fix the compensation of such employees, and establish an office at such place in the state as the members of the board may determine, at which office all records and files of the board shall be kept; which records and files shall, at all reasonable hours, be open to public inspection. The board shall also adopt a seal.

The board is authorized to employ, whenever in its judgment it is deemed necessary, inspectors ^{Inspectors and clerks.} and clerks, and secure

legal services; *provided, however*, that the compensation of such inspectors and clerks, and all reasonable expenses incurred by the board, shall be paid out of the funds received by the board, and no part of such compensation or expenses shall be paid by the state.

Rules and regulations.

It shall be the duty of the board to adopt reasonable rules for carrying out the provisions of this act, for conducting examinations of applicants for registration, and for governing the recognition of, and the credits to be given to, the study of cosmetology, or any branch thereof, under a hairdresser and cosmetician, or in a school of cosmetology, licensed under the laws of another state or territory of the United States, or the District of Columbia, and to adopt such sanitary rules as it may deem necessary with particular reference to the precautions to be employed to prevent the creating or spreading of infectious or contagious disease in cosmetological establishments, or schools of cosmetology, or in the practice of a hairdresser and cosmetician; but no sanitary rule thus adopted shall have any force or effect unless and until the same has been approved by the state board of health. A copy of all sanitary rules, thus adopted and approved, shall be furnished to each person, firm or corporation to whom a certificate of registration and license is issued for the conduct of a cosmetological establishment, school of cosmetology, or for the practice of the occupations of a hairdresser and cosmetician.

Examination and registration.

It shall be the duty of the board to hold examinations, as to their qualifications, of all applicants for registration, (except as herein otherwise provided), whose applications have been submitted to it in proper form; to issue certificates of registration and licenses to such applicants as may be entitled thereto; to register cosmetological establishments, and schools of cosmetology; to report to the proper prosecuting officer all violations of this act coming within its knowledge; to make a written report, annually, to the governor, concerning the condition, in this state, of cosmetology, and the branches thereof; which report shall also contain a brief reference to the proceedings had by or before the board in carrying out the provisions of this act, for the year last past, and statement of all moneys received and expended by the board during such year.

Records.

The board shall keep a record of registration, containing the names and known places of business, and the date and number of certificate of registration, of every registered hairdresser and cosmetician, and those engaged in the practice of any branch of cosmetology, together with the names and addresses of all cosmetological establishments, and schools of cosmetology, registered under this act; which record shall also contain a specification of such facts as applicants for registration may claim, in their applications, to justify their registration.

The board shall also keep a record of its proceedings, and it shall do all other things necessary to carry out the provisions of this act.

SEC. 5. The board shall hold meetings for the examination of applicants for registration and for the transaction of such other business as shall pertain to its duties, at least twice a year; one of which meetings shall be held in the city and county of San Francisco, and one in the city of Los Angeles; and the board may hold such other meetings for the examination of applicants for registration, or for the transaction of necessary business as, in its judgment, may be required, at such times and places as it may determine. Meetings.

SEC. 6. On and after the first day of October, 1927, the board shall admit to examination for a certificate of registration as a registered hairdresser and cosmetician, at any meeting of the board duly held for the purpose of conducting examinations, any person who shall have made application to the board in proper form, and paid the required fee, as provided in this act, and who shall be qualified as follows: (a) who is not less than eighteen years of age; (b) who is of good moral character and temperate habits; (c) who shall have had an education equivalent to the completion of the eighth grade in the public schools of this state; (d) who has been actually engaged in the practice of the occupations of a hairdresser and cosmetician for a period of one year prior to the date of application, or, (e) who has had training of at least one thousand hours, extending over a school term of six months, in a school of cosmetology approved by the board, or (f) who has served at least one year as a junior operator in a cosmetological establishment in which a majority of the occupations of a hairdresser and cosmetician are practiced; *provided, however*, that on and after the first day of October, 1928, no person shall be admitted to examination for a certificate of registration as a hairdresser and cosmetician (g) who has not been actually engaged in the practice of the occupations of a hairdresser and cosmetician for a period of two years, or, (h) who has not had training in a school of cosmetology as outlined in paragraph (e) of this section, or, (i) who has served less than two years as a junior operator in a cosmetological establishment in which a majority of the occupations of a hairdresser and cosmetician are practiced, the last year of which service shall have been in a cosmetological establishment registered under the provisions of this act. Preliminary qualifications of hairdresser and cosmetician applicants.

On and after the first day of October, 1927, applicants for admission to examination as an electrologist, who shall have made application to the board, in proper form, and paid the required fee, as provided in this act, and who are not less than eighteen years of age, and are of a good moral character and temperate habits, and who shall have had a minimum training of two hundred fifty hours under the immediate supervision of an approved electrologist in an approved school in which such practice is taught, or who shall have studied such practice for at least two hundred fifty hours, extending over a period of five consecutive months, under an electrologist licensed under this act, or a hairdresser and cosmetician, so Electrologist applicants

licensed, shall be admitted to examination for the practice of the occupation of electrologist.

Manicurist applicants.

On and after the first day of October, 1927, applicants for admission to examination as a manicurist, who shall have made application to the board, in proper form, and paid the required fee, as provided in this act, and who are not less than eighteen years of age, and are of good moral character and temperate habits, and who shall have had a practical training of one hundred fifty hours under the immediate supervision of an approved manicurist in an approved school in which such practice is taught, or who shall have studied manicuring for at least one hundred fifty hours, extending over a period of three consecutive months, under a manicurist licensed under this act, or a hairdresser and cosmetician, so licensed, shall be admitted to examination for the practice of the occupation of manicurist.

Permanent waving applicants.

On and after the first day of October, 1927, applicants for admission to examination in permanent waving, who shall have made application to the board, in proper form, and paid the required fee, as provided in this act, and who are not less than eighteen years of age, and are of good moral character and temperate habits, shall be admitted to examination for the practice of permanent waving.

Applications.

SEC. 7. Every application for admission to examination, and every application for registration as a hairdresser and cosmetician, or in any branch of cosmetology, shall be in writing, on blanks prepared and furnished by the board. Each application shall be accompanied by the required fee, and shall contain proof of the qualifications of the applicant for examination, or for registration, as provided herein, and shall be verified by the oath of the applicant.

Examinations.

SEC. 8. All examinations of applicants shall include both practical demonstrations and written or oral tests (except where otherwise provided in this act); shall not be confined to any special system or method; shall be consistent in both practical and technical requirements, and of sufficient thoroughness to satisfy the board as to the applicant's skill in, and knowledge of, the practice of the occupation or occupations for which a certificate of registration is sought.

Examinations for certificates of registration as hairdressers and cosmeticians shall include practical demonstrations in shampooing the hair, hairdressing, marcel waving, water waving, hair coloring, manicuring, facial massage, and scalp massage, with the hands; written or oral tests in antiseptics, sterilization, sanitation, and the use of mechanical apparatus and electricity as applicable to the practice of the occupations of a hairdresser and cosmetician, and may include such other demonstrations and tests as the board, in its discretion, may require.

Examinations for certificates of registration for the practice of permanent waving shall be by practical demonstration and written or oral tests.

The scope of examinations in any other branch of cosmetology shall be such as the board, in its discretion, may require.

SEC. 9. Every applicant who shall pass a satisfactory examination, conducted by the board to determine his or her fitness in the practice of the occupations of a hairdresser and cosmetician, shall receive from the board a certificate of registration as a hairdresser and cosmetician, which certificate shall entitle the holder thereof, without additional cost, to a license to engage in the practice of the occupations of a hairdresser and cosmetician up to and including the thirtieth day of September following the date of issue.

Certificates
of regis-
tration.

Every applicant for registration to engage in the practice of permanent waving, or as an electrologist, or manicurist, who shall pass a satisfactory examination, conducted by the board to determine his or her fitness in the practice of permanent waving, or electrolysis, or manicuring, shall receive from the board a certificate of registration and license to engage in the practice of permanent waving, or as an electrologist, or manicurist, as the case may be, in like manner and for a like period.

Every certificate of registration, and every license, issued by the board shall specify the occupation or occupations which said certificate and license entitle the holder thereof to practice.

SEC. 10. Every certificate of registration, and every license, issued by the board, shall be signed by the president, and attested by the secretary thereof, with the seal of the board attached; and every such certificate shall be prima facie evidence of the right of the holder thereof to a license as a registered hairdresser and cosmetician, electrologist, or manicurist, or to engage in the practice of permanent waving, as the case may be.

Signing of
certificates
and licenses.

SEC. 11. All residents of this state who, at the time of the approval of this act, are engaged in actual practice as operators, and, as such, are owners or managers of cosmetological establishments; and all residents of this state who, for six months prior to the first day of October, 1927, have been in the actual and continuous practice of all of the required occupations of a hairdresser and cosmetician, as outlined in section 8 hereof, in established places of business, shall, upon application to the board, as provided in this act, before the first day of October, 1927, and upon payment by each applicant of a fee of five dollars, be granted, without examination, certificates of registration and licenses to conduct cosmetological establishments, or to practice the occupations of a hairdresser and cosmetician, or one or more of the branches of cosmetology, as the case may be.

Licensing
of resident
practitioners.

All residents of this state, who at the time of the approval of this act, have had actual practice in permanent waving, for one year, in established places of business, and who, at the time of the approval of this act, are not retired from business, shall, upon application to the board, as provided in this act, before the first day of October, 1927, and upon

payment by each applicant of a fee of five dollars, be granted, without examination, certificates of registration, and licenses to practice the occupation of permanent waving.

All residents of this state who, at the time of the approval of this act, have had actual practice as electrologists, for one year, in established places of business, and who, at the time of the approval of this act, are not retired from business, shall, upon application to the board, as provided in this act, before the first day of October, 1927, and upon payment by each applicant of a fee of five dollars, be granted, without examination, certificates of registration and licenses to practice the occupation of an electrologist.

All residents of this state who, at the time of the approval of this act, have had actual practice as manicurists, for one year, in established places of business, and who, at the time of the approval of this act, are not retired from business, shall, upon application to the board, as provided in this act, before the first day of October, 1927, and, upon payment by each applicant of a fee of five dollars, be granted, without examination, certificates of registration and licenses to practice the occupation of a manicurist.

Credits to students.

Subject to the rules provided for in section 4 hereof respecting the study of cosmetology or any branch thereof, all persons who, prior to or at the time of the approval of this act, were studying any one or more of the occupations of a hairdresser and cosmetician, may, upon their examination, be granted such credits as the board may deem reasonable.

Nonresident practitioners.

SEC. 12. Upon application to the board in due form, as provided in section 7 hereof, accompanied by the required fee, a person registered as a hairdresser and cosmetician, or in any branch of cosmetology, under the laws of another state or territory of the United States, or the District of Columbia, shall, without examination (unless the board, in its discretion, sees fit to require examination), be granted a certificate of registration and license to practice the occupation or occupations in which such person was so previously registered, upon the following conditions: That the applicant is not less than eighteen years of age, of good moral character and temperate habits, and that the requirements for registration or licensing of hairdressers and cosmeticians, and those engaged in the practice of any branch of cosmetology, in the particular state, territory, or in the District of Columbia, were, at the date of such previous registration or licensing, substantially equal to the requirements therefor then in force in this state.

Use of X-ray, phenol and mercury.

SEC. 12a. Nothing in this act shall permit the use of any X-ray machine in the treating of the scalp or in the removal of superfluous hair or permit the local application of carbolic acid (phenol) in a solution or mixture of more than ten per cent or corrosive sublimate (mercury) or its preparation or derivatives or compounds in a stronger solution or preparation than one to five hundred. Violations of the provisions of this

section shall constitute a misdemeanor, punishable as provided in section 3 hereof.

SEC. 13. Each applicant for examination for determining Fees. his or her fitness to receive a certificate of registration as a hairdresser and cosmetician, shall pay to the board a fee of fifteen dollars, and for each reexamination (other than a second examination, for which no fee shall be required), a fee of ten dollars.

The fee for examination in permanent waving shall be ten dollars, and for each reexamination (other than a second examination, for which no fee shall be required), a fee of seven dollars and a half.

The fee for examination as an electrologist shall be ten dollars, and for each reexamination (other than a second examination, for which no fee shall be required), a fee of seven dollars and a half.

The fee for examination as a manicurist shall be five dollars, and for each reexamination (other than a second examination, for which no fee shall be required), a fee of three dollars.

Each applicant referred to in this section shall, in addition to the fees herein specified, pay to the board the reasonable value of all supplies necessary to be used in the examination or examinations herein provided for, and shall also, upon such examination or examinations, furnish their own models.

SEC. 14. Every licensed hairdresser and cosmetician, every Renewal of licenses. licensed electrologist, every licensed manicurist, and every person licensed to practice in permanent waving, who continues in actual practice, shall, annually, on the first day of October, have his or her license renewed by the board, upon payment of the required renewal fee. Applications for renewal of licenses may be made to the board at any time during the month of September.

The annual renewal fee for each license shall be two dollars; and every license which has not been renewed on the first day of October in each year shall expire on said last mentioned date.

A registered hairdresser and cosmetician, electrologist, manicurist, or permanent waver, whose license has expired, may have the same renewed, only, upon payment of the renewal fee provided for in this section. Any registered hairdresser and cosmetician, electrologist, manicurist, or permanent waver, who retires from practice for more than one year, may have his or her license restored, only, upon payment of all lapsed renewal fees; *provided, however*, that no hairdresser and cosmetician, electrologist, manicurist, or permanent waver, who has retired from practice for more than three years, may have his or her license restored, without examination, unless the board, in its discretion, sees fit to dispense with such examination.

SEC. 15. The board may, in its discretion, issue a temporary Temporary certificates. certificate of registration, upon evidence that the applicant

therefor has the necessary qualifications to engage in the practice of the occupation or occupations for which a temporary certificate is sought, such certificate shall remain in force until the next regular meeting of the board immediately thereafter, at which examinations are held, and no longer. Two such temporary certificates may not be issued to the same person. Upon each temporary certificate shall appear the date of expiration, and after said date said certificate shall be void.

Exemptions.

SEC. 16. Nothing in this act shall be construed to prohibit service contemplated by this act in cases of emergency or domestic administration, without compensation; and the following persons shall be exempt from the provisions hereof, namely: (a) All persons authorized by the laws of this state to practice medicine, surgery, dentistry, osteopathy, chiropractic, naturopathy or chiropody; (b) commissioned surgical and medical officers of the United States army, navy, or marine hospital service when engaged in the actual performance of their official duties, and attendants attached to same; (c) barbers, in so far as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices, namely: Arranging, dressing, curling and waving, cleansing, cutting, or singeing, the hair of any person; or in massaging, cleansing, stimulating, exercising, or similar work, the scalp, face, or neck, of any person, with the hands, or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

Registration and licensing of shops and schools.

SEC. 17. Before the first day of October, 1927, and annually thereafter during the month of September, every person, firm or corporation conducting or operating a cosmetological establishment, at the time of the approval of this act, in compliance with the provisions thereof, in which any one, or any combination, of the occupations of a hairdresser and cosmetician are practiced; and every person, firm, or corporation conducting or operating a school of cosmetology, at the time of the approval of this act, in compliance with the provisions thereof, in which any one, or any combination, of the occupations of a hairdresser and cosmetician are taught, shall apply to the board for registration and license, through the owner, manager, or person in charge, in writing, upon blanks prepared and furnished by the board. Each application shall contain proof of the particular requisites for registration provided for in this act and shall be verified by the oath of the maker.

Upon receipt by the board of the application accompanied by the required fee, the board shall issue to the person, firm or corporation so applying, the required certificate of registration and license.

The annual registration fee for a school of cosmetology shall be one hundred twenty-five dollars;

The annual registration fee for a cosmetological establishment shall be one dollar.

SEC. 18. Cosmetological establishments, other than those referred to in section 17 hereof, may be operated as follows: Any person, firm or corporation desiring to operate a cosmetological establishment shall make application to the board for a certificate of registration and license so to do, said application to be accompanied by the annual registration fee of one dollar. Said cosmetological establishment shall, at all times, be in charge of and under the immediate supervision of a licensed hairdresser and cosmetician.

Application
for shop
and school
certificates
and licenses.

Schools of cosmetology, other than those referred to in section 17 hereof, may be conducted as follows: Any person, firm or corporation desiring to conduct a school of cosmetology, shall make application to the board for a certificate of registration and license so to do, said application to be accompanied by the annual registration fee of one hundred twenty-five dollars. Said school shall, at all times, be in charge of and under the immediate supervision of a licensed hairdresser and cosmetician who has had at least three years practical experience in the practice of a majority of the branches of cosmetology in an established place of business, and shall fulfill the following requirements; (a) it shall maintain a school term of not less than one thousand hours, extending over a period of six consecutive months, and shall maintain a course of practical training and technical instruction equal to the requirements for examination for a certificate of registration as a hairdresser and cosmetician, as set forth in section 8 hereof; (b) it shall possess apparatus and equipment sufficient for the ready and full teaching of all the subjects of its curriculum; (c) it shall attach to its staff of instructors a regularly licensed physician, and shall maintain registered hairdressers and cosmeticians, and other instructors, competent to impart instruction in all subjects of its curriculum; (d) it shall keep a daily record of the attendance of each student, and a record devoted to the different practices, and shall establish grades, and hold examinations before issuing diplomas.

Every cosmetological establishment exacting a fee for the teaching of any branch of cosmetology (the teaching of junior operators in any branch or branches of cosmetology being excepted), shall be classed as a school of cosmetology within the meaning of this section and shall be required to comply with all of its provisions.

SEC. 19. Every holder of a license issued by the board to operate a school of cosmetology, or cosmetological establishment, or to practice the occupations of a hairdresser and cosmetician, or any branch of cosmetology, shall display said license in a conspicuous place in the principal office, place of business, or place of employment of said holder.

Display
of licenses.

Every registered hairdresser and cosmetician, or electrologist, or manicurist, or permanent waver, shall, within thirty days after changing his or her place of business, as designated on the books of the board, notify the secretary thereof of his or

Change of
place of
business.

her new place of business, and, upon receipt of said notification, the secretary shall make the necessary change in the register.

Use of
residences
and sleeping
places.

SEC. 20. No owner, manager, or person in charge of a cosmetological establishment, or school of cosmetology, shall permit any person to sleep in, or use for residential purposes, any room used, wholly or in part, as a cosmetological establishment, or school of cosmetology; nor shall any person, firm or corporation maintain, as an established place of business for the practice of any one or more of the occupations of a hairdresser and cosmetician, any room used, wholly or in part, for sleeping or residential purposes. Violations of the provisions of this section shall constitute a misdemeanor, punishable as provided in section 3 hereof.

Grounds
for refusal,
revocation
or suspension
of license.

SEC. 21. The board shall not issue, or having issued, shall not renew, or may revoke, or suspend at any time any license as required by the provisions of section 3 hereof in any one of the following cases: (a) Failure of a person, firm or corporation operating a cosmetological establishment to comply with the requirements of this act; (b) failure to comply with the sanitary rules, adopted by the board and approved by the state board of health, for the regulation of cosmetological establishments, schools of cosmetology, or the practice of the occupations of a hairdresser and cosmetician; (c) obtaining practice in cosmetology, or any branch thereof, or money, or any other thing of value, by fraudulent misrepresentation; (d) gross malpractice; (e) continued practice by a person knowingly having an infectious or contagious disease; (f) habitual drunkenness, or habitual addiction to the use of morphine or any habit-forming drug; (g) advertisement by means of knowingly false or deceptive statements; (h) permitting a certificate of registration or license to be used where the holder thereof is not personally, actively and continuously engaged in business; (i) failure to display the license, as provided in section 19 of this act; (j) or for any other unfair or unjust practice, method or dealing which in the judgment of the board may justify such action; *provided, however*, that the said board shall not refuse to issue or renew any license as required by the provisions of section 3 hereof, or revoke or suspend any such license already issued, except upon twenty days' notice in writing to the interested parties, which notice shall contain a brief statement of the reasons for the contemplated action of the board and designate a proper time and place for the hearing of all interested parties before any final action is taken as hereinabove provided; *provided, however*, that due notice within the provisions of this section shall be deemed to have been given when the board shall have placed in a United States post office a copy of the notice as hereinabove provided, addressed to the designated or last known residence of the person applying for such license or to whom such license has already been issued; *provided, further*, that any such person, firm, or corporation whose license to do business as herein provided is revoked or suspended, or who is refused

a license, or any renewal of a license already issued, or any such practitioner whose license is revoked or suspended or who is refused a license, or a renewal of a license already issued may commence an action in a court of competent jurisdiction against the state board of cosmetology for the purpose of cancelling or obtaining other relief from the act of the said board. All the provisions of the Code of Civil Procedure relating to pleadings, proofs, trials and appeals shall be applicable to such action.

SEC. 22. Any investigation, inquiry, hearing, or proceeding, which the board is empowered to hold or undertake, may be held or undertaken by or before one or more members of the board, and the finding or order of such member or members shall be deemed to be the finding or order of the board when approved or confirmed by it; *provided, however*, that no such investigation, inquiry, hearing, or proceeding, shall be held or undertaken by one member, only, of the board, or by members of the board less than the entire number thereof, without the previous authorization of the board, in writing, so to do.

SEC. 23. All fees collected on behalf of the board of cosmetology, and all receipts of every kind and nature, shall be reported at the beginning of each month, for the month preceding, to the state controller, and at the same time the entire amount of such collections shall be paid into the state treasury, and shall be credited to a fund to be known as the board of cosmetology's contingent fund, which fund is hereby created. Such contingent fund shall be for the uses of the board of cosmetology and out of it shall be paid all salaries and all other expenses necessarily incurred in carrying into effect the provisions of this act. An amount not to exceed three thousand dollars may be drawn from the contingent fund herein created, to be used as a revolving fund where cash advances are necessary; but expenditures from such revolving fund must be substantiated by vouchers and itemized statements at the end of each fiscal year, or at any other time when demand therefor is made by the board of control.

If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 843.

An act authorizing the surveyor general of the State of California to lease certain tidelands in the county of San Diego.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

Lease of
tidelands in
San Diego
county.

SECTION 1. The surveyor general of the State of California is hereby authorized to lease to any person, firm, association or corporation on behalf of the people of the State of California for the construction, use and maintenance of a pier at the foot or westerly end of Garnet avenue, Pacific Beach, San Diego county, a certain parcel of land six hundred feet in width and extending eight hundred feet into the Pacific ocean from the mean high tide line in the westerly end of said Garnet avenue, at an annual rental to be fixed by the said surveyor general.

SEC. 2. The surveyor general of the State of California is hereby authorized to lease to any person, firm, association or corporation on behalf of the people of the State of California a strip of land one hundred fifty feet wide for the construction, use and maintenance of a channel across those certain tide lands in the State of California described as follows: Beginning at the most southwesterly corner of the La Jolla Shores unit number one, according to the map thereof number 1913 filed in the offices of the county recorder of San Diego county, State of California, on June 3, 1926, thence southerly along the approximate mean high tide line of the Pacific ocean one hundred fifty feet, thence west to the low tide line of said ocean, thence northerly along said low tide line one hundred fifty feet to a point, thence easterly to said place of beginning, at an annual rental to be fixed by the surveyor general.

CHAPTER 847.

An act to promote the apicultural interests of California by providing for the inspection and disposition of bees, their brood, hives and appliances that are or may be infected with disease, vesting the enforcement hereof in the state director of agriculture and the county horticultural commissioners, and defining their powers and duties hereunder, providing for the establishment of quarantines to prevent the introduction and spread of disease, declaring box hives and infected bees, their brood, hives and appliances to be a public nuisance and providing for the abatement thereof, providing for the registration of apiaries, prohibiting the sale or removal of infected bees, their brood, hives and appliances without permit, providing penalties for the violation hereof, and repealing an act entitled "An

act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the act entitled 'An act to authorize the boards of supervisors of the several counties of this state to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," approved February 20, 1901, as amended.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known as the California apiary Short title.
inspection act.

SEC. 2. The following terms used in this act shall be construed as follows: Words defined.

Apiary shall be construed to mean any place where one or more colonies or nuclei of bees are kept.

Hive shall be construed to mean any receptacle or container made or prepared for the use of bees.

Appliance shall be construed to mean any implement or other device used in the manipulating of bees, or their brood, or containers thereof, which may be used in any apiary.

Disease shall be construed to mean American foul brood or anything affecting bees or their brood, which may cause an epidemic.

Inspector shall be construed to mean any person authorized to enforce the provisions of this act, as herein provided.

SEC. 3. The state director of agriculture is hereby empowered to enforce all provisions of this act and to make, promulgate and enforce such rules and regulations as may be necessary to enforce the provisions of this act. The state director of agriculture shall have supervision over all enforcing officers. The neglect or refusal of any officer to carry out the orders and directions of the state director of agriculture in the enforcement of this act shall be deemed neglect of duty. The state director of agriculture is hereby authorized to appoint a state bee inspector and such deputies as may be necessary, who shall be qualified to perform the duties of inspectors under this act. Enforcement of act.

The county horticultural commissioner of each county of the state is hereby made ex officio state bee inspector, and may appoint, subject to the approval of the board of supervisors of such county, one or more county horticultural inspectors who shall be county inspectors of apiaries within the meaning of this act.

SEC. 4. The state director of agriculture is hereby authorized with the approval of the governor to establish, maintain and enforce such quarantine regulations as may be deemed necessary to protect the bee industry against contagion or Quarantine regulations.

infection by any bee disease by establishing such quarantine at the boundaries of the state or elsewhere within the state. He may make and enforce any and all such rules or regulations as may be necessary to prevent any bees, or their brood, used hives or appliances from passing over any quarantine line established and proclaimed pursuant to this act. All approvals by the governor given or made pursuant to this act shall be in writing and signed by the governor in duplicate, and one copy thereof shall be filed in the office of the secretary of state and the other in the office of the director of agriculture before such approval shall take effect.

The state director of agriculture is hereby empowered to establish such temporary quarantine lines, for a period of fifteen (15) days, as may be deemed necessary in the opinion of the state bee inspector, to meet emergencies that may arise.

Movement
of bees.

SEC. 5. It shall be unlawful to import into the State of California any bees or used appliances not accompanied by a certificate from a duly authorized inspector of apiaries or bee inspector, certifying that such bees or used appliances are free from disease as defined in this act, excepting used package bee cages returning empty.

Any food prepared containing honey for combless package bees and queens shall be certified to as having been boiled not less than twenty minutes, certificate to accompany shipment.

Any person or persons who shall move bees from one county to another county within the state, or from one location within a county to another location within such county, shall first obtain from the county inspector of apiaries a certificate certifying that such bees are free from disease, and such inspector shall immediately mail a copy to the inspector of the county at destination, giving origin and destination of said bees, except where origin and destination are registered seasonal locations, only notice to inspector shall be required.

Duties of
county
inspector.

SEC. 6. The duties of a county inspector of apiaries shall be to cause an inspection to be made when he deems it necessary of any or every apiary within his jurisdiction, and if disease exists therein he shall so notify the owner or owners, person or persons in charge or in possession of said apiaries. Said notice may be served upon the person or persons or either of them having possession or owning such diseased apiaries by any inspector or by any person deputized by any inspector for that purpose, or by mail to last known address. All notices given by mail must be sent by registered letter. When the owners of any apiaries are not known, notice shall be posted at the apiaries in a conspicuous manner.

The inspector shall require such person or persons to eradicate such disease within a certain time to be specified in said notice.

Abatement
of nuisances.

Any and all such diseased apiaries are hereby declared a public nuisance, and whenever any such nuisance shall exist within his jurisdiction upon any property, the owner or owners of which can not be found after diligent search within the

county by the inspector; or upon the property of any owner or owners upon whom notice has been served as hereinbefore provided, and who shall refuse or neglect to abate the same within the time specified in such notice, it shall be the duty of the inspector to abate the same either by eradicating the disease or by destroying diseased hives together with the combs and bees therein.

Upon inspection of any apiary, if European foul brood is found to exist to a serious extent in the opinion of the inspector, no certificate shall be issued for moving said bees; in lieu thereof a permit may be given to move such bees under the said inspector's supervision. Foul brood.

SEC. 7. It shall be unlawful for any person owning or controlling bees within the state, which are known to be diseased, to move said bees, except upon written permission of the inspector for the purpose of eradication of said disease, to move said bees to a place known to the inspector to be safe. The inspector is hereby authorized in a summary manner to destroy or to treat any and all infected bees so moved within the state without such permit. Movement of diseased bees.

SEC. 8. The inspector shall order the owner or owners or other persons in charge of bees kept in box or other immovable or stationary-comb hives to transfer such bees to movable frame hives within a reasonable time to be specified in such order or notice, and in default of such transfer by the owner or owners or other persons in charge of such bees, the inspector shall destroy or cause to be destroyed all such hives together with their contents. Transfer to movable frame hives.

SEC. 9. Every person within the State of California who shall be the owner or in possession of an apiary shall register with the county horticultural commissioner, giving the number of colonies and the location thereof and naming the owner thereof, within sixty days (60) after this act shall become effective, and on or before the first day of March of each year thereafter. Registration of apiaries.

SEC. 10. It shall be unlawful to sell or offer for sale within the State of California or to transport or otherwise move any bees, or their brood, or hives or appliances infected with disease within the State of California except under written permission of a duly authorized bee inspector for the purpose of eradicating such disease. Sale of diseased bees.

SEC. 11. Any person who shall violate any of the provisions of this act or of any rule or regulation issued hereunder, or who shall conceal the fact that any disease exists among his bees or who shall expose to bees any infected bee products or hives or appliances or who shall fail to comply with any notice issued under the provisions of this act is guilty of a misdemeanor. Penalty.

SEC. 12. An act entitled "An act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the act entitled Stats. 1901, p. 13, and 1903, p. 7, repealed.

'An act to authorize the boards of supervisors of the several counties of this state to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," approved February 20, 1901, as amended, is hereby repealed.

CHAPTER 848.

An act to provide a stenographer and typist for judges of the superior courts, and providing for their salaries and the payment thereof.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

Counties of
15th class:
stenographer
for judges.

SECTION 1. In counties of the fifteenth class having more than one judge there shall be appointed by the judges of the superior court one competent stenographer and typist of skill in such work, whose duties shall be to render such service as such judges may require each day. The salary of such stenographer shall be fifty dollars per month; *provided*, this employment shall not prevent such stenographer from doing transcribing work for the court reporters of such court, but when doing work or rendering service for such reporters such court reporters shall pay such stenographer such sum as they may agree upon for the work done.

Payment
of salary.

SEC. 2. The salary of such stenographer shall be paid by the county in monthly installments and at the same time and in the same manner and out of the same fund as the salaries of the county officers are paid.

CHAPTER 849.

An act to amend sections five, six and thirty-seven of an act entitled "An act to provide for the organization and government of conservancy districts for certain specified purposes; to provide for the issuance, sale and hypothecation of district bonds to pay the costs and expenses incurred in relation thereto, and to provide for the retirement of such bonds; to provide for the levying and collection of taxes to pay the annual installment of principal and interest on said bonds; to provide for levying and collecting special assessments for special benefits and to issue improvement warrants to represent such special assessments for special benefits; to provide for the effect and enforcement of such improvement warrants and the application of moneys derived from the enforcement thereof;

and to provide a method of dissolving such districts," approved May 16, 1919, as amended.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 5 of an act entitled, "An act to provide for the organization and government of conservancy districts for certain specified purposes; to provide for the issuance, sale and hypothecation of district bonds to pay the costs and expenses incurred in relation thereto, and to provide for the retirement of such bonds; to provide for the levying and collection of taxes to pay the annual installment of principal and interest on said bonds; to provide for levying and collecting special assessments for special benefits and to issue improvement warrants to represent such special assessments for special benefits; to provide for the effect and enforcement of such improvement warrants and the application of moneys derived from the enforcement thereof; and to provide a method of dissolving such districts," approved May 16, 1919, as amended, is hereby amended to read as follows:

Stats. 1919,
p. 562,
amended

Sec. 5. Immediately after the filing of such petition, the clerk of the board of supervisors with whom such petition is filed shall cause notice by publication to be made of the pendency of the petition and of the time and place of the hearing thereon and of the hearing of objections to the formation of such district.

Notice of
hearing.

The board of supervisors of the county in which the petition was filed, shall thereafter, for all purposes of this act, except as hereinafter otherwise provided, maintain and have original and exclusive jurisdiction coextensive with the boundaries and limits of said district and of lands and other property proposed to be affected by said district; *provided*, that where said district lies in more than one county the board of supervisors of the county where the petition is filed shall forthwith notify the board or boards of supervisors of other counties in which said district is situated by directing a letter and transmitting the same by mail to the clerk or clerks of said board or boards notifying said board or boards of that fact and setting a day for a joint meeting with said board or boards, whereupon said boards shall meet jointly for the purpose of hearing said petition and objections thereto, if any, and for the transaction of business, in the chambers of the board with whom the said petition was filed; *provided*, that said meetings from time to time may be continued, by mutual agreement, whereupon said boards shall sit conjointly thereafter for all purposes of this act, except as hereinafter otherwise provided, and maintain and have original and exclusive jurisdiction coextensive with the boundaries and limits of the district and of lands and other property proposed to be included in said district or affected by said district without

Jurisdiction
of
supervisors.

Joint meet-
ing where
district lies
in more than
one county.

regard to the usual limits of their jurisdiction. A majority of the members of the joint board shall constitute a quorum; *provided*, that in the event that the board of supervisors of any county in which a portion of the district lies, after having been given due notice, as herein provided, of the hearing for the formation of such district, who shall after having been given said notice fail to appear and participate, as a member, or members of said joint board, shall be considered to have waived all right to participate in the deliberations of said board, and a majority of the supervisors representing the other county or counties in which said district lies, shall thereby automatically constitute the joint board of supervisors and shall have all jurisdiction and powers provided for said joint board of supervisors under this act.

Officers of
joint board.

The clerk of the board of supervisors with whom the petition is filed, and all officers of the board with whom the petition is filed, shall be clerk and officers of the board sitting conjointly as herein specified. The act of the clerk of said board of supervisors transmitting said letter of notification shall be deemed the act of said board of supervisors so notifying.

Hearing of
objections to
petition.

At the day set for said hearing all objections to said petition shall be heard by said board or joint board. Said board or joint board shall have and it is hereby given full discretion to approve or deny said petition by a majority vote of its members present. Its decision in the matter shall be final and conclusive except as to the matters hereinafter stated. Objections to said petition need not be in writing, but the determination of said board shall be in writing and entered upon the minutes of said board.

Lands
included in
district.

Said board shall at said hearing, if it approve said petition, determine what land or lands within said proposed district will be benefited by said proposed improvements, and said board may in its discretion change or alter the boundaries of said proposed district to conform to the needs of the district; *provided*, that they shall include therein only such land as will in their judgment be benefited by the proposed work or improvement; *and provided*, that they shall not include therein land not included within the proposed boundaries of the district set forth in the petition; *and provided*, that said board shall at said hearing or adjourned hearing define the boundaries of the proposed district; *and provided*, no land shall be included within said boundaries until after the board of supervisors of the county in which it is located shall have adopted a resolution approving the inclusion thereof. The findings of such board shall be conclusive upon the genuineness and sufficiency of the signatures to the petition and of the notice of the hearing.

Stats. 1919,
p. 564,
amended.
Organization
election.

SEC. 2. Section 6 of said act approved May 16, 1919, as amended, is hereby amended to read as follows:

SEC. 6. Said board or joint board of supervisors, unless said petition be denied, must, if said lands of said district lie

wholly within the county, within ten days after the determination of a hearing upon said petition, otherwise within thirty days after the termination of a hearing upon said petition, call an election with the proposed district for the determination of the question, whether such proposed district shall or shall not be organized and also to elect five persons who shall act as directors of the district for a term of four years in case such district be organized, and shall divide said district into convenient precincts and fix a polling place in each, and shall appoint three qualified electors in each precinct of said district to conduct said election; which election must be held within forty days from the date of said order.

Notice of said election shall be given by posting notice thereof in three public places in each portion of said proposed district located in a separate county, and by publication in a daily or weekly newspaper in each county in which any portion of said district is located. Said publication shall be at least once a week for not less than fifteen days before the day of said election, and said notices shall be posted at least fifteen days before the day of said election. Said notices must specify the time, place or places and purposes of said election, give the boundaries of the said proposed conservancy district as determined at the hearing of the petition, designate the respective election precincts and the polling place in each and the election officers and the hours during which the polls will be kept open; *provided*, that the polls must be opened not later than eight o'clock a.m., and kept open until seven o'clock p. m. Notice of election.

It shall be the duty of the board of supervisors to order placed upon the ballot the names of candidates for the position of director of the district who shall have been endorsed by a petition to said board of supervisors containing the names of ten or more electors of the district, petitioning that the names of candidates designated in the petition be placed upon the ballot to be voted on at such election; *provided, however*, that such petitions be filed with the board of supervisors calling said election within fifteen days after the date of the order calling the election. Candidates.

Said election shall be conducted in accordance with the general election laws of this state so far as applicable, and except as herein otherwise provided, without reference to the form of the ballot or manner of voting, except that no sample ballots need be mailed to electors; the ballots shall contain the words "for the formation of a conservancy district," and "against the formation of a conservancy district," and the voter shall write or print or stamp a cross after the words that indicate his choice, and that said ballots shall also contain the names of all candidates for the position of director of the district, with instructions to the voter to vote for five of the candidates for said position whose names appear upon such ballot. Each registered elector residing in said proposed Conduct of election.

district who would be qualified to vote at a general election shall be entitled to vote at said election.

Canvass
of votes.

It shall be the duty of the election officers to publicly canvass the votes immediately after the close of the election, and to make a report of the result of said election to the board of supervisors within five days subsequent to the holding thereof, who shall as soon as practicable proceed to canvass said returns.

Favorable
majority

If a majority of the votes cast at said election shall be in favor of a conservancy district, the said board of supervisors shall, by resolution, establish said conservancy district and proceed as herein otherwise stated.

Unfavorable
majority.

If a majority of the votes cast shall be against the conservancy district, the board of supervisors shall by order so declare, and shall thereafter dismiss said proceedings by order and proceed to adjudge the cost against the signers of the petition or their bondsmen; no other proceedings shall be taken for the formation of a similar district until the expiration of one year from said election.

Directors
elected.

If the majority of votes cast at such election shall be in favor of a conservancy district, the board of supervisors shall canvass the returns of said election for the position of directors for the district and having determined upon the five candidates duly elected as directors shall by resolution declare them to be so duly elected and declare them to be the directors of the district for the ensuing term of four years and certificates of election shall be issued to them.

Record of
petition and
orders.

The fact of the presentation of the petition and the order establishing the conservancy district and the order declaring the five directors elected, shall be entered in the minutes of the board of supervisors of the main county, and shall be conclusive evidence of the due presentation of a proper petition, and that each of the petitioners was at the time of the signing the same and presentation of the petition an assessed freeholder in the proposed district, and of the fact and regularity of all prior proceedings of every kind and nature provided for by this act, and of the existence and validity of the district. Should the office of any of said directors elected become vacant before his term of office expires, the same shall be filled by the board of directors for the unexpired term. On the expiration of the terms of said directors elected as herein specified, the supervisors shall again call an election in accordance with the provisions of this section to fill the offices so becoming vacant.

Vacancies.

Corporate
name and
powers.

In said resolution establishing the district the board shall give said district a corporate name, which may or may not be the name designated in said petition, by which in all proceedings it shall thereafter be known, and thereupon the district shall be a political subdivision of the State of California, a body corporate with all the powers of a corporation, and shall have power:

1. To have perpetual succession and existence.

2. To sue and to be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To take by grant, purchase, gift, devise or lease, to hold, use, enjoy, and to lease or dispose of real or personal property of every kind within or without such district necessary to the full exercise of its powers.

After an order is entered by the board of supervisors establishing the district, such order shall be deemed final and binding upon the property within the district and shall finally and conclusively establish the regular organization of the said district against all persons except the State of California upon suit commenced by the attorney general. Any such suit must be commenced within three months after said decree declaring such district organized as herein provided and not otherwise.

Regularity of organization.

Upon the election and qualification of a board of directors as herein provided said board of directors shall designate the place where the office or principal place of business of the district shall be located, which shall be within the corporate limits of the district if practicable, and which may be changed by order of said board of directors from time to time. The regular meetings of the board of directors shall be held at such office or place of business, but for cause entered of record may be adjourned to any other convenient place. The official records and files of the district shall be kept at the office so established.

Office and meetings.

SEC. 3. Section 37 of said act is hereby amended to read as follows:

Stats 1919, p. 582, amended.

Sec. 37. At any time after the adoption of the original official plan the board of directors may by majority vote of said board adopt and enter on their minutes a resolution estimating the amount of money needed to complete the works according to said official plan and authorizing and directing a petition to be filed with the board of supervisors of the county in which the original petition for the organization of the district was filed, requesting that a special election be called to submit to the electors of the district qualified under this act the question of incurring an indebtedness in the amount specified in said resolution. Said petition shall set forth the amount of bonds to be issued, the rate of interest to be paid, which shall not exceed six per cent per annum and in general terms the objects and purposes for which the indebtedness is to be incurred. After the filing of said petition the board of supervisors shall without delay call a special election and submit to the electors of said district, qualified under the provisions of this act, the proposition of incurring a bonded debt in the amount estimated by the board for the construction of the works in accordance with said official plan.

Petition for special bond election.

If the amount of money provided in the original bond issue is not sufficient to complete the work according to the official plan nothing herein contained shall prohibit the board of directors from filing petitions for additional issues of bonds in

Additional bond issues.

the same form and manner hereinabove set forth for the original issue of bonds. The plan and procedure for the original issue of bonds shall be followed for all subsequent issues of bonds.

Call for election.

Said board of supervisors shall call such special election by ordinance, and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; *provided*, that it shall be sufficient to give a brief general description of such objects and purposes, and refer to the official plan on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and what part of such indebtedness shall be paid each and every year, and which shall be not less than one fortieth of the whole amount of such indebtedness, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, the manner of holding the same and the manner of voting for or against incurring such indebtedness. The rate of interest to be paid on such indebtedness shall not exceed six per centum per annum.

Conduct of election.

For the purposes of said election, said board of supervisors shall in said ordinance establish election precincts within the boundaries of the said district, and may form election precincts by consolidating the precincts established for general election purposes in said district to a number not exceeding six for each such bond election precinct, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such ordinance, such election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board of supervisors shall cause so much of said official plan as covers a general description of the work to be done, and the map showing the location of the proposed work and improvements, to be printed at least thirty days before the date fixed for such election, and a copy thereof furnished to every elector of said district qualified under the provisions of this act who shall apply for the same.

Said ordinance calling such election shall, prior to the date set for such election, be published ten times in a daily, or four times in a weekly, newspaper of general circulation, printed and published in said district, and designated by said board of supervisors for said purpose. No other notice of such election need be given.

Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds.

Bond issue.

If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, then bonds of said district for the amount stated in such proceedings shall be issued and sold as in this act provided. All bonds issued under this act shall mature serially in equal annual

amounts of not less than one-fortieth part of the aggregate principal in each year, and their principal and interest shall be made payable at the county treasurer's office of the main county; in United States gold coin. The board of supervisors by an order entered upon its minutes shall prescribe the form of said bonds, and of the interest coupons attached thereto, the denominations of the bonds, which shall be not less than one hundred dollars nor more than one thousand dollars; the dates of payment of principal and interest, and the serial numbering of the bonds and coupons. Said bonds shall be signed on behalf of the district by the chairman of the board of supervisors of the main county and by the auditor of said county, and the coupons shall be signed by the engraved or lithographed facsimile signature of such auditor; and when so signed said bonds and coupons shall be delivered for safe keeping to the county treasurer of said main county, who shall deliver them to the purchaser or purchasers thereof on receipt of the purchase price. If any officer signing shall cease to be such officer before the delivery of the bonds to the purchaser, such signature shall nevertheless be valid and effectual. Said bonds shall be sold in the manner prescribed by the board of supervisors, but for not less than par, and the proceeds of sale thereof, shall be deposited in the county treasury to the credit of the district, in the following funds: the par value of such bonds shall be deposited in the construction fund of the district; any premium or accrued interest received at such sale shall be deposited in the bond fund of the district. Payments from said construction fund shall be made by the county treasurer upon warrants of the county auditor which shall be drawn upon demands signed by the president and secretary of the district and approved by resolution of the board of directors, each of which demands shall recite that it is drawn in payment of work to be done under said official plan, or for expense incidental thereto. Bonds issued under this act shall constitute a continuing lien upon all property within the district. The board of supervisors shall levy a tax each year upon the taxable property in such district, sufficient (when added to the district bond fund in the county treasury available therefor) to pay the annual interest on said bonds, and also such part of the principal thereof necessary to be collected as will become due before the collection of the next general tax levy. Such tax shall be levied and collected on such property in each county containing any part of the district at the time and in the same manner as the general tax levy for county purposes, and when collected shall be paid by the treasurer of each county into the county treasury of the main county to the credit of the district bond fund, to be used for the payment of the principal and interest of said bonds and for no other purpose. The treasurer shall pay therefrom the principal and interest of said district bonds in the manner provided by law for payment of county bonds.

Sale of
bonds and
disposition
and use of
receipts.

Tax to pay
principal and
interest.

Collection
of tax.

The provisions of the Political Code prescribing the manner and effect of levying, equalizing and collecting taxes, the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers in respect thereto, so far as they do not conflict with the specific provisions of this act, are hereby adopted and made applicable to the levy and collection of said taxes for the payment of bonds. Such officers shall be liable on their official bonds for the faithful discharge of the duties imposed on them by this act.

Sale of part
of issue.

If at any time the bonds are ready to be issued, the board shall be of the opinion that such bonds can not advantageously be issued and sold in whole, the board may sell parts only of the entire issue or may pledge all or part of said issue as collateral to a loan, but no partial sale or pledge shall be made without the order of the board made and entered of record, and no pledge shall be made at a greater margin than at the rate of one hundred dollars of bond principal for ninety dollars of loan.

Loans from
U. S.

The district may secure the payment of loans from the United States government in the same manner as it may secure the payment of bonds, and the board of directors may make any necessary regulations to provide for such payments.

Validity
of issue

This act shall, without reference to any other act of the Legislature of California, be full authority for the issuance and sale of the bonds in this act authorized, which bonds shall have all the qualities of negotiable paper under the law merchant, and when executed and sealed and certified to by the state treasurer in conformity with the provisions of this act, and when sold in the manner prescribed herein and the consideration therefor received by the district, shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof, and shall be incontestable in the hands of bona fide purchasers or holders thereof for value. No proceedings in respect to the issuance of any such bonds shall be necessary except such as are required by this act.

Registration
of bonds.

Whenever the owner of any coupon bond issued pursuant to the provisions of this act shall present such bond to the treasurer of the district with a request for the conversion of such bond into a registered bond, the said treasurer shall cut off and cancel the coupons of any such coupon bond so presented and shall stamp, print or write upon such coupon bond so presented, either upon the back or the face thereof, as may be convenient, a statement to the effect that the said bond is registered in the name of the owner and that thereafter the interest and principal of said bond are payable to the registered owner. Thereafter and from time to time, such bond may be transferred by such registered owner in person or by attorney duly authorized on presentation of such bond to the treasurer of the district and the bond again registered as before, a similar statement being stamped, printed or written thereon. Such statement stamped, printed

or written upon any such bond may be substantially in the following form:

(Date, giving month, year and day.)

This bond is registered pursuant to the statutes in such case made and provided, in the name of (here insert name of owner), and the interest and principal thereof are hereafter payable to such owner.

Treasurer ----- conservancy district.

If any bond shall be registered as aforesaid, the principal and interest of such bond shall be payable to the registered owner. The treasurer of the district shall enter in a register of said bonds to be kept by him or in a separate book, the fact of the registration of such bond and the name of the registered owner thereof, so that said registry or book shall at all times show what bonds are registered and the name of the registered owner thereof.

CHAPTER 850.

An act to add a new section to an act known as the "general dairy law of California," approved June 15, 1923, as amended, to be numbered section sixteen and one-half, relating to the licensing of dairy produce exchanges trading in butter, cheese or eggs.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

SECTION 1. A new section to be numbered 16½ is hereby added to an act known as the "general dairy law of California" approved June 15, 1923, as amended, to read as follows:

Stats 1023,
p 866,
amended.

Sec. 16½. (a) For the purposes of this act, a dairy produce exchange shall be deemed to be any association of persons, firms, corporations and/or associations organized for the purpose of furnishing a medium for trading in butter, cheese or eggs, to facilitate the marketing of said products, or to establish their wholesale market value.

Licensing of
dairy produce
exchanges.

(b) It shall be unlawful for any person, firm, association or corporation to establish or operate a dairy produce exchange without first obtaining from the director of agriculture a license to do so.

(c) Every dairy produce exchange within the expiration of ninety days from and after the effective date of this act, and any person, firm, association or corporation thereafter desiring to operate a dairy produce exchange, and before engaging in such activity, shall file with the director of agriculture a written application for a license, which application shall be accompanied by the license fee of one hundred dollars, and shall state or include the following information:

Application
for license.

(1) The name under which said exchange proposes to operate.

(2) The location of its place of business.

(3) The names of its officers, directors, and the persons, firms, corporations and/or associations constituting its membership.

(4) A certified copy of its articles of incorporation, its constitution and by-laws, and the rules and regulations and bases of trade under which it proposes to operate.

(d) It shall be the duty of the director of agriculture to examine the application, and if he finds that the applicant has fully complied with the provisions of this act, he shall issue to said applicant a license authorizing it to operate such a dairy produce exchange. Said license shall recite in bold type that the issuance thereof is permissive only and does not constitute a recommendation or endorsement of the rules and regulations or bases of trade under which said applicant proposes to operate.

Suspension
and revoca-
tion of
licenses.

(e) The director of agriculture may upon his own motion and shall, upon the verified complaint in writing of any person, investigate the actions of any dairy produce exchange as defined by this act, and shall have the power to temporarily suspend or permanently revoke licenses issued under the provisions of this act whenever the holder thereof is guilty of:

1. Failing to supply all the information required by the provisions of subdivisions 1, 2, 3, and 4 of subsection (c) of this section.

2. Making any false statements or misrepresentations of facts to the director of agriculture.

3. Fraud or deception in his or its application for or procurement of a license.

4. Any other conduct, whether of the same or a different character than hereinabove specified, which is unlawful.

5. Violation of any law or ordinance of the state or any city or county or the rules of the federal trade commission governing unfair trade practices in the handling of butter, cheese and/or eggs.

Notice of
charges.

(f) Before suspending or revoking any license, the said director of agriculture shall notify in writing the applicant or holder of such license of the charges against him or it, and afford an opportunity to be heard in person or by counsel in reference thereto.

Review of
orders.

(g) Every order, decision or other official act of the director of agriculture, including every decision suspending or revoking any license under this act, shall be subject to review, in accordance with the provisions of chapter I of title I of part III of the Code of Civil Procedure, and any party aggrieved by any such order, or decision of the director of agriculture may, within thirty days from date of written notice of said decision or order, appeal therefrom to the superior court of the State of California, in and for the county in which the said dairy produce exchange affected by such decision has its place of business, under the terms of this act, by serving upon the director of agriculture a notice

of such appeal and a demand in writing for a certified transcript of all the papers on file in his office affecting or relating to such decision and all the evidence taken on the hearing. Thereupon the said director of agriculture shall, within thirty days, upon payment of the costs therefor by the appealing party, make and certify such transcript. The applicant shall, within fifteen days after receiving the same, file the same and the notice of appeal with the clerk of said court. Upon the hearing of said appeal the burden of proof shall lie upon the party appealing and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the director of agriculture from which the appeal is taken.

(h) In the event of the suspension or revocation of any license the decision of the director of agriculture shall not take effect until thirty days after its date. In the event of an appeal from the decision of the director of agriculture to any court of competent jurisdiction in the State of California, the decision of the director of agriculture shall remain in effect pending the determination of such appeal, unless the party appealing and aggrieved by such decision of the director of agriculture shall file with said court a bond in a sum to be fixed by said court, which bond shall be in favor of the people of the State of California, and be conditioned upon the faithful performance of all those things which are ordered to be done, or the faithful observance of such restraint as may be directed by the director of agriculture. Said bond shall be for the benefit of any person having dealings with such appellant, and any such person so dealing with the same shall have the right to commence a suit thereon in his own name against appellant and his sureties.

(i) (1) The director of agriculture shall have power to administer oaths, certify to all official acts and to issue subpoenas for the attendance of witnesses and the production of books and papers. In any hearing in any part of the state, the process issued by the director of agriculture shall extend to all parts of the state, and may be served by any person authorized to serve process of courts of record, or by any person designated for that purpose by the director of agriculture. The person serving any process shall receive such compensation as may be allowed by the director of agriculture, not to exceed fees prescribed by law for similar service, and such fees shall be paid in the same manner as provided herein for the payment of fees of witnesses.

(2) Each witness who shall appear by order of the director of agriculture shall receive for his attendance the same fees and mileage allowed by law to a witness in civil cases, which amount shall be paid by the party at whose request such witness is subpoenaed. When any witness who has not been required to attend at the request of any party shall be subpoenaed by the director of agriculture, his fees and mileage shall be paid from the funds that the director of agriculture

may accumulate out of fees to be obtained from applicants for licenses.

Compelling
attendance
of witnesses.

(j) (1) The superior court, in and for the county in which any hearing may be held by the director of agriculture shall have the power to compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the director of agriculture. In case of the refusal of any witness to attend or testify or produce any papers required by such subpoenas, the director of agriculture may report to the superior court, in and for the county in which the hearing is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers, and that the witness has been examined in the manner prescribed in this act, or that the witness has failed or refused to attend or produce the papers required by subpoena before the director of agriculture, in the cause or proceeding named in the subpoena, or has refused to answer questions propounded to him in the course of such hearing, and ask an order of said court compelling the witness to attend and testify or produce said papers before the director of agriculture.

Same.

(2) The court upon petition of the director of agriculture shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, but the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended or testified or produced said papers before the said director of agriculture. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the director of agriculture and duly served, and if it shall appear that said testimony and/or said books or papers are relevant, material and pertinent to the hearing being held by the said director of agriculture, then the court shall thereupon enter an order that said witness appear before the director of agriculture at the time and place fixed in said order, and testify or produce the required papers, and upon failure to obey said order said witness shall be dealt with as for contempt of court.

Depositions.

(k) The director of agriculture may, upon his own motion or upon application of the complainant or the licensee in any hearing before him cause the deposition of witnesses residing within or without the state to be taken, in the manner prescribed by law for like depositions in civil cases in the superior courts of this state, and to that end may compel the attendance of witnesses and the production of books and papers.

License fees.

(l) For each license, the director of agriculture shall charge the sum of one hundred dollars, which said sum must accompany the application for the said license. Except as otherwise provided herein each license issued by the director of agriculture shall continue in effect so long as the licensee shall con-

tinue in business, and shall pay a fee of one hundred dollars annually to the director of agriculture, such fee being payable on the first Monday of each calendar year.

(m) The director of agriculture may require such monthly ^{Reports.} or other periodical reports, records of market quotations and other statistical information as may be necessary to him in administering this act, and all such reports, statistics or information pertinent to each licensee shall be kept on file in the office of the director of agriculture and subject to public inspection.

(n) The director of agriculture shall have access to all ^{Access to records.} records of every licensed dairy produce exchange, and may appoint a representative to sit with the board of directors or other governing body of such exchange.

(o) The director of agriculture or his duly authorized representative shall act as arbitrator in all cases of dispute or contention concerning the maintenance or operation of any licensed dairy produce exchange, or the by-laws, rules or regulations pertaining thereto. Upon receipt of any verified complaint concerning a licensed dairy produce exchange the director of agriculture or his duly authorized representative shall proceed to make a thorough investigation. In this connection he may conduct hearings, of which all interested parties shall receive due notice, and may require written submittals setting forth the views of any or all contending parties. In this connection he shall invite the cooperation and solicit the opinion of the federal trade commission and the bureau of agricultural economics of the United States department of agriculture. On the basis of the information so obtained the director shall prescribe a tentative rule which shall be effective in the operation of any licensed dairy produce exchange for a period not to exceed ninety days. If after such trial period it shall appear that said tentative rule operates in a fair and equitable manner, it shall then upon order of the director of agriculture, be made a permanent rule of said licensed dairy produce exchange. If in the conduct of any such investigation it shall appear that any unlawful act or acts shall have been committed by any licensed dairy produce exchange the director of agriculture may initiate appropriate legal proceedings against such licensee. Any person, firm or corporation who or ^{Penalties.} which shall operate a dairy produce exchange without a license shall be guilty of a misdemeanor and shall also be liable to pay to the State of California the sum of one hundred dollars for each and every day of such operation; said moneys to be recovered by an action at law brought by the attorney general in the name of the people of the State of California. Any person who shall make any false statement in applying for a license or shall violate any rule or decision of the director of agriculture authorized by this section shall be guilty of a misdemeanor.

SEC. 2. If any section, subsection, sentence, clause, or ^{Constitutionality.} phrase of this act is for any reason held to be unconstitutional,

such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 851.

An act to amend sections one, three, four, six, seven, eight and nine of an act entitled "An act to impose a license fee for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle; to provide for certain exemptions; to provide for the enforcement of the provisions hereof and for the disposition of the amounts collected on account of such licenses; to make an appropriation for the purpose of this act; and to repeal all acts or parts of acts in conflict herewith," approved May 23, 1925, and to add thereto a new section to be numbered thirteen, relating to licenses for the operation of motor vehicles for transportation for hire or compensation, reports on such operations, the assessment of such operations, certain exemptions and the procedure relating to refunds of taxes or the cancellation of any assessment levied under the provisions of said act.

[Approved by the Governor May 31, 1927. In effect October 1, 1927.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 833,
amended.

SECTION 1. Section 1 of an act entitled "An act to impose a license fee for the transportation of persons or property for hire or compensation upon public streets, roads and highways in the State of California by motor vehicle; to provide for certain exemptions; to provide for the enforcement of the provisions hereof and for the disposition of the amounts collected on account of such licenses; to make an appropriation for the purpose of this act; and to repeal all acts or parts of acts in conflict herewith," approved May 23, 1925, is hereby amended to read as follows:

Definitions

Section 1. The words and phrases used in this act shall be construed for the purposes of said act, unless such construction be contrary to or inconsistent with the context thereof, as follows:

"Operator."

(a) The word "operator" shall include all persons, firms, associations and corporations who operate motor vehicles upon any public highway in this state and thereby engage in the transportation of persons or property for hire or compensation, either directly or indirectly, but shall not include any school or school district transporting pupils to or from any

public school when the vehicles used for such transportation are owned or operated by the school or school district.

(b) The term "registration certificate" shall include any and all certificates of registration of a motor vehicle issued by the division of motor vehicles of the department of finance of the State of California. "Registration certificate."

(c) The term "motor vehicles" shall include all vehicles, automobiles, trucks or trailers operated upon or over public highways of this state, whether the same be propelled or operated by steam or electricity, or propelled or operated by combustion of gasoline, distillate or other volatile and inflammable liquid fuels. "Motor vehicles."

(d) The term "gross receipts from operation" shall include all receipts from the operation of such motor vehicle or motor vehicles beginning and ending entirely within this state and a proportion based upon the proportion of the mileage within this state to the entire mileage over which such business is done of gross receipts of such operator on all business passing through, into or out of this state, or partly within and partly without this state, it being the intention hereof not to base all or any portion of the license fee hereby imposed upon any receipts from interstate commerce, or upon the right or privilege to engage in interstate commerce. "Gross receipts from operation."

SEC. 2. Section 3 of said act is hereby amended to read as follows: Stats. 1925, p. 834, amended,

Sec. 3. Such license must be issued upon the filing with said board of an application by the applicant in the form to be prescribed by said board. Upon the issuance of a license by the state board of equalization to an operator of a motor vehicle or motor vehicles, said board shall furnish to such operator an emblem or emblems for each such motor vehicle to be operated by such operator under such license, which emblems shall be attached to and conspicuously displayed upon each of the motor vehicles authorized to be operated by said license in such manner as is required and prescribed by the state board of equalization. Said emblem or emblems shall be numbered serially and said board shall keep a record of the emblems so issued, with the dates of issuance and the names of the operators to whom said emblems shall have been issued. Issuance of license and emblems.

All persons operating freight carrying vehicles upon any public highways in this state, and not included within the classification of "operator" as in this act defined, shall be required to obtain from the state board of equalization and to display on such vehicles in the manner herein provided, emblems denoting exemption from such classification. Such emblems may be obtained only on verified application in such form as may be prescribed by said board.

Said board shall charge and collect from operators and others required to display emblems under the provisions of this act, the pro rata cost to the state of the designing and manufacture of said emblems, and of the delivery thereof to

said board and the postage required for the mailing thereof by said board to licensees.

Revolving
fund.

There is hereby appropriated out of any moneys in the motor vehicle fuel fund, not otherwise appropriated, the sum of ten thousand dollars for the purpose of designing, preparing and securing such emblems, and of defraying the postage thereon when mailed by said board to licensees; said money to be expended by said board on warrants to be drawn in the manner provided by law, and said amount to be a revolving fund into which shall be paid, as required by law, the amounts received by said board from operators under the provisions of this act. If the amount in said revolving fund at the close of any fiscal year shall exceed the sum of ten thousand dollars, then such excess shall be transferred from said fund by the state controller and credited to the motor vehicle fuel fund.

Stats. 1925,
p. 834,
amended.
Quarterly
report.

SEC. 3. Section 4 of said act is hereby amended to read as follows:

Sec. 4. Within ten days after the end of each quarter of the calendar year each operator shall file with the state board of equalization a report upon a form to be prescribed by said board, showing such information relating to his or its operations as that board may require to enable said board to make the assessment for which provision is herein made. A license fee or tax equal to four per cent of the gross receipts from operation shall be levied and assessed by said board on all operations; *provided*, that there shall be deducted from said four per cent of the gross receipts from operation the amount of any county or municipal licenses and any city or county or city and county taxes paid by such operators to any city or county or city and county in this state upon any of the property actually used and necessary in the operation of such motor vehicles for the transportation of persons or property.

Tax upon
GROSS
receipts.

Collection
of tax.

The state board of equalization shall compute the license fee or tax due or to become due hereunder and extend the same upon a license or tax roll prepared and kept for that purpose. On or before thirty days from and after the close of each quarterly period as herein defined, said board shall deliver said license or tax roll to the state controller who shall thereupon proceed with the collection of said fees or taxes and any and all penalties accruing thereon. Upon payment of said fees or taxes the state controller shall issue a receipt therefor.

Fixing tax
when no
report filed.

If any operator shall fail, neglect or refuse to file the reports herein provided at the times specified herein, the state board of equalization shall proceed to inform itself as best it may regarding the matters and things required to be set forth in such reports, and from its information shall determine and fix the amount of license fee or tax due to the state from such operator for the quarter or quarters of the calendar year or years for which such operator shall have failed, neglected or refused to file the reports herein required, and shall add to the amount of such license fees or taxes, a penalty

of fifteen per cent thereof and shall inform the state controller concerning such license fees or taxes, and said penalty thereon.

The state controller shall thereupon proceed to collect the amount of such license fees or taxes with the penalty added thereto, together with interest on the whole thereof at the rate of seven per cent per annum from the forty-fifth day after the end of each quarter of the calendar year during which said license fees or taxes accrued. By reason of such failure, neglect or refusal to file said reports as herein required, the operator is thereafter estopped from complaining of the amount of such license fee or penalty fixed by the state board of equalization. The penalty for failure to report as herein fixed and the addition of interest as in this section provided, shall not be in lieu of the ten per cent penalty for delinquency, for which provision is made in section 7 of this act, and said penalty of ten per cent shall accrue on the principal amount of all license fees or taxes fixed pursuant to the provisions of this act and remaining unpaid at five o'clock p.m. on the forty-fifth day after the end of the quarter of the calendar year during which they accrued.

Collecting
tax with
penalty and
interest

SEC. 4. Section 6 of said act is hereby amended to read as follows:

Stats. 1925,
p. 835,
amended.

Sec. 6. If any operator shall fail, neglect or refuse to obtain the license for which provision is made in section 2 of this act or to display emblems on his motor vehicles pursuant to the requirements of section 3 of this act, or if any person, firm, association or corporation operating freight carrying vehicles upon any public highway in this state and not included within the classification of "operator" as in this act defined shall fail, refuse or neglect to apply for and obtain from the state board of equalization and display on his or its vehicles in the manner provided in section 3 of this act, emblems denoting exemption from such classification, the division of motor vehicles of the department of finance of the State of California, upon written complaint of the state board of equalization and upon ten days notice to such operator or person, firm, association or corporation, shall suspend any and all registration certificates held by such operator or person, firm, association or corporation for any motor vehicles operated by him or it which are named in said complaint as being operated contrary to the provisions of this act, until such time as the provisions of this act relating to such operation have been fully complied with by said operator or person, firm, association or corporation.

Neglect to
obtain
license or
display
emblems.

SEC. 5. Section 7 of said act is hereby amended to read as follows:

Stats. 1925,
p. 836,
amended.

Sec. 7. Any person, firm, association or corporation who shall use any public highway in this state for the transportation of persons or property for hire, either as a public or a private carrier, without first obtaining the license for which provision is herein made, or without carrying upon each motor

Offenses and
penalties.

vehicle so used the emblems for which provision is herewith made, or who fails, neglects or refuses to make any return hereunder or any report required by the state board of equalization, or who makes any false return, and any person exempt from this license tax who neglects or refuses to obtain and display exempt emblems, as required in section 6 of this act, shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Failure to
pay tax.

If any operator of a motor vehicle shall fail, neglect or refuse for a period of fifty days next succeeding the end of any quarter of a calendar year to pay the license fee or tax hereby imposed, the division of motor vehicles of the department of finance of the State of California, upon written complaint of the state controller and upon ten days notice to such operator, shall suspend any and all registration certificates held by such operator for any motor vehicles licensed by him or it under the provisions of this act, until payment is made of said license fee or tax and all penalties accruing thereon.

Tax lien.

All license fees or taxes accruing hereunder shall be a lien upon all property of the operator used in producing gross receipts from operations as herein defined; said lien shall attach at the time of the earning of said gross receipts and shall have the effect of an execution duly levied against all such property of the operator and shall so remain until said fees or taxes and all penalties accruing thereon are paid, or the property sold for the payment thereof.

Delinquent
taxes.

License fees or taxes becoming due during each quarter of the calendar year under the terms of this act shall be paid within forty-five days after the end of the quarter for which the same are due, and if not paid prior thereto shall become delinquent at five o'clock p.m. on the forty-fifth day after the end of such quarter and ten per cent penalty shall be added thereto for delinquency.

Stats 1925,
p. 837,
amended.
Disposition
of moneys
received.

SEC. 6. Section 8 of said act is hereby amended to read as follows:

Sec. 8. All sums paid to the state controller under and by virtue of this act, shall be deposited by him in the state treasury to the credit of the motor vehicle fuel fund, subject to the provisions of section 3 hereof, and the balances thereof shall be applied and the same are hereby appropriated one-half to the State of California to be devoted exclusively to the maintenance and repair of public highways within this state; the remaining one-half shall be apportioned among the respective counties of this state, in the proportion that the number of motor vehicles registered within such county for the preceding calendar year bears to the total number of motor vehicles registered in the State of California under the motor vehicle act of such state for the preceding year, and such sums so paid

to said counties shall be devoted exclusively to the maintenance and repair of the public highways within such county.

SEC. 7. Section 9 of said act is hereby amended to read as follows: Stats 1925, p. 837, amended. Exempted vehicles.

Sec. 9. This act shall not apply to motor vehicles operated exclusively within incorporated cities or towns, nor shall it apply to such vehicles operating between incorporated cities or towns where no portion of public highway outside of the corporate limits of said cities or towns is traversed in said operation. The motor vehicles exempt from the operation of this act by virtue of the provisions of this section shall not be required to display emblems issued by the state board of equalization.

SEC. 8. A new section is hereby added to said act, said section to read as follows: Stats 1925, p. 838, amended. Refunds

Sec. 13. All matters of procedure relating to refunds of taxes or the cancellation of any assessment levied under the provisions of this act shall be governed by the provisions of section 3669 of the Political Code.

SEC. 9. This act shall take effect on the first day of October, 1927. Effective.

CHAPTER 852.

An act to amend section ten of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 10 of an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, is hereby amended to read as follows: Stats 1925, p. 652, amended.

Sec. 10. The municipal court in a city or city and county of the second and one-half class, shall be constituted, and the judges, officers and attaches thereof shall receive compensation as follows: Cities of 2d class Judges, etc.

(a) There shall be five judges, each of whom shall receive six thousand dollars per annum, payable in equal monthly installments;

Cities of
2 $\frac{1}{2}$ class
judges, etc
(cont'd).

(b) There shall be one clerk who shall also be secretary to the court, to be appointed by the judges thereof, who shall receive three hundred dollars per month;

(c) The clerk shall appoint the following:

One chief deputy, who shall receive two hundred fifty dollars per month; five deputy court clerks, who shall each receive two hundred twenty-five dollars per month; one cashier-bookkeeper, who shall receive a salary of two hundred thirty-five dollars per month; five deputy clerks, who shall each receive a salary of two hundred dollars per month; one stenographer, male, who shall receive one hundred seventy-five dollars per month; one stenographer, female, who shall receive one hundred twenty-five dollars per month;

(d) There shall be one marshal to be appointed by the judges of the court who shall receive three hundred twenty-five dollars per month. The marshal shall appoint the following: One chief deputy who shall receive two hundred fifty dollars per month; two assistant marshals who shall each receive two hundred twenty-five dollars per month; five deputies who shall each receive two hundred dollars per month; five deputies to act as bailiffs of the courts who shall each receive one hundred seventy-five dollars per month; *provided, further*, that all marshals, assistant marshals or deputy marshals hereinabove named shall be allowed in addition to their salaries, their actual and necessary incidental expenses incurred in the actual performance of their duties, including traveling expenses to be allowed at the rate per mile fixed by the county board of supervisors for the operation of automobiles actually used in performance of their business on public duty or to pay for such other mode of transportation as they may adopt.

CHAPTER 853.

An act prescribing the terms upon which licenses or certificates of registration may be issued to practitioners of barbering, creating the state board of barber examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith.

[Approved by the Governor May 31, 1927. In effect July 30, 1927.]

The people of the State of California do enact as follows:

Barbers
to be
registered.

SECTION 1. It shall be unlawful for any person to engage in the practice or attempt to practice barbering without a certificate of registration as a registered barber issued pursuant to the provisions of this act by the board of barber examiners hereinafter established.

It shall be unlawful for any person, firm or corporation to serve as an apprentice under a registered barber without a

certificate of registration as a registered apprentice issued by said board.

It shall be unlawful for any person, firm or corporation to operate a barber shop unless such shop shall at all times be under the direct supervision and management of a registered barber.

SEC. 2. The practice of barbering is hereby defined to be any of or any combination of the following practices for hire or reward:

Shaving or trimming the beard or cutting the hair;

Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances;

Singeing, shampooing or dyeing the hair or applying hair tonics;

Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck.

SEC. 3. No registered apprentice may independently practice barbering, but he may as an apprentice do any or all of the acts constituting the practice of barbering under the immediate personal supervision of a registered barber, and only one such apprentice shall be employed in any shop.

SEC. 4. The provisions of this act shall not be construed to apply to:

(a) Persons authorized by the law of this state to practice medicine and surgery or osteopathy or chiropractic or persons holding a drugless practitioner certificate under the laws of this state;

(b) Commissioned medical or surgical officers of United States army, navy or marine hospital service;

(c) Registered nurses;

(d) Persons practicing beauty culture.

However, the provisions of this section shall not be construed to authorize any of the persons exempted to shave or trim the beard, or cut the hair, of any person for cosmetic purposes except that persons included in subdivision (d) hereof shall be allowed to cut the hair.

SEC. 5. Any person is qualified to receive a certificate of registration to practice barbering:

(a) Who is qualified under the provisions of section 6 of this act; and

(b) Who is at least eighteen years of age; and

(c) Who is of good moral character and temperate habits; and

(d) Who has practiced as a registered apprentice for a period of eighteen months under the immediate personal supervision of a registered barber; and

(e) Who has passed a satisfactory examination conducted by the board to determine his fitness to practice barbering.

An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the board, must continue to practice as an

apprentice for an additional six months before he is again entitled to take the examination for a registered barber.

Apprentice
qualifica-
tions.

SEC. 6. Any person is qualified to receive a certificate of registration as a registered apprentice:

(a) Who has a diploma showing graduation from an eight grade grammar school, or an equivalent education, as determined by an examination conducted by the board; and

(b) Who is at least sixteen and one-half years of age; and

(c) Who is of good moral character and temperate habits; and

(d) Who has graduated from a school of barbering approved by the board; and

(e) Who has passed a satisfactory examination conducted by the board to determine his fitness to practice as a registered apprentice.

Any applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination must complete a further course of study of not less than five hundred hours to be completed within three months of not more than eight hours in any one working day, in a school of barbering approved by the board.

Barber
schools.

SEC. 7. No school of barbering shall be approved by the board unless it requires as a prerequisite to admission thereto graduation from an eight grade grammar school, or its equivalent as determined by an examination conducted by the board, and unless it requires as a prerequisite to graduation a course of instruction of not less than one thousand hours to be completed within six months of not more than eight hours in any one working day, such course of instruction to include the following subjects: scientific fundamentals of barbering, hygiene, histology of the hair, skin and nails, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics, massaging and manipulating the muscles of the scalp, face or neck, haircutting, shaving and arranging, dressing, coloring, bleaching and tinting the hair.

Applications.

SEC. 8. Each applicant shall file an application duly verified by his oath for an examination before the board, which application shall be in such form and shall contain such matters as may be required by the board. Each application must be accompanied by two 5" x 3" signed photographs together with the fees provided by law.

Examina-
tions.

SEC. 9. The board shall conduct examinations of applicants for certificates of registration to practice as registered barbers and of applicants for certificates of registration to practice as registered apprentices and applicants to enter barber schools to determine their educational fitness not less than four times each year at such times and places as the board may determine.

The examination of applicants for certificates of registration as registered barbers and as registered apprentices shall include both a practical demonstration and a written and

oral test and shall embrace the subjects usually taught in schools of barbering approved by the board.

SEC. 10. Certificates of registered barber or of registered apprentice shall be issued by the board to any applicant who shall pass a satisfactory examination making an average grade of not less than seventy-five per cent, and who shall possess the other qualifications required by law. Certificates.

SEC. 11. (a) Any person who is at least eighteen years of age and of good moral character and temperate habits and has a diploma showing graduation from an eight grade grammar school, or its equivalent as determined by an examination conducted by the board and either: Barbers from other states

1. Has a license or certificate of registration as a practicing barber from another state or country which has substantially the same requirements for licensing or registering barbers as required by this act, or

2. Who can prove by sworn affidavits that he has practiced as a barber in another state or country for at least five years immediately prior to making application in this state, shall upon payment of the required fee be issued a permit to practice as a journeyman barber only until he is called by the board for examination to determine his fitness to receive a certificate of registration to practice barbering. Should he fail to pass the required examination, he shall be allowed to practice as a journeyman barber until he is called by the board for the next term of examinations. Should he fail at the second examination, he must cease to practice barbering in this state.

(b) Any apprentice who is at least sixteen and one-half years of age and of good moral character and temperate habits and who has a diploma showing graduation from an eight grade grammar school, or an equivalent education as determined by an examination conducted by the board, and has a certificate of registration as an apprentice in a state or country which has substantially the same requirements for registration as an apprentice as is provided by this act shall, upon payment of the required fee, be issued a permit to work as an apprentice until called by the board for examination to determine his fitness to receive a certificate of registration as an apprentice. Should he pass the required examination a certificate of registration as a registered apprentice shall be issued to him and the time spent in such other state or country as an apprentice shall be credited upon the period of apprenticeship required by this act as a qualification to take the examination to determine his fitness to receive a certificate of registration as a registered barber.

Any person who has practiced as an apprentice in another state or country which does not have substantially the same requirements for registration as an apprentice as required by this act and who has the qualifications required in subdivisions (a), (b), (c) and (e) of section 6 of this act shall be credited with the time so spent as an apprentice in such other state or country upon the period of apprenticeship required by this act

as a qualification to take the examination to determine his fitness to receive a certificate of registration as a registered barber.

Resident
practicing
barbers.

SEC. 12. Any present resident of this state who has for two years immediately preceding the passage of this act continuously engaged in the practice of barbering at one or more established places of business shall be granted a certificate of registration as a registered barber without examination by making application to the board on or before ninety days after the passage of this act and paying the required fee.

Any person who, prior to the passage of this act, was practicing barbering as an apprentice under the supervision of a practicing barber in this state, or who was practicing barbering continuously in this state for a period of less than two (2) years immediately preceding the passage of this act, shall be granted a certificate of registration to practice as an apprentice by making application to the board on or before ninety (90) days after the passage of this act and paying the required fee. Such person shall in either of the cases above mentioned be given credit for the time so spent as a part of the time required under the provisions of subdivision (d) of section 5 of this act.

Any person who, prior to the passage of this act, graduated from or who was a student in a school of barbering, is qualified upon graduation from such school to take the examination for a certificate of registration to practice as an apprentice without regard to whether such school complied with the standards for approval specified in section 7 of this act.

Display of
certificate.

SEC. 13. Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his workchair.

Payment
of fees.

SEC. 14. Every registered barber and every registered apprentice who continues in active practice or service shall annually on or before August first of such year renew his certificate of registration and pay the required fee. Every certificate of registration which has not been renewed during the month of August in any year shall expire on the first day of September in that year. A registered barber or a registered apprentice whose certificate of registration has expired may have his certificate restored immediately upon payment of the required restoration fee. Any registered barber who retires from the practice of barbering for not more than five years may renew his certificate of registration upon payment of the required restoration fee.

Grounds for
exclusion.

SEC. 15. The board may either refuse to issue, or renew, or may suspend or revoke any certificate of registration for any of the following causes:

- (a) Conviction of a felony;
- (b) Malpractice or incompetency;
- (c) Continued practice by a person knowingly having an infectious or contagious or communicable disease;
- (d) Advertising by means of knowingly false or deceptive statements;

(e) Advertising, practicing or attempting to practice under another's name or another's trade name;

(f) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit-forming drugs;

(g) Immoral or unprofessional conduct;

(h) The commission of any of the offenses referred to in subdivisions (c), (d) and (f) of section 18 of this act.

SEC. 16. The board shall not refuse to issue, or renew, or suspend, or revoke, any certificate of registration to any person for any of the causes referred to in section 15 of this act unless before taking such action the board shall have given written notice thereof to such person stating the specific reason for its adverse action, and such person shall have been granted the opportunity to appear before the board for a public hearing within twenty days from the date of said notice. At such hearing the accused may be represented by counsel. The board shall have the power to summon witnesses and to require the production of books, records and papers for the purpose of such hearing. Subpoenas shall be issued by the secretary of the board directed to the sheriff of the proper county to be served and returned in the same manner as subpoenas in criminal cases. The fees and mileage of the sheriff and of witnesses shall be the same as allowed in criminal cases and shall be paid from the fund of the board as other expenses of the board are paid. If the accused shall prevail at such hearing, the board shall grant him the proper relief without delay. Any investigations, inquiry or hearing thus authorized may be entertained or held by or before any member or members of the board and the finding or order of such member or members when approved, and confirmed by the board, shall be deemed the finding or order of the board.

Hearing on
exclusion.

SEC. 17. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering is ten dollars (\$10), and for the issuance of the certificate two dollars (\$2).

Fees.

The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is five dollars (\$5), and for the issuance of the certificate one dollar (\$1).

The fee to be paid by an applicant for an examination to determine his preliminary education is three dollars (\$3).

The fee to be paid for the renewal of a certificate of registration to practice barbering is two dollars (\$2), and for the restoration of an expired certificate five dollars (\$5).

The fee to be paid for the renewal of a certificate of registration to practice as an apprentice is one and fifty hundredths dollars (\$1.50), and for the restoration of an expired certificate three dollars (\$3).

SEC. 18. Each of the following shall constitute a misdemeanor punishable upon conviction by a fine of not less than twenty-five dollars (\$25), nor more than two hundred dollars (\$200):

Offenses and
penalties.

(a) The violation of any of the provisions of section 1 of this act;

(b) Permitting any person in one's employ, supervision or control to practice as an apprentice unless that person has a certificate of registration as a registered apprentice;

(c) Obtaining or attempting to obtain a certificate of registration for money other than the required fee, or any other thing of value, or by fraudulent misrepresentations;

(d) Practicing or attempting to practice by fraudulent misrepresentations;

(e) The wilful failure to display a certificate of registration as required by section 13 of this act;

(f) The use of any room or place for barbering which is also used for residential or business purposes (except the sale of hair tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco, confectionery and such commodities as are used and sold in barber shops), unless a substantial partition of ceiling height separates the portion used for residential or business purposes.

Perjury.

SEC. 19. The wilful making of any false statement as to a material matter in any oath or affidavit which is required by the provisions of this act is perjury and punishable as such.

Barber board.

SEC. 20. A board is hereby created to be known as the state board of barber examiners, which shall consist of three (3) members appointed by the governor. Each member shall be a practical barber who has followed the occupation of barbering in this state for at least five (5) years immediately prior to his appointment and one of whom shall be a journeyman barber and one of whom shall be a barber employing one or more journeymen barbers.

The members of the first board appointed shall serve for three (3) years, two (2) years and one (1) year, respectively, as appointed, and members appointed thereafter shall serve for three (3) years. The governor may remove a member for cause.

Members appointed to fill vacancies caused by death, resignation or removal shall serve during the unexpired term of their predecessors.

Officers, quarters, compensation, etc.

SEC. 21. The board shall elect a president and secretary. The board shall be furnished with suitable quarters. The board shall adopt and use a common seal for the authentication of its orders and records.

The secretary shall keep a record of all proceedings of the board.

The secretary shall give to the state a bond in the sum of five thousand dollars with sufficient sureties, to be approved by the board for the faithful performance of his duties. A majority of the board in meeting duly assembled may perform and exercise all the duties and powers devolving upon the board.

Each member of the board shall receive a compensation of three thousand six hundred dollars (\$3,600) per annum and shall be reimbursed for his necessary traveling expenses

incurred in the discharge of his duty, both salaries and expenses to be paid only from the fund created by fees collected in the administration of this act. The board shall report annually to the governor a full statement of its receipts and expenditures and also a full statement of its work during the year, together with such recommendation as it may deem expedient.

The board shall have authority to employ such inspectors, clerks and other assistants as it may deem necessary to carry out the provisions of this act.

SEC. 22. All moneys received by the board under this act shall be paid to the secretary of the board, who shall give a receipt for the same and shall at the end of each month report to the state controller the total amount of money received by him on behalf of the board from all sources, and shall at the same time deposit with the state treasurer the entire amount of such receipts, and the state treasurer shall place the money so received in a special fund to be known as the "state board of barber examiners' fund," which fund is hereby created. Such fund shall be expended in accordance with law for all necessary and proper expenses in carrying out the provisions of this act upon proper claim approved by said board or a finance committee thereof.

Receipts
and their
disposition.

SEC. 23. The board shall have authority to make reasonable rules and regulations for the administration of the provisions of this act. The board shall prescribe sanitary requirements for barber shops and barber schools subject to the approval of the state board of health. Any member of the board or its agents or assistants shall have authority to enter upon and to inspect any barber shop or barber school at any time during business hours. A copy of the rules and regulations and sanitary requirements adopted by the board shall be furnished by the board to the owner or manager of each barber shop and barber school, and such copy shall be posted in a conspicuous place in such barber shop or barber school.

Regulations,
inspections,
etc.

The board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, place of business and residence of each registered barber and registered apprentice and the date and number of his certificate of registration. This record shall be open to public inspection at all reasonable times.

Board
record.

SEC. 24. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitu-
tionality.

Repealed. SEC. 25. All acts or portions of acts inconsistent with this act are hereby repealed.

Short title. SEC. 26. This act shall be known and may be cited as the California barber law.

CHAPTER 854.

An act to amend section nine hundred ninety-five of the Penal Code and to add a new section to the Penal Code, to be numbered nine hundred ninety-five a, relating to indictments and informations.

[Approved by the Governor June 1, 1927. In effect July 31, 1927.]

The people of the State of California do enact as follows:

Stats. 1911,
p. 435,
amended.
When indict-
ment and
information
must be
set aside.

SECTION 1. Section 995 of the Penal Code is hereby amended to read as follows:

995. The indictment or information must be set aside by the court in which the defendant is arraigned, upon his motion, in either of the following cases:

If it be an indictment:

1. Where it is not found, indorsed, and presented as prescribed in this code.

If it be an information:

1. That before the filing thereof the defendant had not been legally committed by a magistrate.

New section.

SEC. 2. A new section is hereby added to the Penal Code, to be numbered 995a, to read as follows:

Insertion of
names and
signature.

995a. If the names of the witnesses examined before the grand jury are not inserted at the foot of the indictment or indorsed thereon, the court shall order them to be so inserted or indorsed; and if the information be not subscribed by the district attorney, the court may order it to be so subscribed.

CHAPTER 855.

An act to amend section one thousand two hundred seven of the Penal Code, relating to judgments in criminal cases.

[Approved by the Governor June 1, 1927. In effect July 31, 1927.]

The people of the State of California do enact as follows:

Stats. 1905,
p. 764,
amended.
Entry of
judgment.

SECTION 1. Section 1207 of the Penal Code is hereby amended to read as follows:

1207. When judgment upon a conviction is rendered, the clerk must enter the same in the minutes, stating briefly the offense for which the conviction was had, and the fact of a prior conviction, if any, and must, within five days, annex together and file the following papers, which constitute a record of the action:

1. The indictment or information, and a copy of the minutes of the plea or demurrer, and all rulings thereon.

2. A copy of the judgment.

CHAPTER 856.

An act to amend section seventy-eight and to repeal section ninety of the Political Code, relating to the division of the state into legislative districts and defining and establishing such districts and to repeal all acts in conflict with this act.

[Approved by the Governor June 1, 1927. In effect July 31, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 78 of the Political Code is hereby amended to read as follows:

78. The state is divided into forty senatorial and eighty assembly districts, which shall be designated and constituted as follows:

Stats. 1911
ex , p 140,
amended
Senatorial
districts

Chapter 856, Statutes 1927.

An act to amend section seventy-eight and to repeal section ninety of the Political Code, relating to the division of the state into legislative districts and defining and establishing such districts and to repeal all acts in conflict with this act.

[Injunction proceedings to prohibit Secretary of State from certifying to the holding up of this act by referendum to be heard by Superior Court of Sacramento County, October 17, 1927. (*Boggs vs. Jordan.*)]

Insert 1756-1757.

- Nineteenth. 19. The county of Sacramento shall constitute the nineteenth senatorial district.
- Twentieth. 20. The county of San Joaquin shall constitute the twentieth senatorial district.
- Twenty-first. 21. The county of San Mateo shall constitute the twenty-first senatorial district.
- Twenty-second. 22. The county of Stanislaus shall constitute the twenty-second senatorial district.
- Twenty-third. 23. The county of Santa Cruz shall constitute the twenty-third senatorial district.
- Twenty-fourth. 24. The counties of Merced and Madera shall constitute the twenty-fourth senatorial district.
- Twenty-fifth. 25. The counties of Monterey and San Benito shall constitute the twenty-fifth senatorial district.
- Twenty-sixth. 26. The counties of Tuolumne, Mariposa and Calaveras shall constitute the twenty-sixth senatorial district.
- Twenty-seventh. 27. The county of Kings shall constitute the twenty-seventh senatorial district.
- Twenty-eighth. 28. The counties of Mono and Inyo shall constitute the twenty-eighth senatorial district.
- Twenty-ninth. 29. The county of San Luis Obispo shall constitute the twenty-ninth senatorial district.
- Thirtieth. 30. The county of Fresno shall constitute the thirtieth senatorial district.
- Thirty-first. 31. The county of Santa Barbara shall constitute the thirty-first senatorial district.
- Thirty-second. 32. The county of Tulare shall constitute the thirty-second senatorial district.
- Thirty-third. 33. The county of Ventura shall constitute the thirty-third senatorial district.
- Thirty-fourth. 34. The county of Kern shall constitute the thirty-fourth senatorial district.
- Thirty-fifth. 35. The county of Orange shall constitute the thirty-fifth senatorial district.
- Thirty-sixth. 36. The county of San Bernardino shall constitute the thirty-sixth senatorial district.
- Thirty-seventh. 37. The county of Riverside shall constitute the thirty-seventh senatorial district.
- Thirty-eighth. 38. The county of Los Angeles shall constitute the thirty-eighth senatorial district.
- Thirty-ninth. 39. The county of Imperial shall constitute the thirty-ninth senatorial district.
- Fortieth. 40. The county of San Diego shall constitute the fortieth senatorial district.

Assembly districts.

ASSEMBLY DISTRICTS.

- First. 1. The counties of Del Norte and Humboldt shall constitute the first assembly district.
- Second. 2. The counties of Siskiyou, Modoc, Shasta and Trinity shall constitute the second assembly district.
- Third. 3. The counties of Lassen, Plumas, Sierra, Nevada and Placer shall constitute the third assembly district.

4. The counties of Tehama, Glenn and Colusa shall constitute ^{Fourth.} the fourth assembly district.
5. The counties of Butte, Sutter and Yuba shall constitute ^{Fifth} the fifth assembly district.
6. The counties of Mendocino and Lake shall constitute the ^{Sixth.} sixth assembly district.
7. The county of Sonoma shall constitute the seventh assem- ^{Seventh.} bly district.
8. The counties of Napa and Yolo shall constitute the eighth ^{Eighth} assembly district.
9. The county of Marin shall constitute the ninth assembly ^{Ninth} district.
10. The county of Solano shall constitute the tenth assembly ^{Tenth.} district.
11. All that portion of the county of Sacramento, included ^{Eleventh.} within the city of Sacramento as of January 1, 1927, lying north of the center of "K" street, and east of the center of Thirty-first street, and south of the center of "Y" street and east of the center of Franklin boulevard, and all that portion of said Sacramento county included within the boundaries of "American township," "Brighton township," "Center township" and "Granite township," as said townships existed on the first day of January, 1927, shall constitute the eleventh assembly district.
12. All that portion of the county of Sacramento not ^{Twelfth.} included in the eleventh assembly district, as fixed and defined by this act, shall constitute the twelfth assembly district.
13. The county of Contra Costa shall constitute the thir- ^{Thirteenth.} teenth assembly district.
14. All that portion of the county of San Joaquin not ^{Fourteenth} included in the fifteenth assembly district, as fixed and defined by this act, shall constitute the fourteenth assembly district.
15. All that portion of the county of San Joaquin compris- ^{Fifteenth.} ing the city of Stockton as of January 1, 1927, shall constitute the fifteenth assembly district.
16. The counties of El Dorado, Amador, Calaveras, Alpine, ^{Sixteenth.} Tuolumne, Mono and Inyo shall constitute the sixteenth assembly district.
17. The counties of Merced, Mariposa and Madera shall con- ^{Seventeenth.} stitute the seventeenth assembly district.
18. The county of Stanislaus shall constitute the eighteenth ^{Eighteenth.} assembly district.
19. The county of San Mateo shall constitute the nineteenth ^{Nineteenth.} assembly district.
20. All that portion of the county of Santa Clara not ^{Twentieth.} included in the twenty-first assembly district, as fixed and defined by this act, shall constitute the twentieth assembly district.
21. All that portion of the county of Santa Clara em- ^{Twenty-first.} braced within the following precincts, as constituted at the general election in 1926, to wit: Agnews, Alviso, Bay View, Berry-

essa, Burbank, Calderon, Cupertino, Encinal, Farwell, Fremont, Fruitvale, Jefferson numbers one and two, Linda Vista, Los Altos numbers one and two, Midway, Milpitas numbers one and two, Miramonte, Mt. Hamilton, Mountain View numbers one to four inclusive, Orchard, Pala, Palo Alto numbers one to twenty-two inclusive, Purissima. San Jose numbers one to thirty-two inclusive, and numbers eighty-six to one hundred one inclusive, Santa Clara numbers one to eight inclusive, San Tomas, Saratoga numbers one and two, except that portion of Saratoga one precinct situated within section nineteen, township eight south, range one west, Mount Diablo base and meridian, Stanford numbers one and two and Sunnyvale numbers one to three inclusive, shall constitute the twenty-first assembly district.

Twenty-second.

22. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of the center line of Market street with the center line of Eleventh street; thence along the center line of the following named streets, to wit: Eleventh street to Bryant avenue, Bryant avenue to Army street, Army street to San Bruno avenue, San Bruno avenue to the boundary line between the city and county of San Francisco and the county of San Mateo; thence easterly along said boundary line to the bay of San Francisco; thence northerly along the shore line of said bay to its intersection with the center line of Market street; thence along the center line of Market street to the point of beginning, shall constitute the twenty-second assembly district.

Twenty-third.

23. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Dolores and Twenty-ninth streets; thence along the center line of the following named streets, to wit: Twenty-ninth to Mission, Mission to Army, Army to San Bruno avenue, San Bruno avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo; thence along said boundary line westerly to the center line of San Jose avenue; thence along the center lines of the following named streets, to wit: San Jose avenue to Dolores street, Dolores street to Twenty-ninth street, the place of beginning, shall constitute the twenty-third assembly district.

Twenty-fourth.

24. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Twenty-second and Dolores streets, thence along the center line of the following named streets to wit: Dolores to San Jose avenue, San Jose avenue to the boundary line dividing the city and county of San Francisco and the county of San Mateo, thence along said boundary line, westerly, to the waters of the Pacific ocean; thence along the shore line of said ocean northerly, to the Sloat boulevard; thence along the center lines of the following named streets, to wit: Sloat boulevard to Corbett avenue, Corbett avenue to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second

street to Dolores, the place of beginning, shall constitute the twenty-fourth assembly district.

25. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Eighteenth street and Dolores street, continuing along the center lines of the following named streets, to wit: Dolores to Twenty-ninth, Twenty-ninth to Mission, Mission to Army, Army to Bryant avenue, Bryant avenue to Eighteenth street, Eighteenth to Harrison, Harrison to Eighteenth, Eighteenth to Dolores, the point of commencement, shall constitute the twenty-fifth assembly district.

26. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of McAllister and Fillmore streets, continuing thence along the center line of the following named streets, to wit: Fillmore street to Duboce avenue, Duboce avenue to Church street, Church street to Eighteenth, Eighteenth to Dolores, Dolores to Twenty-second, Twenty-second to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to Clarendon avenue, Clarendon avenue to Clayton street, Clayton to Ashbury, Ashbury to Piedmont, Piedmont to Masonic avenue, Masonic avenue to Java street, Java street to Buena Vista avenue, Buena Vista avenue to Central avenue, Central avenue to Oak street, Oak street to Masonic avenue, Masonic avenue to McAllister street, McAllister street to Fillmore street, the place of beginning, shall constitute the twenty-sixth assembly district.

27. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Fulton street and Masonic avenue; thence along the center line of the following named streets, to wit: Masonic avenue to Oak street, Oak street to Central avenue, Central avenue to Buena Vista avenue, Buena Vista avenue to Java street, Java street to Masonic avenue, Masonic avenue to Piedmont street, Piedmont street to Ashbury street, Ashbury street to Clayton street, Clayton street to Clarendon avenue, Clarendon avenue to Burnett avenue, Burnett avenue to Corbett avenue, Corbett avenue to Sloat boulevard, Sloat boulevard to the waters of the Pacific ocean; thence along the shore line of said ocean northerly to Fulton street, Fulton street to Masonic avenue, the place of beginning, shall constitute the twenty-seventh assembly district.

28. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Fulton street and Parker avenue, thence along the center line of the following named streets, to wit: Parker avenue to California street, California street to Maple avenue, Maple avenue to the southerly line of the Presidio Reservation; thence westerly along the southerly boundary of the Presidio Reservation to Lobos creek; thence along the center line of Lobos creek to the waters of the Pacific ocean; thence westerly and southerly along the said shore line to Fulton

street, Fulton street to Parker avenue, the point of beginning, together with the islands known as the Farallon islands, shall constitute the twenty-eighth assembly district.

Twenty-
ninth

29. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of McAllister street and Van Ness avenue, thence along the center lines of the following named streets, to wit: Van Ness avenue to Market street, Market street to Eleventh street, Eleventh street to Bryant avenue, Bryant avenue to Eighteenth street, Eighteenth street to Harrison street, Harrison street to Eighteenth street, Eighteenth street to Church street, Church street to Duboce avenue, Duboce avenue to Fillmore street, Fillmore street to McAllister street, McAllister street to Van Ness avenue, the place of beginning, shall constitute the twenty-ninth assembly district.

Thirtieth

30. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Pine street and Van Ness avenue, thence along the center line of the following named streets, to wit: Van Ness avenue to McAllister street, McAllister to Masonic avenue, Masonic avenue to Fulton street, Fulton street to Parker avenue, Parker avenue to California street, California street to Presidio avenue, Presidio avenue to Pine street, Pine street to Van Ness avenue, the point of beginning, shall constitute the thirtieth assembly district.

Thirty-first.

31. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Pine street and Van Ness avenue, thence along the center line of the following named streets, to wit: Van Ness avenue to the bay of San Francisco, thence along the shore line of said bay to the waters of the Pacific ocean; thence along the shore line of said ocean to Lobos creek; thence along the line of said Lobos creek to the southerly boundary line of Presidio Reservation; thence along said boundary line to Maple street, Maple street to California street, California street to Presidio avenue, Presidio avenue to Pine street, Pine street to Van Ness avenue, the point of beginning, shall constitute the thirty-first assembly district.

Thirty-
second

32. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Van Ness avenue and Market street, continuing along the center line of the following named streets, to wit: Van Ness avenue to the waters of the bay of San Francisco; thence easterly along the shore line of said bay to Jones street, Jones street to Green street, Green street to Mason street, Mason street to Ellis street, Ellis street to Jones street, Jones street to Market street, Market street to Van Ness avenue, the point of beginning, shall constitute the thirty-second assembly district.

Thirty-
third.

33. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Market street and Jones street, continuing thence along the

center line of the following named streets, to wit: Jones to Ellis, Ellis to Mason, Mason to Green, Green to Jones, Jones to the waters of the bay of San Francisco; thence easterly along the shore line of said bay to Market street, Market street to Jones street, the point of beginning and the islands of the bay of San Francisco within the city and county of San Francisco, shall constitute the thirty-third assembly district.

34. All of that portion of the county of Alameda lying southerly and easterly of a line described as follows: Thirty-fourth.

Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of Alameda county; thence easterly and northerly along the boundary line of Alameda township to the line dividing Brooklyn and Eden townships; thence easterly, northeasterly and easterly along the boundary line between Eden and Brooklyn townships to the southwesterly boundary line of the town of San Leandro; thence in a general northerly direction along said boundary line to the center of East Fourteenth street; thence northwesterly following along the center line of East Fourteenth street to the center line of Sixty-eighth avenue; thence northeasterly along the center line of Sixty-eighth avenue to the center line of Flora street; thence northwesterly along the center line of Flora street to the center line of Sixty-eighth avenue; thence northeasterly along the center line of Sixty-eighth avenue to the center line of Foothill boulevard; thence easterly along the center line of Foothill boulevard to the center line of Sixty-ninth avenue; thence northerly and northeasterly along the center line of Sixty-ninth avenue to the line known as the Brothers Line, being the dividing line between the A. M. Peralta and Ygnacio Peralta portion of the Rancho San Antonio, thence northeasterly along said Brothers line to the line between Eden and Brooklyn townships on the northeasterly boundary line of the city of Oakland; thence following the northeast boundary line of the city of Oakland in a northwesterly direction, to its intersection with the northeasterly boundary line of the county of Alameda, shall constitute the thirty-fourth assembly district.

35. All of that portion of the county of Alameda described as follows: Thirty-fifth.

Beginning at a point where the boundary line between Eden and Alameda townships intersects the westerly boundary line of Alameda county; thence easterly and northerly along the boundary line of Alameda township to the line dividing Brooklyn and Eden townships; thence easterly, northeasterly and easterly along the boundary line between Eden and Brooklyn townships to the southwesterly boundary line of the town of San Leandro; thence northerly and easterly along said boundary line to the center of East Fourteenth street; thence northwesterly along the center line of East Fourteenth street to its intersection with the center line of Thirteenth avenue; thence northeasterly along the center line of Thirteenth avenue to an intersection with the center line of East Twentieth

street; thence northwesterly along the center line of East Twentieth street to the intersection with the center line of Park boulevard; thence easterly along the center line of Park boulevard to the intersection with the center line of Newton avenue; thence northwesterly along the center line of Newton avenue and its direct production northerly, to the intersection with the center line of Brooklyn avenue; thence northwesterly along the center line of Brooklyn avenue and its direct extension to the intersection with a line dividing Brooklyn and Oakland townships, said point being in Lake Merritt; thence southwestwardly along said township line to its intersection with the northerly boundary line of Alameda township; thence westerly following along the said northerly boundary line of Alameda township to its intersection with the westerly boundary line of Alameda county; thence southeasterly along said county boundary line to the point of beginning, shall constitute the thirty-fifth assembly district.

Thirty-
sixth.

36. All that portion of the county of Alameda described as follows, to wit:

Beginning at a point where the center line of Thirteenth avenue is intersected by the center line of East Fourteenth street, in the city of Oakland; thence northeasterly along the center line of Thirteenth avenue to the intersection with the center line of Park boulevard; thence northeasterly along the center line of Park boulevard to the intersection with the direct production southeasterly of the southerly boundary line of the city of Piedmont; thence northwesterly along said production to the southeast corner of the boundary line of the city of Piedmont; thence following the southeasterly and northeasterly boundary lines of the city of Piedmont to the line dividing Oakland and Brooklyn townships; thence northeasterly along said dividing line between Oakland and Brooklyn townships and along the center line of Thorn road to its intersection with the northeasterly boundary line of the city of Oakland; thence in a general southeasterly direction, following said boundary line of the city of Oakland to a point where the same would be intersected by the dividing line between the A. M. Peralta and Ygnacio Peralta portion of the Rancho San Antonio, also known as the Brothers Line; thence southwestwardly along said Rancho and Brothers Line to the center line of Sixty-ninth avenue; thence continuing in a southwestwardly and southerly direction along the center line of Sixty-ninth avenue to the center line of Foothill boulevard; thence westerly along the center line of Foothill boulevard to the center line of Sixty-eighth avenue; thence southwestwardly along the center line of Sixty-eighth avenue to the center line of Flora street; thence southeasterly along the center line of Flora street to the center line of Sixty-eighth avenue; thence southwestwardly along the center line of Sixty-eighth avenue to the center line of East Fourteenth street; thence northwesterly along the center line of East Fourteenth street to the center

line of Thirteenth avenue, the point of beginning, shall constitute the thirty-sixth assembly district.

37. All that portion of Alameda county described as follows, to wit: Thirty-seventh

Beginning at a point where the center line of Broadway is intersected by the center line of Twentieth street, in the city of Oakland; thence southeasterly along the center line of Twentieth street and the direct extension southeasterly thereof to the center of the west arm of Lake Merritt; thence southeasterly along the center of the west arm of Lake Merritt to its junction with the center of the east arm of Lake Merritt on the line dividing Oakland and Brooklyn townships; thence northeasterly along the said dividing line and passing through the east arm of Lake Merritt to a point in a direct production northwesterly of the center line of Brooklyn avenue; thence southeasterly along said production and along said center line of Brooklyn avenue to its intersection with the direct production northerly of the center line of Newton avenue; thence southeasterly along said production and along the center line of Newton avenue to the center line of Park boulevard, formerly known as Fourth avenue; thence southwestward along the center line of Park boulevard to the center line of East Twentieth street; thence southeasterly along the center line of East Twentieth street to the center line of Thirteenth avenue; thence northeasterly along the center line of Thirteenth avenue to the intersection with the center line of Park boulevard; thence northeasterly along the center line of Park boulevard to its intersection with the direct production southeasterly of the southerly boundary of the city of Piedmont; thence westerly along said production to the southeast corner of the boundary line of the city of Piedmont; thence following the southeasterly, northeasterly and northerly boundary lines of the city of Piedmont to its intersection with the northerly boundary line of the city of Oakland as it existed prior to December 8, 1909; thence in a general northwesterly direction along said northerly boundary line to the center line of Clifton street; thence northwesterly along the center line of Clifton street to the center line of Broadway; thence southwestward along the center line of Broadway to its intersection with the center line of College avenue; thence northerly along the center line of College avenue to its intersection with the center line of Clifton street; thence northwesterly along the center line of Clifton street to the center line of Claremont avenue; thence southwestward along the center line of Claremont avenue to the center line of Fifty-sixth street; thence northwesterly along the center line of Fifty-sixth street to the center line of Telegraph avenue; thence southerly along the center line of Telegraph avenue to the center line of Twentieth street; thence southeasterly along the center line of Twentieth street to the center line of Broadway and the point of beginning, shall constitute the thirty-seventh assembly district.

Thirty-
eighth.

38. All of that portion of the county of Alameda, described as follows, to wit:

Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-first street in the city of Oakland; thence easterly along the center line of Twenty-first street to the center line of Market street; thence southerly along the center line of Market street to the center line of Twentieth street; thence southeasterly along the center line of Twentieth street and its direct extension southeasterly to the center of the west arm of Lake Merritt; thence southeasterly along the center of the west arm of Lake Merritt to the center of the east arm of Lake Merritt and the line dividing Oakland and Brooklyn townships; thence southwesterly along the line dividing Oakland and Brooklyn townships to its intersection with the line dividing Oakland and Alameda townships; thence westerly along said line dividing Oakland and Alameda townships to its intersection with the direct extension southerly of the center line of Adeline street; thence northerly along the direct extension of the center line of Adeline street and the center line of Adeline street to its intersection with the center line of Twenty-first street and the point of beginning, shall constitute the thirty-eighth assembly district.

Thirty-
ninth.

39. All that portion of the county of Alameda described as follows, to wit:

Beginning at a point where the center line of Adeline street is intersected by the center line of Twenty-first street, in the city of Oakland; thence easterly along the center line of Twenty-first street to the center line of Market street; thence southerly along the center line of Market street to the center line of Twentieth street; thence southeasterly along the center line of Twentieth street to the center line of Telegraph avenue; thence northerly along the center line of Telegraph avenue to the center line of Fifty-fifth street; thence southwesterly along the center line of Fifty-fifth street to the center line of Adeline street; thence northeasterly along the center line of Adeline street to the center line of Fifty-fifth street; thence southwesterly along the center line of Fifty-fifth street to the center line of San Pablo avenue; thence northerly along the center line of San Pablo avenue to the center line of Fifty-fifth street; thence westerly along the center line of Fifty-fifth street to its intersection with the easterly boundary line of the town of Emeryville; thence northwesterly and following the eastern boundary line of the town of Emeryville to the southerly boundary line of the city of Berkeley; thence westerly along the southerly boundary line of the city of Berkeley and the direct extension of the same, to its intersection with the westerly boundary line of Alameda county; thence southerly along the westerly boundary line of Alameda county to its intersection with the line dividing Oakland and Alameda townships; thence easterly along said line dividing Oakland and Alameda townships to a point where the direct

extension of the center line of Adeline street would intersect the same; thence northerly along said direct extension and the center line of Adeline street to the center line of Twenty-first street and the point of beginning, shall constitute the thirty-ninth assembly district.

40. All that portion of Alameda county described as follows, to wit: ^{Fortieth}

Beginning at a point where the east boundary line of the city of Berkeley intersects the northern boundary line of the county of Alameda; thence northwesterly, southwesterly and southeasterly along the northern and western boundary line of the county of Alameda to a point where said boundary line would intersect the direct extension westerly of the center line of Dwight way; thence easterly along said extension and along the center line of Dwight way and its direct extension easterly, to the eastern boundary line of the city of Berkeley; thence northerly along the easterly boundary line of the city of Berkeley to the northern boundary line of the county of Alameda, and the point of beginning, shall constitute the fortieth assembly district.

41. All that portion of Alameda county described as follows, ^{Forty-first.} to wit:

Beginning at a point where the easterly boundary line of the city of Berkeley intersects the northern boundary line of the county of Alameda; thence in a general southeasterly direction along the northeasterly boundary line of Alameda county to its intersection with the line dividing Oakland and Brooklyn townships; thence southwesterly along the center line of Thorn road and the line dividing Oakland and Brooklyn townships to its intersection with the northeasterly boundary line of the city of Piedmont; thence northwesterly and southwesterly along the northerly boundary line of the city of Piedmont to the northern boundary of the city of Oakland as it existed prior to December 8, 1909; thence northwesterly along said northern boundary line to the center line of Clifton street, thence northwesterly along the center line of Clifton street to the center line of Broadway; thence southwesterly along the center line of Broadway to its intersection with the center line of College avenue, thence northerly along the center line of College avenue to its intersection with the center line of Clifton street; thence northwesterly along the center line of Clifton street to its intersection with the center line of Claremont avenue; thence southwesterly along the center line of Claremont avenue to its intersection with the center line of Fifty-sixth street; thence northwesterly along the center line of Fifty-sixth street to its intersection with the center line of Telegraph avenue; thence southerly along the center line of Telegraph avenue to its intersection with the center line of Fifty-fifth street; thence westerly along the center line of Fifty-fifth street to its intersection with the center line of Adeline street; thence northeasterly along the center line of Adeline street to its intersection with the center

line of Fifty-fifth street; thence westerly along the center line of Fifty-fifth street to its intersection with the center line of San Pablo avenue; thence northerly along the center line of San Pablo avenue to the intersection with the center line of Fifty-fifth street; thence westerly along the center line of Fifty-fifth street to the easterly boundary line of the town of Emeryville; thence northerly along the easterly boundary line of the town of Emeryville to the northerly boundary line of the town of Emeryville and the southerly boundary line of the city of Berkeley; thence westerly along said dividing line between Berkeley and Emeryville and its direct extension westerly to the west boundary line of the county of Alameda; thence northwesterly along the western boundary line of the county of Alameda to a point where said boundary line would intersect the direct extension westerly of the center line of Dwight way; thence easterly along said extension and along the center line of Dwight way and its direct extension easterly to the easterly boundary line of the city of Berkeley; thence northerly along the easterly boundary line of the city of Berkeley to the northern boundary line of the county of Alameda and the point of beginning, shall constitute the forty-first assembly district.

Forty-second.

42. The counties of Santa Cruz and San Benito shall constitute the forty-second assembly district.

Forty-third

43. The counties of Monterey and San Luis Obispo shall constitute the forty-third assembly district.

Forty-fourth.

44. All that portion of the county of Fresno lying generally westerly and southerly of the following described line, except such as is included within the boundaries of the city of Fresno as of record January 1, 1927: Commencing at the point where the northerly boundary of section ten in township twelve south, range twenty east, Mount Diablo base and meridian, is intersected by the boundary line between the counties of Fresno and Madera; thence easterly, along section lines, to the northeast corner of section twelve, in the same township and range; thence southerly, along section lines, to the southeast corner of section thirty-six, in the same township and range; thence westerly along the third standard line, to the northeast corner of section one, in township thirteen south, range twenty east, Mount Diablo base and meridian; thence southerly, a distance of approximately three miles, to the southeast corner of section thirteen, in the last mentioned township and range; thence westerly, a distance of approximately two miles, to the northeast corner of section twenty-two, in the last mentioned township and range; thence southerly, along section lines to the southeast corner of section ten, in township fourteen south, range twenty east, Mount Diablo base and meridian; thence westerly, along the south boundary of said section ten, to its intersection with the center line of the right of way of the Central Pacific Railroad; thence southeasterly, along the center line of the right of way of the said Central Pacific Railroad, to its intersection with the

boundary of the town of Fowler, near the most northwesterly corner of said town; thence, following accurately the boundaries of the town of Fowler as of record January 1, 1927, first in a general easterly direction, and then in a general southerly direction, to the intersection with the center line of the right of way of the said Central Pacific Railroad; thence in a southeasterly direction, along the center line of said right of way, to its intersection with the westerly boundary of the city of Selma; thence, following accurately the boundaries of the city of Selma as of record, January 1, 1927, first in a general southerly direction, and then in a general easterly direction to the intersection with the center line of the right of way of the said Central Pacific Railroad; thence in a southeasterly direction, along the center line of said right of way to its intersection with the boundary of the city of Kingsburg; thence following accurately the boundaries of the city of Kingsburg as of record January 1, 1927, first in a general easterly direction, and then in a southerly direction to the intersection with the boundary line between the counties of Fresno and Tulare, shall constitute the forty-fourth assembly district.

45. All that portion of the county of Fresno included within the boundaries of the city of Fresno as constituted and of record January 1, 1927, shall constitute the forty-fifth assembly district. Forty-fifth.

46. All that portion of the county of Fresno not included in the forty-fourth and forty-fifth assembly districts as fixed and defined by this act, shall constitute the forty-sixth assembly district. Forty-sixth.

47. The counties of Tulare and Kings shall constitute the forty-seventh assembly district. Forty-seventh.

48. The county of Kern shall constitute the forty-eighth assembly district. Forty-eighth.

49. The county of Santa Barbara shall constitute the forty-ninth assembly district. Forty-ninth.

50. The county of Ventura shall constitute the fiftieth assembly district. Fiftieth.

51. All that part of the county of Los Angeles within the following described boundaries: Fifty-first.

Beginning at the northwest corner of the county of Los Angeles; thence easterly along the boundary of said county and following the same in all its various courses to the township line between townships three and four north; thence westerly along township lines to the northeasterly corner of section three, township three north, range thirteen west, San Bernardino meridian; thence southerly along section lines to the northerly boundary of the city of Glendale as the same existed on March 1, 1927; thence easterly along said last mentioned boundary and following the same in all its various courses to the northerly line of section fourteen, township one north, range thirteen west, San Bernardino meridian; thence easterly along section lines to the westerly boundary of the

Fifty-first
(cont'd).

city of Pasadena as the same existed on above mentioned date; thence southerly along said last mentioned boundary and following the same in all its various courses to the easterly boundary of the city of Los Angeles as the same existed on above mentioned date; thence westerly along the boundary of said last mentioned city, and following the same in all its various courses to the southwesterly corner of the city of Burbank as the same existed on said date; thence westerly along the boundary of said city of Los Angeles and following the same in all its various courses to the northeasterly line of Tract No. 7354 as shown on map recorded in book 89, pages 76 to 81, of maps, records of Los Angeles county; thence southeasterly along the northeasterly line of said last mentioned tract to the center line of Hillcock drive; thence southwesterly along the center line of Hillock drive to the center line of Craig drive; thence southeasterly along the center line of Craig drive to the center line of Hollywood way; thence southwesterly along the center line of Hollywood way to the southerly boundary of the Providencia addition to the city of Los Angeles; thence easterly along said last mentioned boundary and following the same in all its various courses to the southerly boundary of the Rancho ex Mission de San Fernando; thence westerly along said last mentioned southerly boundary to the northwesterly line of the Rancho San Vicente y Santa Monica; thence southwesterly along said last mentioned northwesterly line to the southeast corner of fractional section eighteen, township one south, range sixteen west, San Bernardino meridian; thence westerly along section lines to the southwest corner of section eighteen, township one south, range seventeen west, San Bernardino meridian; thence westerly along the summit of the Santa Monica mountains to the northwesterly boundary of the county of Los Angeles; thence northeasterly along said last mentioned boundary and following the same in all its various courses to the point of beginning, shall constitute the fifty-first assembly district.

Fifty-second

52. All that part of the county of Los Angeles within the following described boundaries:

Beginning at the northeast corner of section three, township three north, range thirteen west, San Bernardino meridian; thence easterly along section lines to the northeasterly corner of section five, township three north, range twelve west, San Bernardino meridian; thence southerly along section lines to the southerly line of fractional section five, township one north, range twelve west, San Bernardino meridian; thence westerly along said southerly line to the center line of Lincoln avenue; thence southerly along the center line of Lincoln avenue to the northerly boundary of the city of Pasadena, as the same existed March 1, 1927; thence easterly along said last mentioned boundary and following the same in all its various courses to the northerly line of section thirteen, township one north, range thirteen west, San Bernardino meridian; thence westerly along section lines to

the easterly boundary of the city of Glendale as the same existed on above mentioned date; thence northeasterly along said last mentioned boundary and following the same in all its various courses to the southerly prolongation of the westerly line of section twenty-three, township two north, range thirteen west, San Bernardino meridian; thence northerly along said last mentioned prolongation and section lines to the point of beginning, shall constitute the fifty-second assembly district.

53. All that part of Los Angeles county, within the following described boundary lines: Fifty-third.

Beginning at the northeast corner of section five, township three north, range twelve west, San Bernardino meridian; thence easterly along township lines to the northeast corner of section three, township three north, range ten west, San Bernardino meridian; thence southerly along section lines to the center line of the old San Gabriel river; thence southwesterly along the center line of the old San Gabriel river to the southeasterly boundary of the city of Montebello, as the same existed on March 1, 1927; thence northeasterly along the boundary of said city, and following the same in all its various courses to the southerly boundary of the city of Monterey Park, as the same existed on said date; thence westerly along the boundary of said last mentioned city, and following the same in all its various courses to the southerly boundary of the city of Alhambra, as the same existed on the aforesaid date; thence westerly along the boundary of said last mentioned city, and following the same in all its various courses, to the southerly boundary of the city of South Pasadena, as the same existed on the aforesaid date; thence westerly along the boundary of said last mentioned city, and following the same in all its various courses to the southerly boundary of the city of Pasadena, as the same existed on aforesaid date; thence easterly along the boundary of said last mentioned city, and following the same in all its various courses to the center line of Lincoln avenue; thence northerly along the center line of Lincoln avenue to the southerly line of fractional section five, township one north, range twelve west, San Bernardino meridian; thence easterly along said last mentioned southerly line to the southeasterly corner of said last mentioned fractional section; thence northerly along section lines to the point of beginning, shall constitute the fifty-third assembly district.

54. All that part of the county of Los Angeles within the following described boundaries: Fifty-fourth.

Beginning at the intersection of the center line of the Pacific Electric Railway Company's right of way (in Glendale boulevard) with the southwesterly boundary of the city of Glendale as the same existed March 1, 1927; thence southeasterly along said last mentioned boundary and following the same in all its various courses to the westerly boundary of the city of Pasadena as the same existed on above mentioned date; thence southerly along said last mentioned boundary and following

Fifty-fourth
(cont'd).

the same in all its various courses to the northwest corner of the city of South Pasadena as the same existed on above mentioned date; thence southerly along the boundary of said last mentioned city and following the same in all its various courses to the southwest corner of said city of South Pasadena; being a point on the east and west quarter section line of section seven, township one south, range twelve west, San Bernardino meridian; thence westerly along said quarter section line to the range line between ranges twelve and thirteen west; thence southerly along range line to the easterly prolongation of the northerly patent boundary of the city of Los Angeles; thence westerly along said easterly prolongation and northerly boundary to the center line of Union Pacific Railroad Company's right of way (in Midland street); thence southwesterly along the center line of said right of way to the center line of Avenue 44; thence northwesterly along the center line of Avenue 44 to the center line of Atchison, Topeka and Santa Fe Railway Company's right of way; thence southwesterly along the center line of said last mentioned right of way to the southeasterly prolongation of the center line of Avenue 37; thence northwesterly along said last mentioned prolongation and center line of Avenue 37 to the center line of Dayton avenue; thence southwesterly along the center line of Dayton avenue to the center line of Amabel street; thence northwesterly along the center line of Amabel street to the center line of Isabel street; thence southwesterly and northwesterly along the center line of Isabel street to the center line of Granada street; thence southwesterly along the center line of Granada street to the center line of Cypress avenue; thence southeasterly along the center line of Cypress avenue to the center line of Granada street (from the southwest); thence southwesterly along the center line of Granada street to the center line of the Southern Pacific Railroad Company's right of way (Valley line); thence northwesterly along the center line of said right of way to the north patent boundary of the city of Los Angeles; thence westerly along said last mentioned boundary to the center line of Glendale boulevard; thence northerly and northwesterly along the center line of Glendale boulevard to the center line of Riverside drive; thence southeasterly along the center line of Riverside drive to the center line of Pacific Electric Railway Company's right of way (in Glendale boulevard); thence northerly and northeasterly along the center line of said last mentioned right of way to the point of beginning, shall constitute the fifty-fourth assembly district.

Fifty-fifth.

55. All that part of the county of Los Angeles within the following described boundaries:

Beginning at the intersection of the northwesterly boundary of the city of Los Angeles as the same existed March 1, 1927, with the northeasterly line of Tract No. 7354 as shown on map recorded in book 89, pages 76 to 81 of maps, records of Los Angeles county; thence southwesterly along the boundary of

said city of Los Angeles and following the same in all its various courses to the center line of the Pacific Electric Railway Company's right of way (in Glendale boulevard); thence southwesterly and southerly along the center line of said right of way to the center line of Riverside drive; thence northwesterly along the center line of Riverside drive to the center line of Glendale boulevard; thence southeasterly and southerly along the center line of Glendale boulevard to the north patent boundary of the city of Los Angeles; thence easterly along said last mentioned boundary to the center line of Echo Park avenue; thence southwesterly along the center line of Echo Park avenue to the center line of Sunset boulevard; thence northwesterly along the center line of Sunset boulevard to the center line of Santa Monica boulevard; thence westerly along the center line of Santa Monica boulevard to the center line of Vermont avenue; thence southerly along the center line of Vermont avenue to the center line of Melrose avenue; thence westerly along the center line of Melrose avenue to the center line of Wilcox avenue; thence northerly along the center line of Wilcox avenue to the center line of Santa Monica boulevard; thence westerly along the center line of Santa Monica boulevard to the easterly boundary of the La Brea addition to the city of Los Angeles; thence southerly along said last mentioned boundary to the center line of Romaine street; thence westerly along the center line of Romaine street to the westerly boundary of the city of Los Angeles as the same existed on above mentioned date; thence northerly and westerly along said last mentioned boundary to the center line of Poinsettia place; thence northerly along the center line of Poinsettia place to the center line of Sunset boulevard; thence westerly along the center line of Sunset boulevard to the center line of Fuller avenue; thence northerly along the center line of Fuller avenue to the southerly boundary of the Laurel Canyon addition to the city of Los Angeles; thence easterly along the boundary of said last mentioned addition and following the same in all its various courses to the southerly line of the Rancho ex Mission de San Fernando; thence easterly along said last mentioned southerly line to the southwestly boundary of the Providencia addition to the city of Los Angeles; thence northwesterly along the boundary of said last mentioned addition and following the same in all its various courses to the center line of Hollywood way; thence northeasterly along the center line of Hollywood way to the center line of Craig drive; thence northwesterly along the center line of Craig drive to the center line of Hillock drive; thence northeasterly along the center line of Hillock drive to the northeasterly line of Tract No. 7354 as shown on map recorded in book 89, pages 76 to 81 of maps, records of Los Angeles county; thence northwesterly along the northeasterly line of said last mentioned tract to the point of beginning, shall constitute the fifty-fifth assembly district.

Fifty-fifth
(cont'd)

Fifty-sixth.

56. All that part of the county of Los Angeles within the following described boundaries:

Beginning at the intersection of the summit of the Santa Monica mountains with the northwesterly boundary of the county of Los Angeles as the same existed March 1, 1927; thence easterly along the summit of said Santa Monica mountains to the southwest corner of section eighteen, township one south, range seventeen west, San Bernardino meridian; thence easterly along section lines to the northwesterly line of the Rancho San Vicente y Santa Monica; thence northeasterly along said last mentioned rancho line to the southerly boundary of the Rancho ex Mission de San Fernando; thence easterly along said last mentioned southerly boundary to the easterly boundary of the Laurel Canyon addition to the city of Los Angeles; thence southerly along said last mentioned boundary and following the same in all its various courses to the center line of Fuller avenue; thence southerly along the center line of Fuller avenue to the center line of Sunset boulevard; thence easterly along the center line of Sunset boulevard to the center line of Poinsettia place; thence southerly along the center line of Poinsettia place to the northerly boundary of the city of Los Angeles as the same existed on above mentioned date; thence easterly and southerly along the boundary of said last mentioned city and following the same in all its various courses to the southwesterly corner of the city of Beverly Hills; thence westerly along the westerly prolongation of the most southerly boundary of said last mentioned city to the center line of Heath avenue; thence southeasterly along the center line of Heath avenue to the center line of Pico boulevard; thence southwesterly along the center line of Pico boulevard to the northeasterly boundary of the city of Santa Monica as the same existed on above mentioned date; thence southeasterly along said last mentioned boundary and following the same in all its various courses to the most southerly corner of said last mentioned city, being a point in the boundary of the county of Los Angeles; thence northwesterly along the boundary of said county and following the same in all its various courses to the point of beginning, shall constitute the fifty-sixth assembly district.

Fifty-seventh.

57. All that part of the county of Los Angeles within the following described boundaries:

Beginning at the most southerly corner of the city of Santa Monica as the same existed March 1, 1927, being a point in the southwesterly boundary of the county of Los Angeles; thence northeasterly along the boundary of said city of Santa Monica and following the same in all its various courses to the center line of Pico boulevard; thence northeasterly along the center line of Pico boulevard to the center line of Heath avenue; thence northwesterly along the center of Heath avenue to the westerly prolongation of the most southerly boundary of the city of Beverly Hills as the same existed on

above mentioned date; thence easterly along said last mentioned prolongation to the southwesterly boundary of said last mentioned city, being also a point in the boundary of said city of Los Angeles; thence easterly along said last mentioned boundary and following the same in all its various courses to the center line of Romaine street; thence easterly along the center line of Romaine street to the easterly boundary of the La Brea addition to the city of Los Angeles; thence northerly along said last mentioned boundary to the center line of Santa Monica boulevard; thence easterly along the center line of Santa Monica boulevard to the center line of Wilcox avenue; thence southerly along the center line of Wilcox avenue to the center line of Melrose avenue; thence easterly along the center line of Melrose avenue to the northerly prolongation of the center line of Wilcox avenue (lying southerly of Melrose avenue); thence southerly along said northerly prolongation and center line of Wilcox avenue and southerly prolongation thereof to the center line of Third street; thence easterly along the center line of Third street to the center line of Rimpau boulevard; thence southerly along the center line of Rimpau boulevard to the easterly boundary of the Palms addition to the city of Los Angeles; thence southerly along said last mentioned boundary and following the same in all its various courses to the center line of Buckingham road; thence southwesterly along the center line of Buckingham road to the center line of Washington street; thence westerly along the center line of Washington street to the center line of Buckingham road from the southwest; thence southwesterly along the center line of Buckingham road to the center line of Adams street; thence easterly along the center line of Adams street to the center line of Angeles Mesa drive; thence southerly along the center line of Angeles Mesa drive to the southerly boundary of the aforesaid Palms addition to the city of Los Angeles; thence westerly along said last mentioned boundary to the easterly boundary of the city of Culver City, as the same existed on above mentioned date; thence southerly along said last mentioned boundary to the first angle point therein, being a point in the westerly boundary of the Rancho Cienega O'Paso de la Tijera; thence southerly and southeasterly along the boundary of said last mentioned rancho to the north and south quarter section line in section seventeen, township two south, range fourteen west, San Bernardino meridian; thence southerly along said last mentioned quarter section line to the southerly line of said last mentioned section; thence westerly along section lines to the southeasterly line of the Rancho La Ballona; thence southwesterly along said last mentioned rancho line to the northerly boundary of the city of Los Angeles as the same existed on above mentioned date; thence westerly along the boundary of said last mentioned city and following the same in all its various courses to the easterly boundary of the Venice consolidation to the city of

Fifty-
seventh
(cont'd).

Los Angeles (at Mesner avenue); thence southerly along the boundary of said last mentioned consolidation and following the same in all its various courses to the southwesterly boundary of the county of Los Angeles; thence northwesterly along said last mentioned southwesterly boundary to the point of beginning, shall constitute the fifty-seventh assembly district.

Fifty-eighth

58. All that part of the county of Los Angeles within the following described boundaries:

Beginning at the intersection of the center line of Melrose avenue and the northerly prolongation of the center line of Wilcox avenue, (lying southerly of Melrose avenue); thence easterly along the center line of Melrose avenue to the center line of Vermont avenue; thence southerly along the center line of Vermont avenue to the center line of Seventh street; thence easterly along the center line of Seventh street to the center line of Westmoreland avenue; thence southerly along the center line of Westmoreland avenue to the center line of Tenth street; thence westerly along the center line of Tenth street to the center line of Westmoreland avenue, from the south; thence southerly along the center line of Westmoreland avenue to the center line of Pico boulevard; thence easterly along the center line of Pico boulevard to the center line of Orchard avenue; thence southerly along the center line of Orchard avenue to the center line of Washington street; thence westerly along the center line of Washington street to the center line of Buckingham road, from the northeast; thence northeasterly along the center line of Buckingham road to the northeasterly boundary of the Palms addition to the city of Los Angeles; thence northwesterly along the boundary of said last mentioned addition and following the same in all its various courses to the center line of Rimpau boulevard; thence northeasterly along the center line of Rimpau boulevard to the center line of Third street; thence westerly along the center line of Third street to the southerly prolongation of the center line of Wilcox avenue (lying southerly of Melrose avenue); thence northerly along said southerly prolongation and center line of Wilcox avenue and northerly prolongation thereof to the point of beginning, shall constitute the fifty-eighth assembly district.

Fifty-ninth

59. All that part of the county of Los Angeles within the following described boundaries:

Beginning at the intersection of the center lines of Washington street and Buckingham road, from the southwest; thence easterly along the center line of Washington street to the center line of Hoover street; thence southerly along the center line of Hoover street to the center line of Jefferson street; thence southeasterly along the center line of Jefferson street to the center line of Figueroa street; thence southwest-ly and southerly along the center line of Figueroa street to the center line of Santa Barbara avenue; thence westerly along the center line of Santa Barbara avenue and the westerly prolongation thereof to the westerly boundary of the city of Los

Angeles as the same existed March 1, 1927; thence northerly along said boundary to the southerly boundary of the Palms addition to the city of Los Angeles; thence easterly along said last mentioned boundary to the center line of Angeles Mesa drive; thence northerly along the center line of Angeles Mesa drive to the center line of Adams street; thence westerly along the center line of Adams street to the center line of Buckingham road; thence northeasterly along the center line of Buckingham road to the point of beginning, shall constitute the fifty-ninth assembly district.

60. All that part of the county of Los Angeles within the ^{Sixtyeth} following described boundaries:

Beginning at the intersection of the center line of Echo Park avenue with the north patent boundary of the city of Los Angeles; thence easterly along said boundary to the center line of the Southern Pacific Railroad Company's right of way (valley line); thence southeasterly along the center line of said right of way to the southwesterly prolongation of the center line of Granada street; thence northeasterly along the center line of Granada street to the center line of Cypress avenue; thence northwesterly along the center line of Cypress avenue to the center line of Granada street, from the northeast; thence northeasterly along the center line of Granada street to the center line of Isabel street; thence southeasterly along the center line of Isabel street to the center line of Pepper avenue; thence westerly along the center line of Pepper avenue to the center line of Cypress avenue; thence southeasterly along the center line of Cypress avenue to the center line of Dayton avenue; thence northeasterly along the center line of Dayton avenue to the center line of Loreto street; thence southeasterly along the center line of Loreto street to the center line of Arroyo Seco avenue; thence southwesterly along the center line of Arroyo Seco avenue to the center line of Union Pacific Railroad Company's right of way (Glendale branch); thence southeasterly along the center line of said right of way to the center line of The Atchison, Topeka and Santa Fe Railway Company's right of way (main line); thence northeasterly along the center line of said last mentioned right of way to the center line of Avenue 34; thence easterly along the center line of Avenue 34 to the center line of Pasadena avenue; thence southerly along the center line of Pasadena avenue to the center line of Avenue 33, from the east; thence easterly along the center line of Avenue 33 to the center line of Griffin avenue; thence southerly along the center line of Griffin avenue to the center line of Avenue 28; thence westerly along the center line of Avenue 28 to the center line of Pasadena avenue; thence southwesterly along the center line of Pasadena avenue to the center line of Daly street; thence southerly along the center line of Daly street to the center line of North Broadway; thence easterly along the center line of North Broadway to the center line of Mission road; thence southwesterly along the center line

of Mission road to the center line of Griffin avenue; from the southeast; thence southeasterly along the center line of Griffin avenue to the center line of State street; thence southwesterly along the center line of State street to the center line of Marengo street; thence southeasterly along the center line of Marengo street to the center line of State street, from the southwest; thence southwesterly along the center line of State street to the center line of First street; thence southeasterly along the center line of First street to the center line of Soto street; thence southwesterly and southerly along the center line of Soto street to the southerly boundary of the city of Los Angeles as the same existed on March 1, 1927; thence westerly along the boundary of said last mentioned city and following the same in all its courses to the center line of Alameda street; thence northerly along the center line of Alameda street to the center line of Ninth street; thence northwesterly along the center line of Ninth street to the center line of Hill street; thence northeasterly along the center line of Hill street to the center line of Temple street; thence northwesterly along the center line of Temple street to the center line of East Edgeware road; thence northeasterly along the center line of East Edgeware road to the center line of Temple street; thence northwesterly along the center line of Temple street to the center line of Glendale boulevard; thence northerly along the center line of Glendale boulevard to the center line of Sunset boulevard; thence southeasterly along the center line of Sunset boulevard to the center line of Echo Park avenue; thence northeasterly along the center line of Echo Park avenue to the point of beginning, shall constitute the sixtieth assembly district.

Sixty-first

61. All that part of the county of Los Angeles within the following described boundaries:

Beginning at the intersection of the center line of Isabel street with the center line of Pepper avenue; thence southeasterly along the center line of Isabel street to the center line of Amabel street; thence southeasterly along the center line of Amabel street to the center line of Dayton avenue; thence northeasterly along the center line of Dayton avenue to the center line of Avenue 37; thence southeasterly along the center line of Avenue 37 to the center line of The Atchison, Topeka and Santa Fe Railway Company's right of way (in Marmion way); thence northeasterly along the center line of said last mentioned right of way to the center line of Avenue 44; thence southeasterly along the center line of Avenue 44 to the center line of the Union Pacific Railroad Company's right of way (in Midland street); thence northeasterly along the center line of said last mentioned right of way to the north patent boundary of the city of Los Angeles; thence easterly along said northerly boundary and easterly prolongation thereof to the range line between ranges twelve and thirteen west; thence northerly along range line to the east and west quarter section line of section seven, township one south, range twelve west,

San Bernardino meridian; thence easterly along said quarter section line to the southwest corner of the city of South Pasadena as the same existed March 1, 1927; thence easterly along the southerly boundary of said last mentioned city to the westerly boundary of the city of Alhambra as the same existed on above mentioned date; thence southerly along the boundary of said last mentioned city and following the same in all its various courses to the westerly boundary of the city of Monterey Park as the same existed on above mentioned date; thence easterly along the boundary of said last mentioned city and following the same in all its various courses to the northwesterly corner of the city of Montebello, as the same existed on above mentioned date; thence southerly along the boundary of said last mentioned city and following the same in all its various courses to the center line of The Atchison, Topeka and Santa Fe Railway Company's right of way (San Diego line); thence northwesterly along the center line of said right of way to the easterly boundary of the city of Vernon as the same existed on the above mentioned date; thence northerly along the boundary of said last mentioned city and following the same in all its various courses to the southerly boundary of the city of Los Angeles, as the same existed on above mentioned date; thence westerly along the boundary of said last mentioned city and following the same in all its various courses to the center line of Soto street; thence northerly and northeasterly along the center line of Soto street to the center line of First street; thence northwesterly along the center line of First street to the center line of State street; thence northeasterly along the center line of State street to the center line of Marengo street; thence northwesterly along the center line of Marengo street to the center line of State street; from the northeast; thence northeasterly along the center line of State street to the center line of Griffin avenue; thence northwesterly along the center line of Griffin avenue to the center line of Mission road; thence northeasterly along the center line of Mission road to the center line of North Broadway; thence westerly along the center line of North Broadway to the center line of Daly street; thence northerly along the center line of Daly street to the center line of Pasadena avenue; thence northeasterly along the center line of Pasadena avenue to the center line of Avenue 28; thence easterly along the center line of Avenue 28 to the center line of Griffin avenue; thence northerly along the center line of Griffin avenue to the center line of Avenue 33; thence westerly along the center line of Avenue 33 to the center line of Pasadena avenue; thence northerly along the center line of Pasadena avenue to the center line of Avenue 34; thence northwesterly along the center line of Avenue 34 to the center line of The Atchison, Topeka and Santa Fe Railway Company's right of way (main line); thence southwestwesterly along the center line of said last mentioned right of way to the center line of the Union Pacific Railroad Company's right of way (Glendale branch); thence northwesterly along the center line

Sixty-first
(cont'd)

of said last mentioned right of way to the center line of Arroyo Seco avenue; thence northeasterly along the center line of Arroyo Seco avenue to the center line of Loreto street; thence northwesterly along the center line of Loreto street to the center line of Dayton avenue; thence southwesterly along the center line of Dayton avenue to the center line of Cypress avenue; thence northwesterly along the center line of Cypress avenue to the center line of Pepper avenue; thence northeasterly along the center line of Pepper avenue to the point of beginning, shall constitute the sixty-first assembly district.

Sixty-second.

62. All that part of the county of Los Angeles within the following described boundaries:

Beginning at the intersection of the center lines of Ninth street and Maple avenue; thence southeasterly along the center line of Ninth street to the center line of Alameda street; thence southerly along the center line of Alameda street to the southerly boundary of the city of Los Angeles as the same existed March 1, 1927; thence westerly along said boundary and following the same in all its various courses to the center line of Slauson avenue; thence westerly along the center line of Slauson avenue to the center line of Main street; thence northerly along the center line of Main street to the center line of Santa Barbara avenue; thence easterly along the center line of Santa Barbara avenue to the center line of Woodlawn avenue; thence northerly along the center line of Woodlawn avenue to the center line of Maple avenue; thence northeasterly along the center line of Maple avenue to the point of beginning, shall constitute the sixty-second assembly district.

Sixty-third.

63. All that part of the county of Los Angeles within the following described boundaries:

Beginning at the intersection of the center lines of Seventh street and Westmoreland avenue; thence easterly and southeasterly along the center line of Seventh street to the center line of Hill street; thence southwesterly along the center line of Hill street to the center line of Ninth street; thence southeasterly along the center line of Ninth street to the center line of Maple avenue; thence southwesterly along the center line of Maple avenue to the center line of Jefferson street; thence northwesterly along the center line of Jefferson street to the center line of Exposition boulevard; thence westerly along the center line of Exposition boulevard to the center line of Figueroa street; thence northeasterly along the center line of Figueroa street to the center line of Jefferson street; thence northwesterly along the center line of Jefferson street to the center line of Hoover street; thence northeasterly and northerly along the center line of Hoover street to the center line of Washington street; thence westerly along the center line of Washington street to the center line of Orchard avenue; thence northerly along the center line of Orchard avenue to the center line of Pico street; thence westerly along the center line of Pico street to the center line of Westmoreland avenue; thence northerly along the center line of Westmoreland avenue

to the center line of Tenth street; thence easterly along the center line of Tenth street to the center line of Westmoreland avenue from the north; thence northerly along the center line of Westmoreland avenue to the point of beginning, shall constitute the sixty-third assembly district.

64. All that part of the county of Los Angeles within the ^{Sixty-fourth} following described boundaries:

Beginning at the intersection of the center line of Santa Monica boulevard with the center line of Vermont avenue; thence easterly along the center line of Santa Monica boulevard to the center line of Sunset boulevard; thence southeasterly along the center line of Sunset boulevard to the center line of Glendale boulevard; thence southerly along the center line of Glendale boulevard to the center line of Temple street; thence southeasterly along the center line of Temple street to the center line of East Edgeware road; thence southwesterly along the center line of East Edgeware road to the center line of Temple street; thence southeasterly along the center line of Temple street to the center line of Hill street; thence southwestly along the center line of Hill street to the center line of Seventh street; thence northwesterly and westerly along the center line of Seventh street to the center line of Vermont avenue; thence northerly along the center line of Vermont avenue to the point of beginning, shall constitute the sixty-fourth assembly district.

65. All that part of the county of Los Angeles within the ^{Sixty-fifth} following described boundaries:

Beginning at the intersection of the southerly boundary of the city of Los Angeles as the same existed March 1, 1927, with the westerly line of the Rancho Cienega O'Paso de la Tijera; thence easterly along the boundary of said city of Los Angeles and following the same in all its various courses to the center line of Forty-eighth street; thence easterly along the center line of Forty-eighth street to the westerly boundary of the Shoestring addition to the city of Los Angeles; thence southerly along said last mentioned westerly boundary to the north-easterly corner of the city of Inglewood as the same existed on above mentioned date; thence southerly along the easterly boundary of said last mentioned city to the northwesterly corner of the Wagner addition to the city of Los Angeles; thence southerly along the boundary of said city of Los Angeles and following the same in all its various courses to the center line of Ballona avenue; thence westerly along the center line of Ballona avenue to the easterly boundary of Hawthorne city as the same existed on above mentioned date; thence southerly along the boundary of said last mentioned city and following the same in all its various courses to the center line of Prairie avenue; thence southerly along the center line of Prairie avenue to the township line between townships three and four south; thence westerly along said township line to the northerly prolongation of the easterly line of Tract No. 3458 as shown on map recorded in book 37, page 95 of maps, records of

Los Angeles county; thence southerly along said prolongation and the easterly line of said tract and the southerly prolongation thereof to the center line of State street; thence westerly along the center line of State street to the northerly prolongation of the easterly line of the Meadow Park tract as shown on map recorded in book 15, page 60 of miscellaneous records of Los Angeles county; thence southerly along said prolongation and easterly line and southerly prolongation thereof to the northeasterly line of lot H of the Rancho Los Palos Verdes; thence northwesterly and westerly along the boundary of said last mentioned lot to the westerly boundary of the county of Los Angeles; thence northerly along said last mentioned boundary and following the same in all its various courses to the southerly boundary of the Venice consolidation to the city of Los Angeles as the same existed on above mentioned date; thence easterly along the boundary of said city of Los Angeles and following the same in all its various courses to the southeasterly line of the Rancho La Ballona; thence northeasterly along said line to the southerly line of fractional section eighteen, township two south, range fourteen west, San Bernardino meridian; thence easterly along section lines to the north and south quarter section line in fractional section seventeen, said township and range; thence northerly along said last mentioned quarter section line to the southwestly line of the Rancho Cienega O'Paso de la Tijera; thence north-easterly and northerly along the boundary of said last mentioned rancho to the point of beginning, shall constitute the sixty-fifth assembly district.

Sixty-sixth.

66. All that part of the county of Los Angeles within the following described boundaries:

Beginning at the intersection of the westerly prolongation of the center line of Santa Barbara avenue with the westerly boundary of the city of Los Angeles as the same existed March 1, 1927; thence easterly along said westerly prolongation and center line of Santa Barbara avenue to the center line of Figueroa street; thence northerly and northeasterly along the center line of Figueroa street to the center line of Exposition boulevard; thence easterly along the center line of Exposition boulevard to the center line of Jefferson street; thence southeasterly along the center line of Jefferson street to the center line of Maple avenue; thence southwestly along the center line of Maple avenue to the center line of Woodlawn avenue; thence southerly along the center line of Woodlawn avenue to the center line of Santa Barbara avenue; thence westerly along the center line of Santa Barbara avenue to the center line of Main street; thence southerly along the center line of Main street to the center line of Slauson avenue; thence westerly along the center line of Slauson avenue to the westerly boundary of the Shoestring addition to the city of Los Angeles; thence northerly along said boundary to the center line of Forty-eighth street; thence westerly along the center line of Forty-eighth street to the westerly boundary of the city of

Los Angeles as the same existed on above mentioned date; thence northerly along said last mentioned boundary and following the same in all its various courses to the point of beginning, shall constitute the sixty-sixth assembly district.

67. All that part of the county of Los Angeles within the following described boundaries: Sixty-seventh

Beginning at the intersection of the center line of Slauson avenue with the westerly boundary of the Shoestring addition to the city of Los Angeles; thence easterly along the center line of Slauson avenue to the easterly boundary of the city of Los Angeles as the same existed on March 1, 1927; thence northerly along the boundary of said last mentioned city and following the same in all its various courses to the easterly boundary of the city of Vernon, as the same existed on March 1, 1927; thence southerly along the boundary of said last mentioned city and following the same in all its various courses to the northwest corner of the city of Huntington Park, as the same existed on above mentioned date; thence southerly along the boundary of said last mentioned city and following the same in all its various courses to the center line of Florence avenue; thence westerly along the center line of Florence avenue to the easterly boundary of the city of Los Angeles as the same existed on above mentioned date; thence southerly along the boundary of said last mentioned city and following the same in all its various courses to the center line of Manchester avenue; thence westerly along the center line of Manchester avenue to the westerly boundary of the afore-said Shoestring addition to the city of Los Angeles; thence northerly along said last mentioned westerly boundary to the point of beginning, shall constitute the sixty-seventh assembly district.

68. All that part of the county of Los Angeles within the following described boundaries: Sixty-eighth

Beginning at the northwesterly corner of the city of Vernon; as the same existed March 1, 1927; thence easterly along the boundary of said city and following the same in all its various courses to the center line of The Atchison, Topeka and Santa Fe Railway Company's right of way (San Diego line); thence southeasterly along the center line of said right of way to the northwesterly boundary of the city of Montebello as the same existed on above mentioned date; thence northeasterly along the boundary of said last mentioned city and following the same in all its various courses to the center line of the old San Gabriel river; thence easterly along the center line of the old San Gabriel river to the center line of the new San Gabriel river; thence southwesterly along the center line of the new San Gabriel river to the northerly prolongation of the center line of Newton and Washburn road; thence southerly along said last mentioned prolongation and center line to the center line of Zinn road; thence westerly along the center line of

Zinn road to the center line of Woodruff avenue; thence southerly along the center line of Woodruff avenue to the southeasterly line of the Rancho Santa Gertrudes; thence southwesterly and northwesterly along said rancho line to the center line of the old San Gabriel river; thence northeasterly along the center line of the old San Gabriel river to the easterly prolongation of the northerly line of Downey and Hellman tract as shown on map recorded in book 3, page 31 of miscellaneous records of Los Angeles county; thence westerly along said prolongation and northerly line and along the center line of Tweedy and Abbott road to the center line of the Southern Pacific Railroad Company's right of way in Alameda street; thence northerly along the center line of said right of way to the easterly prolongation of the northerly line of the Watts Park tract as shown on map records in book 8, page 70 of maps, records of Los Angeles county; thence westerly along said last mentioned prolongation and northerly line to the easterly boundary of the city of Los Angeles, as the same existed on above mentioned date; thence northerly along the boundary of said last mentioned city and following the same in all its various courses to the center line of Florence avenue; thence easterly along the center line of Florence avenue to the westerly boundary of the city of Huntington Park, as the same existed on above mentioned date; thence northerly along the boundary of said last mentioned city and following the same in all its various courses to the southerly boundary of the city of Vernon, as the same existed on above mentioned date; thence westerly along the boundary of said last mentioned city and following the same in all its various courses to the point of beginning, shall constitute the sixty-eighth assembly district.

Sixty-ninth.

69. All that part of the county of Los Angeles within the following described boundaries:

Beginning at the northwesterly corner of section two, township three north, range ten west, San Bernardino meridian; thence easterly along township lines to the west line of section six, township three north, range seven west, San Bernardino meridian; thence northerly and easterly along the westerly and northerly lines of said last mentioned section to the easterly boundary of the county of Los Angeles; thence southerly along the boundary of the county of Los Angeles and following the same in all its various courses to the southeast corner of section thirteen, township three south, range eleven west; thence west along section lines to the southwest corner of section fourteen, said last mentioned township and range; thence north along section line to the northwest corner of said section fourteen; thence west on section line to the southwest corner of section nine, said last mentioned township and range; thence north along section line to the northwest corner of said last mentioned section; thence west along section lines to the center line of The Atchison, Topeka and Santa Fe Railway Company's right of way (main line to San

Diego); thence northerly along said last mentioned center line to the center line of Anaheim Telegraph road; thence westerly and northwesterly along said last mentioned center line to the center line of the new San Gabriel river; thence in a general northeasterly direction along the center line of said new San Gabriel river to the west line of section twenty-three, township one north, range ten west; thence northerly along section lines to the point of beginning, shall constitute the sixty-ninth assembly district.

70. All that part of the county of Los Angeles within the ^{Seventieth.} following described boundaries:

Beginning at the intersection of the center line of the old San Gabriel river with the southwesterly line of the Rancho Santa Gertrudes; thence southeasterly and northeasterly along said rancho line to the center line of Woodruff avenue; thence northerly along the center line of Woodruff avenue to the center line of Zinn road; thence easterly along the center line of Zinn road to the center line of Newton and Washburn road; thence northerly along said last mentioned center line and northerly prolongation thereof to the center line of new San Gabriel river; thence northeasterly along the center line of said river and following the same in all its various courses to the center line of Anaheim Telegraph road; thence southeasterly and easterly along the center line of Anaheim Telegraph road to the center line of The Atchison, Topeka and Santa Fe Railway Company's right of way (main line to San Diego); thence southerly along the center line of said right of way to the northerly line of section eight, township three south, range eleven west, San Bernardino meridian; thence easterly along the northerly line of said last mentioned section to the northwesterly corner of section nine, said township and range; thence southerly along the westerly line of said last mentioned section to the southwesterly corner of said last mentioned section; thence easterly along section lines to the northwesterly corner of section fourteen, said township and range; thence southerly along the westerly line of said last mentioned section to the southwesterly corner thereof; thence easterly along section lines to the easterly boundary of the county of Los Angeles; thence southerly along said last mentioned boundary and following the same in all its various courses to the southeasterly boundary of the city of Long Beach, as the same existed on March 1, 1927; thence southwesterly along said boundary and following the same in all its various courses to the southerly prolongation of the center line of Sixteenth place; thence northerly along said prolongation and center line of Sixteenth place to the center line of Ocean boulevard; thence northwesterly along the center line of Ocean boulevard to the center line of Cherry avenue; thence northerly along the center line of Cherry avenue to the center line of Fourth street; thence westerly along the center line of Fourth street to the center line of Alamitos avenue; thence northeasterly along the center line of Alamitos avenue to the center line of

California avenue; thence northerly along the center line of California avenue to a point one hundred sixty feet northerly of the north line of Anaheim street; thence easterly parallel with the northerly line of Anaheim street to the easterly boundary of that certain territory annexed to the city of Long Beach, January 10, 1910; thence northerly along said boundary and following the same in all its various courses to the center line of Lime avenue; thence northerly along the center line of Lime avenue to the center line of Wardlow road; thence westerly along the center line of Wardlow road to the center line of American avenue; thence northerly along the center line of American avenue to the center line of Long Beach boulevard; thence northwesterly along the center line of Long Beach boulevard to the northwesterly boundary of the city of Long Beach, as the same existed on above mentioned date; thence northeasterly along said last mentioned boundary and following the same in all its various courses to the center line of the old San Gabriel river; thence northeasterly along the center line of the old San Gabriel river and following the same in all its various courses to the point of beginning, shall constitute the seventieth assembly district.

Seventy-first

71. All that part of the county of Los Angeles within the following described boundaries:

Beginning at the intersection of the easterly boundary of the city of Los Angeles, as the same existed on March 1, 1927, with the northerly line of the Watts Park tract, as shown on map recorded in book 8, page 70 of maps, records of Los Angeles county; thence easterly along said northerly line of the Watts Park tract and easterly prolongation thereof to the center line of the Southern Pacific Railroad Company's right of way in Alameda street; thence southerly along the center line of said right of way to the center line of Tweedy and Abbott road; thence easterly along the center line of Tweedy and Abbott road and along the northerly line of the Downey and Hellman tract, as shown on map recorded in book 3, page 31 of miscellaneous records of Los Angeles county and the easterly prolongation thereof to the center line of the old San Gabriel river; thence southerly along the center line of the old San Gabriel river to the westerly boundary of the city of Long Beach, as the same existed March 1, 1927, at or near Fifty-sixth street; thence southwestly along said boundary and following the same in all its various courses to the center line of Long Beach boulevard; thence southeasterly along the center line of Long Beach boulevard to the center line of American avenue; thence southerly along the center line of American avenue to the center line of Wardlow road; thence easterly along the center line of Wardlow road to the center line of Lime avenue; thence southerly along the center line of Lime avenue to the southerly boundary of that certain territory annexed to the city of Long Beach January 10, 1910 (near Wardlow road); thence westerly along said last mentioned boundary and following the same in all its various

courses to a point one hundred sixty feet northerly of the north line of Anaheim street; thence westerly parallel with the center line of Anaheim street to the center line of California avenue; thence southerly along the center line of California avenue to the center line of Alamitos avenue; thence southwesterly along the center line of Alamitos avenue to the center line of Fourth street; thence easterly along the center line of Fourth street to the center line of Cherry avenue; thence southerly along the center line of Cherry avenue to the center line of Ocean boulevard; thence easterly along the center line of Ocean boulevard to the center line of Sixteenth place; thence southerly along the center line of Sixteenth place and southerly prolongation thereof to the southerly boundary of the city of Long Beach, as the same existed on above mentioned date; thence westerly along said boundary and following the same in all its various courses to the center line of Wilmington and Los Angeles road; thence northwesterly along the center line of Wilmington and Los Angeles road, the center line of Avalon boulevard, and the center line of Los Angeles and Redondo road to the center line of Rosecrans avenue; thence easterly along the center line of Rosecrans avenue to the center line of Avalon boulevard; thence northerly along the center line of Avalon boulevard to the southerly boundary of the city of Los Angeles, as the same existed on above mentioned date; thence easterly along said boundary and following the same in all its various courses to the point of beginning, shall constitute the seventy-first Assembly district.

72. All that part of the county of Los Angeles within the following described boundaries: Seventy-second.

Beginning at the intersection of the center line of Manchester avenue with the easterly boundary of the city of Inglewood, as the same existed March 1, 1927; thence easterly along the center line of Manchester avenue to the easterly boundary of the city of Los Angeles, as the same existed on above mentioned date; thence southerly along the boundary of said last mentioned city and following the same in all its various courses to the center line of Avalon boulevard; thence southerly along the center line of Avalon boulevard to the center line of Rosecrans avenue; thence westerly along the center line of Rosecrans avenue to the center line of Wilmington and Los Angeles road; thence southeasterly along the center line of Wilmington and Los Angeles road, the center line of Avalon boulevard and the center line of Wilmington and Los Angeles road to the northerly boundary of the city of Long Beach, as the same existed on above mentioned date; thence westerly along said boundary and following the same in all its various courses to the northerly boundary of the city of Los Angeles, as the same existed on above mentioned date; thence easterly along the boundary of said last mentioned city and following the same in all its various courses to the southerly boundary of the county of Los Angeles; thence westerly along the boundary of said county and following the same in all its various

courses to the westerly prolongation of the northerly line of lot H of the Rancho Los Palos Verdes; thence easterly and southeasterly along the boundary of said last mentioned lot to the southerly prolongation of the easterly line of the Meadow Park tract as shown on map recorded in book 15, page 60 of miscellaneous records of Los Angeles county; thence northerly along said southerly prolongation and easterly line and northerly prolongation thereof to the center line of State street; thence easterly along the center line of State street to the southerly prolongation of the easterly line of Tract No. 3458 as shown on map recorded in book 37, page 95 of maps, records of Los Angeles county; thence northerly along said southerly prolongation and easterly line and northerly prolongation thereof to the township line between townships three and four south; thence easterly along said township line to the center line of Prairie avenue; thence northerly along the center line of Prairie avenue to the southerly boundary of the city of Hawthorne, as the same existed on above mentioned date; thence easterly along the boundary of said last mentioned city and following the same in all its various courses to the center line of Ballona avenue; thence easterly along the center line of Ballona avenue to the westerly boundary of the city of Los Angeles, as the same existed on the above mentioned date; thence northerly along the boundary of said city of Los Angeles and following the same in all its various courses to the easterly boundary of the city of Inglewood as the same existed on above mentioned date; thence northerly along the said boundary and following the same in all its various courses to the point of beginning, shall constitute the seventy-second assembly district.

Seventy-third

73. All that portion of the county of San Bernardino now comprised within the following townships, to wit: Chino, Ontario, Upland, Cucamonga, Etiwanda and San Bernardino, shall constitute the seventy-third assembly district.

Seventy-fourth.

74. All that portion of the county of San Bernardino not included within the seventy-third assembly district, as fixed and defined in this act, shall constitute the seventy-fourth assembly district.

Seventy-fifth

75. The county of Orange shall constitute the seventy-fifth assembly district.

Seventy-sixth.

76. The county of Riverside shall constitute the seventy-sixth assembly district.

Seventy-seventh.

77. The county of Imperial shall constitute the seventy-seventh assembly district.

Seventy-eighth.

78. All that portion of the county of San Diego included and being within the city of San Diego, as of January 1, 1927, and included within the following described boundary lines, to wit: lying north and west of the center line of Sixth street at its southern end, to wit, at the bay shore line, and thence running northerly along the center line of Sixth street to the intersection of the center line of Upas and Sixth streets; thence running easterly along the center line of Upas street

to the intersection of the center lines of Upas street and Thirty-second street; thence running northerly along the center line of Thirty-second street to the intersection of the center lines of Thirty-second street and University avenue; thence running easterly along the center line of University avenue to the city limits of the city of San Diego, shall constitute the seventy-eighth assembly district.

79. All that portion of the county of San Diego included within the corporate limits of the city of San Diego, as of January 1, 1927, not included within the seventy-eighth assembly district, as fixed and defined in this act, shall constitute the seventy-ninth assembly district. Seventy-ninth.

80. All that portion of the county of San Diego not included within the seventy-eighth and seventy-ninth assembly districts as fixed and defined in this act shall constitute the eightieth assembly district. Eightieth

SEC. 2. Section 90 of the Political Code is hereby repealed. Stats 1911 ex., p. 149.

SEC. 3. Any precinct, or portion of any precinct, not specifically described herein as constituting a portion of either a senatorial or assembly district, shall be attached to and constitute a part of the senatorial or assembly district adjacent thereto and situated within the same county or city and county, having, as shown by the last federal census a less population than any other such district adjacent thereto. repealed Omitted precincts.

SEC. 4. All acts or parts of acts in conflict with this act are hereby repealed. Repealed.

SEC. 5. If a referendum petition is filed against any section or part of this act, and by reason thereof such section or part of this act is delayed from going into effect, then the balance of this act shall not go into effect until and unless such section or part of this act so delayed by referendum petition shall become effective. Effective.

CHAPTER 857.

An act to amend an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, designated the "bank act," by amending sections twenty, thirty-one, fifty-three, fifty-six a, sixty-five, eighty, eighty-three and one hundred five, and by adding new sections thereto to be numbered sections thirty-one c and thirty-one d, all relating to the definition and regulation of the business of banking.

[Approved by the Governor June 1, 1927. In effect July 31, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 20 of an act entitled "An act to define and regulate the business of banking," approved March 1, 1909, as amended, is hereby amended to read as follows: Stats 1919, p. 623, amended

Sec. 20. Every commercial bank shall maintain total reserves against its aggregate deposits, exclusive of United Commercial bank total reserves.

Commercial
bank total
reserves
(cont'd).

States and postal savings deposits and deposits of the State of California and of any county and municipality in the State of California, which are secured as required by law, as follows:

1. Eighteen per centum of such deposits if such bank has its principal place of business in a city having a population of one hundred thousand or over.

2. Fifteen per centum of such deposits, if such bank is located in a city having a population of fifty thousand or over and less than one hundred thousand.

3. Twelve per centum of such deposits if such bank is located elsewhere in the state.

Of such total reserves an amount not less than six per centum of such deposits shall be maintained as reserves on hand and shall consist of gold bullion or any form of money or currency authorized by the laws of the United States; *provided, however*, that any bank acting as a reserve depository shall maintain as such reserves on hand an amount not less than one-half of the total reserves required by the provisions of this section. The remainder of the total reserve so required shall be maintained as reserves on deposit or as reserves on hand, such reserves on hand to consist of gold bullion or any form of money or currency authorized by the laws of the United States; *provided, further, however*, that all or any part of the reserves may be deposited subject to call with a federal reserve bank in the district in which said bank is located.

If member
of federal
reserve bank

If any bank shall have become a member of a federal reserve bank, it shall comply with the reserve requirements of the federal reserve act and its amendments, and its compliance therewith shall be in lieu of, and shall relieve such bank from compliance with, the provisions of this section.

Penalty
for not
maintaining
reserves.

If any bank shall not maintain the total reserves required the superintendent of banks may impose a penalty upon it, based upon the length of time such encroachment upon its total reserves amounting to one per centum or more of its aggregate deposits shall continue, at the following rates:

1. At the rate of six per centum per annum upon any such encroachment not exceeding two per centum of such deposits.

2. At the rate of eight per centum per annum upon any additional encroachment in excess of two and not exceeding three per centum of such deposits.

3. At the rate of ten per centum per annum upon any additional encroachment in excess of three and not exceeding four per centum of such deposits.

4. At the rate of twelve per centum per annum upon any additional encroachment in excess of four per centum of such deposits.

Reserve
depositories.

The superintendent of banks shall, in his discretion, upon the nomination of any bank, designate a depository or depositories for the reserves on deposit of such bank provided for by this act. Except as otherwise provided in this section, such depository shall be a bank or national banking association located in this state. Every reserve depository, which has its

principal place of business in a judicial township or in a city located in this state in which the population is less than fifty thousand, shall have at all times as its total reserves an amount equal to the total reserves required by the provisions of this section for every bank which has its principal place of business in a city having a population of fifty thousand or over and less than one hundred thousand. But no bank or national banking association shall hereafter be designated as a depository of any such reserves unless it shall have a combined capital and surplus of not less than the following amounts:

Capital and
surplus of
reserve
depositories

1. Two hundred fifty thousand dollars, if located in a city which has a population of three hundred thousand or over;
2. Two hundred thousand dollars, if located in a city which has a population of one hundred thousand or over and less than three hundred thousand;
3. One hundred fifty thousand dollars, if located in a city which has a population of fifty thousand or over and less than one hundred thousand;
4. One hundred thousand dollars, if located elsewhere in the state.

Such depository may also be a banking corporation with a capital and surplus of one million dollars or more, located in any city in the United States.

If the total reserves of any bank shall be less than the amount required by this section, such bank shall not increase its liabilities by making any new loans or discounts, otherwise than by discounting bills of exchange on sight, or by paying any dividends from profits until the full amount of its total reserves has been restored. The superintendent of banks may notify any bank whose total reserves shall be below the amount herein required, to restore such total reserves; and, if it shall fail for thirty days thereafter to restore such total reserves, such bank shall be deemed insolvent and may be proceeded against under the provisions of this act; *provided*, that all deposits of money herein permitted or required shall comply with the provisions of section 43 of this act.

Banks with
insufficient
reserves.

The term "reserves on hand," when used in this act, means the reserves against deposits kept, pursuant to the provisions of this act, in the vault of any bank or in any safety deposit box in any other bank in this state, said box to be under the exclusive control of the depositing bank.

"Reserves
on hand"

The term "reserves on deposit," when used in this act, means the reserves against deposits maintained by any bank pursuant to this act in reserve depositories, or in a federal reserve bank in the district in which such bank is located and not in excess of the amount authorized by this act.

"Reserves
on deposit"

The term "total reserves," when used in this act, means the aggregate of reserves on hand and reserves on deposit maintained pursuant to the provisions of this act.

"Total
reserves"

The term "reserve depository," when used in this act, means a bank, trust company or banking corporation designated by

"Reserve
depository"

the superintendent of banks on the nomination of the depositing bank as a depository for reserve; on deposit.

Stats. 1921,
p 1373,
amended
Sale of
business.

SEC. 2. Section 31 of said act, approved March 1, 1909, as amended, is hereby amended to read as follows:

Conditions
of sale.

Sec. 31. Any bank may sell the whole of its business or the whole of the business of any of its departments or the whole of the business of any of its branches to any other bank which may purchase such business after obtaining the consent of the stockholders of the selling and of the purchasing banks holding of record at least two-thirds of the issued capital stock of each of such corporations; such consent to be expressed either in writing executed and acknowledged by such stockholders and attached to the instrument of sale, or to a copy thereof, or by vote at a stockholders' meeting of each of such banks called for that purpose. The selling and purchasing banks must for such purposes enter into an agreement of sale and purchase, which agreement shall contain all the terms and conditions connected with such sale and purchase. Such agreement shall contain proper provision for the payment of liabilities of the selling bank or of the department sold and the assumption by the purchasing bank of all fiduciary and trust obligations of the selling bank or department sold, and in these particulars shall be subject to the approval of the superintendent of banks; and shall not be valid until such approval is obtained. Such agreement may contain provisions for the transfer of all deposits to the purchasing bank, subject, however, to the right of every depositor of the selling bank to withdraw his deposit in full on demand after such transfer, irrespective of the terms under which it was deposited with the selling bank; and such agreement may also contain provisions for the transfer of all court and private trusts to the purchasing bank, subject, however, to the right of trustors and beneficiaries, after such transfer, to nominate another and succeeding trustee of the trusts so transferred. The rights of creditors of the selling bank shall not in any manner be impaired by any such sale, nor shall any liability or obligation for the payment of any money due or to become due, or any claim or demand, in any manner, or for any cause existing against such selling bank or against any stockholder thereof, be in any manner released or impaired, and all the rights, obligations and relations of all the parties, creditors, depositors, trustors and beneficiaries of trusts shall remain unimpaired by the sale, but such bank to which the other shall sell all its business or all the business of any of its departments, shall succeed to all such relations, obligations, trusts and liabilities and be held liable to pay and discharge all such debts and liabilities and to perform all such trusts of the selling bank in the same manner as if such bank to which the other had sold had itself incurred the obligation or liability or assumed the relation of trust, and the stockholders of the respective corporations so entering into such agreement shall

Rights of
creditors.

continue subject to all the liabilities, claims and demands existing against them as such at or before such sale.

Immediately after the execution of such agreement of sale and purchase and its approval by the superintendent of banks, the original or a duplicate original thereof shall be filed in the office of the superintendent of banks and notice of such agreement shall be published for at least four successive weeks in a newspaper in each of the counties of the state in which either of such banks shall have its principal place of business; *provided, however*, that no action can be brought against such selling bank or any of its stockholders on account of any deposit, obligations, trusts or liabilities so transferred after the expiration of one year from the last day of publication herein required; *and provided, further*, that such selling bank shall maintain for a period of one year after the last day of publication herein required such an amount, if any, of capital or capital and surplus as the superintendent of banks, in the exercise of his discretion, may deem necessary.

Publication
of notice.

An affidavit showing such publication shall be filed in the office of the superintendent of banks within ten days after the last publication thereof. The affairs of such selling bank, or selling department of a bank, shall remain subject to the provisions of this act.

Affidavit
showing
publication.

Upon the approval by the superintendent of banks of an agreement of sale and purchase and the transfer of the business of a trust department or of a bank having a trust department the purchasing bank shall, ipso facto and by operation of law and without further transfer, substitution, act or deed, and in all courts and places, be deemed and held to have succeeded and shall become subrogated and shall succeed to all rights, obligations, properties, assets, investments, deposits, demands, contracts, agreements, court and private trusts and other relations to any person, creditor, depositor, trustor, principal or beneficiary of any court or private trust, obligations and liabilities of every nature, and shall execute and perform all such court and private trusts in the same manner as though it had itself originally assumed the relation or trust or incurred the obligation or liability.

Purchasing
bank
succeeds to
rights, when

SEC. 3. A new section is hereby added to said act, approved March 1, 1909, as amended, to be numbered section 31c of said act and to read as follows:

Stats 1909,
p 95,
amended.

Sec. 31c. Whenever there has been completed the sale of the whole of the business of any bank, authorized and qualified to conduct the business of acting as executor, administrator, guardian of estates, assignee, receiver, depository or trustee, to another bank, likewise authorized and qualified, or whenever two or more banks likewise authorized and qualified are consolidated or merged into a bank likewise authorized and qualified, the superintendent of banks shall, upon request, issue,

Certificate
of merger of
banks with
trust depart-
ments

Certificate of merger of banks with trust departments (cont'd).

under his official seal, a certificate in writing, duly acknowledged by him, in substantially the following form:

“State Banking Department

State of California }
City and County of San Francisco } ss.

I, _____, Superintendent of Banks of the State of California, do hereby certify that the foregoing instrument is a full, true and correct copy of (1. Agreement of Sale and Purchase between _____ and _____, dated the _____ day of _____, 192__,) (2. The copy of the Articles of Incorporation and Consolidation of _____ created by the consolidation of _____ and _____, dated the _____ day of _____, 192__, certified by the Secretary of State on the _____ day of _____, 192__,) (3. Agreement of Merger of _____ into _____ dated the _____ day of _____, 192__,) filed in the office of the Superintendent of Banks of the State of California on the _____ day of _____, 192__, under the provisions of Section _____ of the Bank Act of this State; and I do further hereby certify that the (sale and purchase) (consolidation) (merger) related to in said instrument has been approved by me in the manner authorized and required by law and that such (sale and purchase) (consolidation) (merger) has been fully completed and consummated.

Given under my official seal this _____ day of _____ 192__.

Superintendent of Banks.”

Determined by the relative transaction, there shall be attached to and made a part of such certificate, a full, true and correct copy of the agreement of sale and purchase required by section 31 of this act to be filed in the office of the superintendent of banks, or of the certified copy of the articles of incorporation and consolidation required by section 31a of this act to be filed in the office of the superintendent of banks, or of the agreement of merger required by section 31b of this act to be filed in the office of the superintendent of banks.

The recordation of such certificate in the office of the recorder of any county shall be, to all persons, in such county, constructive notice that all of the rights, benefits, privileges, duties and obligations of whatsoever kind or nature, held or possessed by or imposed upon the bank so selling its business and assets or that has expired by such consolidation or by such merger, are retained by and imposed upon the successor bank.

Any such certificate shall be prima facie evidence in all courts and places of the regularity of the proceedings taken and of the fact of such sale, consolidation or merger.

SEC. 4. A new section is hereby added to said act, approved March 1, 1909, as amended, to be numbered section 31d of said act and to read as follows:

Stats 1909, p 95, amended

Sec. 31d. Whenever a national banking association authorized and qualified to conduct in this state the business of acting as executor, administrator, guardian of estates, assignee, receiver, depository or trustee, is created by the conversion of a state bank likewise authorized and qualified; or whenever a national banking association authorized and qualified to conduct in this state the business of acting as executor, administrator, guardian of estates, assignee, receiver, depository or trustee with which, under the laws of the United States, is consolidated or merged another national banking association or a state bank likewise authorized and qualified, there may be executed by the president and secretary or cashier of such national banking association, a certificate in substantially the following form:

Certificate of merger of national banks with trust departments.

“State of California, }
County of-----} ss.

The undersigned ----- President and ----- Secretary (or Cashier) of ----- of ----- being duly sworn, each for himself, certifies as follows:

Whereas the ----- of -----, a national banking association is authorized and qualified under the laws of the United States and of the State of California, to conduct in this state the business of acting as executor, administrator, guardian of estates, assignee, receiver, depository or trustee; (a) and whereas said national banking association was created by the conversion of ----- of ----- a state banking corporation likewise authorized and qualified; and whereas said association has received from the Comptroller of the Currency his authorization for the conduct of the banking business under the name of -----, of which authorization the following is a full, true and correct copy:) or (b) and whereas said national banking association has, by consolidation or merger, acquired or succeeded to the business of ----- and ----- likewise authorized and qualified; and whereas said association has received from the Comptroller of the Currency authorization for such consolidation or merger and of which authorization the following is a full, true and correct copy:) (insert copy of authorization) therefore it is hereby certified that the business formerly conducted by ----- of ----- a ----- has been acquired or succeeded to by (conversion) (consolidation or merger) and is now being conducted by ----- of ----- a national banking association.”

Such certificate shall be sworn to and duly acknowledged before a notary public by the persons executing the same.

The recordation of such certificate in the office of the recorder of any county shall be, to all persons, in such county, constructive notice that all of the rights, benefits, privileges, duties and obligations of whatsoever kind or nature held or possessed by or imposed upon the bank so converted or consolidated or merged are retained by and imposed upon the successor bank.

Any such certificate shall be prima facie evidence in all courts and places of the regularity of the proceedings taken and of the fact of such conversion or consolidation or merger.

Stats 1915,
p 297,
amended
Par value of
capital stock

SEC. 5. Section 53 of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Sec. 53. The capital stock of any bank having a capital stock shall have a par value of either twenty-five dollars, fifty dollars or one hundred dollars per share, and the paid-up value shall be endorsed upon the face of each certificate issued, which paid-up value shall be the same on all certificates issued. No bank shall have preferred stock; *provided, however,* that no bank whose capital stock, on January 1, 1915, failed to comply with any of the requirements of this section, shall be compelled to change its capital stock in compliance herewith.

Stats 1921,
p 1381,
amended
Bank con-
verting into
national
bank.

SEC. 6. Section 56a of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Sec. 56a. Nothing in this act shall prevent or prohibit any bank from converting into a national banking association under the provision of section 5154 of the United States revised statutes, or section 8 of the federal reserve act, or any other federal or state law.

No savings bank and no departmental bank having a savings department, organized and existing under the laws of the State of California, shall convert into a national banking association except upon the following conditions:

Notice of
intention.

1. Coincident with its application to the comptroller of the currency, any such savings or departmental bank shall file with the superintendent of banks formal notice of intention to convert into a national banking association.

Notice of
conversion.

2. Prior to conversion, any such savings or departmental bank shall place in the hands of the superintendent of banks,

(a) A constructive notice for newspaper advertisement, directed to its savings depositors, of the fact of conversion;

(b) Actual notice addressed to each and every savings depositor, at his or her last known address, enclosed in stamped and addressed envelopes ready for mailing, this notice to be as follows:

"You are hereby notified that the undersigned, formerly the -----, now the-----, has converted from a banking corporation existing under the laws of California into a national banking association; and has therefore ceased to be under the jurisdiction and direction of the California state banking department and the bank act of California, and is

now under the jurisdiction and control of the federal reserve act and the national act." No other matter may be enclosed with this notice unless by permission of the superintendent of banks.

3. Upon conversion said bank shall file with the superintendent of banks a copy of its authorization as a national banking association, certified by the comptroller of the currency; and shall surrender to the superintendent of banks its license as a state banking corporation.

Surrender
of state
license.

4. Immediately following the conversion of a state bank, the superintendent of banks shall cause the publication of the notice provided in subdivision (a) of paragraph two of this section; same to be at least once a week for four successive weeks in a newspaper of general circulation, printed and published in every town where said bank transacts its business and if there be no such paper in any such town or towns, then in the county where such bank transacts its business, and the superintendent of banks shall cause to be mailed the notices provided in subdivision (b) of paragraph two of this section. The advertisement shall be at the expense of the converting bank, prepaid to the department.

Advertise-
ment of
conversion

SEC. 7. Section 65 of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Stats 1925,
p 517,
amended.

Sec. 65. No loan shall be made, for himself or as agent or partner of another, directly or indirectly, to any director or officer of any savings bank by such bank, or on the endorsement, surety or guaranty of any such officer or director, except that loans may be made to any corporation in which any director or officer of such savings bank may own or hold a minority number of shares of stock, upon authorization of or confirmation within thirty days after making such loan, by a majority of all the directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing or confirming such loan; *provided, however*, that such loan shall in all other respects conform to and comply with all other provisions of this act. Such interested director or officer shall not vote or participate in any manner in the action of the board on such loan; *provided*, that, by and with the consent of the superintendent of banks previously obtained in writing, all directors may vote on such a loan made to any corporation or bank where all of the outstanding shares of stock of one are owned by, or held in trust for, the owners of not less than ninety per centum of the outstanding shares of stock of the other, and where all or a majority of the directors of the borrowing corporation or bank are directors of the loaning bank. Such authorization or confirmation shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing or confirming such loan, the corporate name of the borrower, the name of each director or officer of such bank who is a member, stockholder, officer or director of the corporation, to which such loan is made, the amount of stock held by him in such

Loans to
director or
officer of
other corpo-
ration.

borrowing corporations, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor and the fact of final payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks; *provided*, that any loan made to any corporation of which any director, officer, agent or employee of such savings bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation of which any two or more directors, officers, agents or employees of such savings bank own not more than twenty per cent of the paid-in capital of such borrowing corporation, shall not be reported to the superintendent of banks. No loan may be made to any corporation a majority of the stock of which is owned or controlled by any one or more of the directors or officers, or officers and directors, of such savings bank collectively, except with the previous consent of the superintendent of banks.

Loans to
agents and
employees.

A loan may be made to any agent, employee or a member of the advisory board other than an officer or director, of any savings bank by such bank upon authorization or confirmation of a majority of all the directors of such savings bank and an affirmative vote of all directors of such savings bank present at the meeting authorizing or confirming such loan; *provided, however*, that such loan shall in all respects conform to and comply with all other provisions of this act. Such authorization or confirmation shall be entered upon the records or minutes of such savings bank. The fact of making such loan, the names of the directors authorizing such loan, the name of the borrower, the nature of his employment, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of the security given therefor, and the fact of final payment, when made, shall be forthwith reported in writing by the cashier or secretary of such savings bank to the superintendent of banks; *provided*, that any loan made to any corporation of which any director, officer, agent or employee of such savings bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation of which any two or more directors, officers, agents or employees of such savings bank own not more than twenty per cent of the paid-in capital of such borrowing corporation, shall not be reported to the superintendent of banks. Any officer or director of any savings bank who knowingly procures a loan from such savings bank contrary to the provisions of this section shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, or in case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks any loan made contrary to the provisions of this section, the bank shall be liable therefor and

Penalties.

shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

This section shall not apply to any loan made to a religious corporation, club, or other membership corporation of which one or more directors, officers, agents or employees of such savings bank may be members or officers, but in which they have no financial interest.

Loans to religious corporations, clubs, etc.

Loans may be made to any director, other than an officer, directly or indirectly, or to any agent or employee of a savings bank on the security of bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest, or those issued under the authority of the United States, or bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or bonds of any county, city, city and county, or school district of this state, notwithstanding anything in this section contained, and such loans may be made in the usual manner of making loans in which no director of such bank is interested.

Loans on securities of U S

SEC. 8. Section 80 of said act, approved March 1, 1909, as amended, is hereby amended to read as follows:

Stats 1925, p 519, amended

Sec. 80. No commercial bank shall make any loans, directly or indirectly, to any person, firm, copartnership or corporation, in an amount which, including therein any extension of credit to such person, firm, copartnership or corporation, by means of letters of credit, or by acceptance of drafts for, or the discount or purchase of the notes, bills of exchange or other obligations of, such person, firm, copartnership or corporation, shall exceed the following percentage of its capital and surplus:

Limitations upon loans and upon acceptances of drafts and bills

1. Ten per centum without security, except where such capital stock and surplus is not more than twenty-five thousand dollars, in which event an amount not to exceed twenty per centum of such capital stock and surplus may be loaned without security, and where such capital stock and surplus is greater than twenty-five thousand dollars and does not exceed fifty thousand dollars, a sum not exceeding five thousand dollars may be loaned without security. Nothing herein shall prohibit any commercial bank from taking or receiving any kind, character or amount of security whatsoever, either real or personal, for the protection of any loan made under the provisions of this subdivision, but no such loan or any part thereof shall be considered or construed as a secured loan unless the whole thereof is loaned upon security worth at least fifteen per centum more than the amount of such loan; or,

2. Fifteen per centum, in addition to the amount that may be loaned under the provisions of subdivision one of this section, upon security worth at least fifteen per centum more than the amount of such loan so secured; *provided*, the total

amount which can be loaned under subdivisions one and two hereof can not exceed twenty-five per centum in all; *provided, however,* that a separate note or notes shall be taken for the unsecured loans and a separate note or notes shall be taken for the secured loans, and the secured and unsecured loans shall not be combined in any way within one note, or notes; or,

3. Twenty-five per centum upon security worth at least fifteen per centum more than the amount of its loans so secured.

4. Forty per centum, *provided* such loans are upon commercial or business paper actually owned by the person negotiating the same to such bank, and are endorsed by such person without limitation; *provided, however,* that in addition to the amounts permitted to be loaned by subdivisions one, two or three of this section, an amount may be loaned on the securities fixed by subdivision four of this section, which taken with the amounts so permitted by said subdivisions one, two or three will not exceed forty per centum; *provided, also,* that the restrictions under this section shall not apply to bills of exchange or drafts, with bills of lading attached, drawn in good faith against actual existing values.

Accompanied
by shipping
documents.

Any commercial bank may accept drafts or bills of exchange drawn upon it having not more than six months' sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods provided shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples. No commercial bank shall accept, whether in a foreign or domestic transaction, for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than ten per centum of its paid-up and unimpaired capital and surplus, unless the bank is secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no commercial bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpaired capital and surplus; *provided, however,* that the superintendent of banks, under such general regulations as he may prescribe, which shall apply to all commercial banks alike regardless of the amount of capital and surplus, may authorize any commercial bank to accept such bills to an amount not exceeding at any time in the aggregate one hundred per centum of its paid-up and unimpaired capital and surplus.

Foreign
drafts
and bills.

Any commercial bank may accept drafts or bills of exchange drawn upon it having not more than three months' sight to run, exclusive of days of grace, drawn under regulations to be prescribed by the superintendent of banks by banks or bankers in foreign countries or dependencies or insular possessions of

the United States for the purpose of furnishing dollar exchange as required by the usages of trade in the respective countries, dependencies, or insular possessions; *provided, however*, that no commercial bank shall accept such drafts or bills of exchange referred to in this paragraph for any one bank to any amount exceeding in the aggregate ten per centum of the paid-up and unimpaired capital and surplus of the accepting bank unless the draft or bill of exchange is accompanied by documents conveying or securing title or by some other adequate security; *provided, further*, that no commercial bank shall accept such drafts or bills in an amount exceeding at any time the aggregate of one-half of its paid-up and unimpaired capital and surplus.

None of the limitations or restrictions contained in the previous subdivisions of this section shall apply to loans, discounts or other extensions of credit secured by liberty bonds or by other bonds or securities issued by the United States government, if the market value of such liberty bonds or other securities exceeds by ten per centum the amount of any such loan, discount or other extension of credit.

Loans secured by U. S. bonds.

Loans which are made upon security available for loans in a savings bank may be made in a commercial bank upon the same margin of security as is permitted to savings banks, anything in this section to the contrary notwithstanding, and all such loans shall be deemed to be secured loans within the meaning of this section.

In computing the total liabilities of any person to a commercial bank there shall be included all liabilities to the bank of any copartnership or unincorporated association of which he is a member, and any loans made for his benefit or for the benefit of such copartnership or unincorporated association; of any firm, copartnership or unincorporated association to a commercial bank there shall be included all liabilities of its individual members and all loans made for the benefit of such copartnership or unincorporated association or any member thereof; and of any corporation to a commercial bank there shall be included all loans made for the benefit of the corporation.

Computation of liabilities to commercial banks

SEC. 9. Section 83 of said act, approved March 1, 1900, as amended, is hereby amended to read as follows:

Stats. 1925, p. 521, amended.

Sec. 83. No loan shall be made for himself or as agent or partner of another, directly or indirectly, to any officer of any commercial bank by such bank or on the endorsement, surety, or guaranty of any such officer; *provided*, that a loan may be made to a corporation of which any officer of a commercial bank, proposing to make such loan, is a minority stockholder, director, officer, agent or employee. Loans to any director, agent or employee other than an officer, or to any firm, copartnership or corporation of which any director, agent or employee other than an officer is a member, stockholder, director, officer, agent or other employee, or to any person, firm, copartnership or corporation on the endorsement, surety, or

Loans to officers, directors, etc.

guaranty of any such director other than an officer, agent or other employee, can be made by any commercial bank; *and provided, further*, that a loan may be made or a line of credit may be given to any member of an advisory board or body of a commercial bank, not otherwise an officer of such bank, or a loan may be made to any firm, copartnership or corporation of which any member of such advisory board or body is a member, stockholder, director, officer, agent or other employee, or to any person, firm, copartnership, or corporation on the endorsement, surety or guaranty of any such member of such advisory board or body upon such conditions as are herein fixed for a loan, directly or indirectly, or a line of credit and the report thereof to any director of such bank. Loans herein authorized can be made only on authorization of or confirmation within thirty days after making such loan, by a majority of all the directors of such bank and the affirmative vote of all directors of such bank present at the meeting authorizing or confirming such loan. Such interested director shall not vote or participate in any manner in the action of the board on such loan; *provided*, that by and with the consent of the superintendent of banks previously obtained in writing, all directors may vote on such a loan made to any corporation or bank where all of the outstanding shares of stock of one are owned by, or held in trust for, the owners of not less than ninety per centum of the outstanding shares of stock of the other, and where all or a majority of the directors of the borrowing corporation or bank are directors of the loaning bank.

To members
of advisory
boards.

Authoriza-
tion or
confirmation

Amount
of credit.

The board of directors of any such bank may fix the total amount of credit that may at any one time during the twelve months next succeeding be given to any director, agent, or other employee other than an officer, or to any firm, copartnership, or corporation in which any director, agent, or other employee other than an officer is a member, stockholder, director, officer, agent or other employee or to any corporation of which any officer of a commercial bank, proposing to fix such total amount of credit, is a minority stockholder, director, officer, agent or employee, and any or all loans made within or up to the total amount of such authorized credit may at any time during said twelve months be renewed from time to time, in whole or in part, by the officers of the bank without any further vote or action on the part of the board of directors. Each such authorization shall be entered upon the records or minutes of said bank. No director shall vote or participate in any manner in such action of the board fixing the total amount of credit that may at any one time be given to himself or to any firm, copartnership or corporation in which he is a member, stockholder, director, officer, agent or other employee. The fact of making such loan, the names of the directors authorizing such loan, the name of the director, agent or employee obtaining such loan, or the name of the firm, copartnership or corporation in which such director, agent or employee is interested, or the name of the corporation of which

Report of
loan.

any officer of a commercial bank is a minority stockholder, director, officer, agent or employee obtaining such loan, the amount of such loan, the rate of interest thereon, the time when the loan will become due, the amount, character and value of security given therefor, if any, and the fact of final payment when made shall forthwith be reported in writing by the cashier or secretary of such bank to the superintendent of banks; *provided*, that any loan made to any corporation of which any director, officer, agent or employee of such commercial bank owns not more than five per cent of the paid-in capital of such borrowing corporation nor any loan made to any corporation which any two or more directors, officers, agents or employees of such commercial bank own not more than twenty per cent of the paid-in capital of such borrowing corporation shall not be reported to the superintendent of banks. In case a loan is made to a corporation there shall be reported in the same manner the name of each director and officer of such bank who is a member, stockholder, director, officer or employee of such borrowing corporation and the amount of stock held by him in such borrowing corporation. All the provisions of this section relating to reports shall apply to the granting of credit and all loans made under any credit given and payments made thereon shall also be reported immediately after the same is made. In case of a loan made without the previous authorization of the directors, the fact of making such loan shall forthwith be reported and the action of the board of directors, in confirming or refusing to confirm such loan within thirty days thereafter, and the fact of final payment when made shall be reported in the same manner as herein required for loans made under previous authorization. Any officer, director, agent, or employee of a commercial bank, who knowingly procures a loan from such commercial bank contrary to the provisions of this section, shall be guilty of a felony. In case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks, as herein provided, any of the facts so required to be reported, or in case of the neglect or failure of the secretary or cashier of any such bank to report to the superintendent of banks any loan made contrary to the provisions of this section, the bank shall be liable therefor and shall forfeit to the people of the State of California twenty-five dollars per day for each day, or part thereof, during which such neglect or failure continues.

Penalties.

This section shall not apply to any loan made to a religious corporation, club or other membership corporation of which one or more directors, officers, agents or employees of such commercial bank may be members or officers, but in which they have no financial interest.

Loans to religious corporations, clubs, etc

No loan may be made to any corporation a majority of the stock of which is owned or controlled by any one or more of

Loans to controlled corporations.

the directors or officers, or directors and officers of such commercial bank collectively, except with the previous consent of the superintendent of banks.

Loans on securities of U. S.

Loans may be made to any director, other than an officer, directly or indirectly, or to any agent or employee of a savings bank on the security of bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest, or those issued under the authority of the United States, or bonds of the State of California, or those for which the faith and credit of the State of California are pledged for the payment of principal and interest, or bonds of any county, city, city and county, or school district of this state, notwithstanding anything in this section contained, and such loans may be made in the usual manner of making loans in which no director of such bank is interested.

Stats. 1913, p 183, amended. Investment of capital, etc.

SEC. 10. Section 105 of said act approved March 1, 1909, as amended, is hereby amended to read as follows:

Sec. 105. Except as otherwise provided by law every trust company shall invest its capital and surplus and any trust funds received by it in connection with its trust business, in accordance with the laws relative to the investment or loan of funds deposited with savings banks, unless the terms or provisions of the trust of which such funds constitute a part contain a specific agreement or provision to the contrary or unless it is otherwise ordered by the court in connection with any court trust. Every trust company may hold, during the life of the trust, all property, real and personal, received by it into the trust from any source, though such property be not legal for the investment of trust funds, in the same manner and upon the same conditions as if such property were legal for the investment of trust funds, unless the terms of the instrument creating or declaring the trust specifically provide to the contrary.

CHAPTER 858.

An act to amend an act of the Legislature of the State of California known and designated as the "acquisition and improvement act of 1925," approved May 23, 1925, by adding new sections thereto to be numbered sections twenty-eight and three-quarters, thirty-three a, thirty-three b, thirty-three c, thirty-six and three-quarters and thirty-seven a, relating to the issuance of immediate possession bonds, the entering of stipulated judgments in condemnation suits and hearings thereon, the issuance of bonds for

acquisitions and improvements, and the entering of more than one final judgment in a condemnation action.

[Approved by the Governor June 1, 1927. In effect July 31, 1927.]

The people of the State of California do enact as follows:

SECTION 1. That act of the Legislature of the State of California known and designated as the "acquisition and improvement act of 1925," approved May 23, 1925, is hereby amended by adding thereto a new section to be numbered 28 $\frac{1}{2}$, and to read as follows:

Stats 1925,
p. 879,
amended

Sec. 28 $\frac{1}{2}$. The authority granted by section 28 of this act for the issuance of bonds to obtain immediate possession shall not be exhausted by a single exercise thereof and the legislative body is hereby authorized to issue bonds to obtain immediate possession in the manner prescribed by section 28, with respect to any one or more of the parcels of land sought to be condemned, and the fact that bonds have been issued to obtain immediate possession and use of any portion of the property sought to be condemned shall not prevent the issuance of bonds at a later time to obtain immediate possession and use of any other portion of the property sought to be condemned.

Additional
immediate
possession
bonds.

SEC. 2. Said act is hereby amended by adding thereto a new section to be numbered section 33a, and to read as follows:

Stats. 1925,
p. 882,
amended.

Sec. 33a. In addition to the procedure elsewhere in this act provided as the method of determining the compensation for all property to be actually taken and the basis of damage and damages to property not actually taken but injuriously affected in all cases where such damages are allowed by the provisions of this act, and anything elsewhere in this act to the contrary notwithstanding, if the plaintiff and all parties owning or claiming an interest in any parcel or parcels of land sought to be acquired enter into a stipulation for the entry of an interlocutory judgment relating to such parcel or parcels of land, agreeing upon the actual value of any property to be actually taken and the amount of damages to property not actually taken but injuriously affected, such stipulation may be filed in court and upon motion of any party thereto the court may appoint a date for a hearing upon such stipulation and for the entry of an interlocutory judgment in accordance therewith not less than twenty days thereafter. Notice of the time and place of said hearing must at least ten days before the date so appointed be served on all parties to such stipulation, unless all parties in such stipulation waive the giving of such notice. In addition to the notice hereinbefore provided the clerk of the court must give notice of the filing of said stipulation and of the time and place appointed for the hearing on same to all persons owning or having an interest in any lands included within the assessment district for the time and in the manner prescribed by section 32 of this act for the

Stipulation
as to actual
value and
damages.

Notice of
hearing

notice of the filing of the referees' report. Said notice shall be in the form mentioned in said section 32 with such changes as may be applicable to the matter of a hearing upon such stipulation; *provided, however*, that such notice given by the clerk of the court shall recite the names of the parties to whom payments are proposed to be made for interests in the land sought to be condemned, together with the amount of money so proposed to be paid to each of such parties, and a reference to the parcel of land for which such payment is proposed to be made, as said parcel is designated in the complaint. At any time not later than one day prior to the hearing any person owning or having any interest in any lands included within said assessment district, including any persons who are parties to the action, may intervene in the action and file their objections in writing to the entry of said proposed judgment specifying the ground upon which such objections are based, and any person so intervening may appear and contest said motion for the entry of such interlocutory judgment and introduce evidence in support of such objections. The parties to such stipulation may likewise introduce evidence in support of such stipulation and such motion for the entry of the proposed interlocutory judgment.

Intervening parties

Judgment where no objection.

At or after the time of said hearing, if no objections are filed to the entry of such interlocutory judgment, the court may, without taking any evidence, enter an interlocutory judgment in accordance with such stipulation, adjudging that upon payment in accordance therewith, the property therein mentioned shall be condemned to the use of the plaintiff and dedicated to the use specified in the complaint.

Judgment where objection filed.

If objections are filed against the entry of such interlocutory judgment, the court may similarly, after hearing such objections and any testimony above referred to, enter an interlocutory judgment if the court finds that the amounts stipulated as the value of the property taken and the damages to property not actually taken but injuriously affected constitute just compensation.

Just compensation.

Whether objections are filed to the entry of such interlocutory judgment or whether no such objections are filed, no findings of fact or conclusions of law need be prepared or filed, but in the event that the court finds that the amounts set forth in such stipulation constitute more or less than just compensation, no interlocutory judgments shall be entered and the action shall proceed as to the parcel of land as to which such stipulation is made, in accordance with the provisions of section 29 of this act; *provided, however*, that if the amounts set forth in such stipulation are, in the opinion of the court, in excess of just compensation, the court may find what amounts constitute just compensation and enter an interlocutory judgment therefor, if the parties to such stipulation all consent thereto in open court or in writing within ten days after such finding.

Purpose of section

The purpose of this section is hereby declared to be the expeditious settlement of the matter of compensation and

damages in any case where the plaintiff and the owners or parties interested in any parcel of land sought to be condemned come to an agreement with respect to such compensation and damages, and this section shall not be construed to prevent the entry of the interlocutory judgment based upon such stipulation for the reason that any or all parties defendant have not been served in said action, if all parties specifically alleged in the complaint to own or claim an interest in the parcel of land mentioned in the stipulation are parties to such stipulation, or have defaulted in the action, and the allegation in the complaint that defendants sued by fictitious names claim an interest in the parcel of land mentioned in the stipulation shall not be deemed to be a specific allegation of an interest in the particular parcel of land mentioned in the stipulation.

An additional purpose of this section is hereby declared to be the saving of expense in the matter of ascertaining the compensation for property taken and damages payable for property not taken but injuriously affected, and if no objections are filed to such stipulation it shall be unnecessary to introduce evidence before the court in the matter of the compensation and damages.

SEC. 3. Said act is hereby amended by adding thereto a new section to be numbered section 33b, and to read as follows:

Sec. 33b. Nothing herein contained shall be deemed to prevent the trial of the action by the various methods specified in section 29, and any defendant may demand and shall be entitled to a jury trial irrespective of the fact that any other defendant may waive a trial by a court or jury and permit the matter of compensation and damages to be determined by referees; *provided, however*, in the event any defendant demands a jury trial as to the interest alleged to be owned or claimed by him in any parcel sought to be condemned, the matter of the compensation and damages payable for such parcel and of each and every interest or estate therein shall be determined at such trial by jury irrespective of the demand of any other defendant claiming an interest in such parcel for a trial by the court without a jury or for the ascertainment of compensation and damages by the referees, and similarly in the event that any defendant demands a trial by the court without a jury as to his interest in any parcel sought to be condemned and no defendant claiming an interest in such parcel has demanded a trial by jury as to the interest of such defendant in such parcel, the matter of compensation and damages as to such parcel and of each and every interest or estate therein, shall proceed to trial by the court without a jury irrespective of the fact that any other defendant has waived trial by jury and trial by the court without a jury.

Stats 1925,
p. 882,
amended.

Where any
defendant
demands
trial by jury
or court.

Nothing herein contained shall be deemed to prevent and authority is hereby expressly granted for, the entry of separate interlocutory judgments as to the separate parcels

sought to be condemned, and such authority is hereby expressly granted for the entry of an interlocutory judgment or judgments relating to all parcels as to which the matter of compensation and damages has been referred to referees, excepting therefrom any parcels as to which exceptions are filed to the referees' report. Included within the intent of this section is authorization for the entry of an interlocutory judgment as to all parcels mentioned in the referees' report as to which no exceptions have been filed in order that the proceedings for acquisition may proceed prior to the final determination of compensation and damages with respect to those parcels as to which exceptions have been filed to the referees' report and prior to the entry of interlocutory judgments as to parcels as to which any defendants may demand a trial by jury or a trial by the court without a jury.

Stats 1925,
p. 832,
amended.

SEC. 4. Said act is hereby amended by adding thereto a new section to be numbered section 33c, and to read as follows:

Entry of
interlocutory
judgment.

SEC. 33c. That at the date set for the hearing of the referees' report, as provided in section 32 hereof, the court shall have power to enter an interlocutory judgment or judgments for all parcels of land with respect to which no exceptions have been filed.

Stats 1925,
p. 886,
amended.
Interlocutory
judgment
bonds.

SEC. 5. Said act is hereby amended by adding thereto a new section to be numbered section 36½, and to read as follows:

SEC. 36½. Upon the entry of any interlocutory judgment or judgments other than a single interlocutory judgment relating to all of the land sought to be condemned in the action, the legislative body conducting the proceeding may fix a day, hour and place for a hearing upon the issuance of bonds against the lands in the assessment district for the purpose of obtaining the amount or amounts set forth in said interlocutory judgment or judgments. Said hearing shall be for the purpose of furnishing an opportunity to all persons owning land within the assessment district or otherwise interested and feeling aggrieved by any act or determination done or made in the said proceeding relating to the entry of said interlocutory judgment or judgments, or claiming that any of the previous acts or determinations or proceedings are irregular, defective, erroneous or faulty, or having any objections to offer or any reason to advance why bonds should not be issued in the amount set forth in said notice for the purpose therein set forth, to appear before the legislative body and be heard upon any of the above mentioned matters. The amount or amounts required for said purpose and for which bonds are proposed to be issued shall be stated in the notice. It shall not be necessary for the attorney to furnish a report to said legislative body showing the costs and expenses chargeable to the plaintiff in the action with respect to the said interlocutory judgment or judgments but the attorney shall furnish a report

to said legislative body showing the amount or amounts necessary for the payment of said interlocutory judgment, or judgments. In determining the amount for which bonds are to be issued in the matter of any interlocutory judgment or judgments, except the interlocutory judgment or judgments which will, with those previously entered embrace all of the land sought to be acquired, it shall not be necessary to deduct the amount, if any, to be paid by the county or municipality or both toward the expenses of the acquisition unless such county or municipality or both have expressly authorized the payment of such money as a contribution on account of the amount payable under the particular interlocutory judgment for which bonds are to be issued as herein provided.

Interlocutory
judgment
bonds
(cont'd).

This section shall be deemed to provide an alternative method for the issuance of bonds by which it shall not be necessary to await the entry of all interlocutory judgments relating to all of the land sought to be condemned before any of the bonds can be issued for the payment of a particular judgment. In the event that the legislative body proceeds under this section in the matter of the issuance of bonds, the hearing thereon shall be final and conclusive upon all persons entitled to be heard under the provisions of this act as to all matters determined upon said hearing and as to all errors, informalities, irregularities, omissions and defects which said legislative body might have avoided or have remedied during the progress of the proceedings or which it can remedy at said time.

All provisions of sections 36 and 36½ of this act not inconsistent with the provisions of this section shall be applicable to the procedure herein established for the issuance of bonds for separate interlocutory judgments, and such changes in the procedure prescribed by sections 36 and 36½ of this act shall be made in the event of issuance of bonds for separate interlocutory judgments as are necessary in order to carry out the intent of this section.

Under the alternative procedure herein established the issuance of bonds necessary for the acquisition of the land to pay that particular interlocutory judgment or judgments, which together with all previously entered interlocutory judgments will embrace all of the land sought to be condemned, shall be for bonds in an amount sufficient to pay said particular interlocutory judgment or judgments and all costs and expenses chargeable to the plaintiff in the action and the amount of incidental expenses of the proceeding. The bonds last referred to are hereafter referred to as "the last issue of bonds." Prior to the fixing of the time for the hearing on the last issue of bonds the attorney shall furnish a report to said legislative body showing the amount or amounts necessary for the payment of said interlocutory judgment or judgments and all costs and expenses chargeable to the plaintiff in the action, and the amount of incidental expenses of the proceedings which shall be ascertained from the clerk of the legislative

body and be included in the total amount for which bonds are proposed to be issued. In determining the amount of the last issue of bonds there shall be deducted the amount (if any) to be paid by the county or municipality or both, toward the expenses of the acquisition, as provided in the resolution of intention. Should it happen that the amount, if any, to be paid by the county or municipality or both, is in excess of the amount necessary for the last issue of bonds, such excess shall be applied to the interest and sinking fund for the payment of the bonds then outstanding which were issued and sold to defray the expense of the acquisition.

Under the alternative procedure herein established in determining the amount for which any bonds are to be issued, there shall be deducted the amount (if any) theretofore raised by the issuance or sale of bonds to obtain immediate possession and use of the particular property mentioned in the interlocutory judgment for which the bonds are to be issued. If any amount has been raised and deposited as directed by the court as security for such immediate possession and use of the property, it shall be applied in the manner directed by the court, toward the payment of the amounts to be paid as set forth in the particular interlocutory judgment, and shall, pro tanto, reduce the amount to be raised by the issuance and sale of the bonds under this section.

Designation
of series

In the event that acquisition bonds or immediate possession bonds are issued at more than one time, as permitted under this section, then each series shall be designated in a convenient manner, following the provisions of section 39 hereof, as, for example: Series A-one, A-two, and similarly in sequence in the order in which bonds are ordered issued.

Stats 1925,
p 886,
amended
Final judg-
ment upon
payment of
award.

SEC. 6. Said act is hereby amended by adding thereto a new section to be numbered section 37*c*, and to read as follows:

Sec. 37*a*. Upon satisfactory proof being made to the court of the payment of the amounts awarded by the particular interlocutory judgment or judgments contemplated by sections 33*a*, 33*b*, and 36*a*, to the respective parties entitled thereto, including costs awarded, or into court for their benefit, it shall direct the particular interlocutory judgment or judgments to be satisfied and shall make and enter a final judgment condemning the lands described or referred to in such particular interlocutory judgment or judgments to the use of the plaintiff for the uses specified in the complaint, and such final judgments may be entered irrespective of the fact that interlocutory judgments may not have been entered embracing all of the land sought to be condemned in the complaint.

When
alternative
procedure
authorized.

It is hereby expressly provided that the procedure provided by sections 33*a*, 33*b*, 33*c*, 36 $\frac{1}{2}$ and 37*a*, taken in conjunction with other provisions of this act not inconsistent therewith, constitutes an alternative and supplementary procedure authorizing the entry of separate interlocutory judgments by stipulation with respect to the various parcels of land sought

to be acquired, and authorizing the issuance of bonds at different times to pay for the acquisition of the various parcels under such separate interlocutory judgments, but such alternative and supplementary procedure shall be, and is hereby authorized only in those cases where that which is to be done consists solely of the acquisition of land for the widening of a public way or ways in existence at the date of the initiation of the proceedings for such acquisition, or the acquisition of land for the opening or extension of a public way or ways in cases where such land to be acquired, together with land theretofore in use as a public way or as to which a final judgment has theretofore been entered condemning the same for a public way, will constitute a continuous public way. Such procedure is not authorized when that which is to be done includes the construction of any improvement in a public way.

CHAPTER 859.

An act to amend section one hundred seventeen of the Political Code, relating to the division of the state into congressional districts and defining and establishing such districts.

[Approved by the Governor June 1, 1927. In effect July 31, 1927.]

The people of the State of California do enact as follows:

- SECTION 1. Section 117 of the Political Code is hereby amended to read as follows: Stats 1911 ex, p 164, amended
117. The state is divided into eleven congressional districts, which shall be designated and constituted as follows: Congressional districts
1. The counties of Del Norte, Humboldt, Mendocino, Glenn, Butte, Yuba, Sutter, Marin, Colusa, Lake and Sonoma shall constitute the first congressional district. First.
 2. The counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Tuolumne and Mariposa shall constitute the second congressional district. Second
 3. The counties of Napa, Yolo, Sacramento, Solano, Contra Costa and San Joaquin shall constitute the third congressional district. Third
 4. All that portion of the city and county of San Francisco comprising the twenty-eighth, thirty-first, thirtieth, thirty-second and thirty-third assembly districts, as such districts are constituted by section 78 of this code, as amended at the regular session of the Legislature commencing January 3, 1927, shall constitute the fourth congressional district. Fourth.
 5. All that portion of the city and county of San Francisco not included in the fourth congressional district shall constitute the fifth congressional district. Fifth
 6. The county of Alameda shall constitute the sixth congressional district. Sixth.

- Seventh. 7. The counties of Stanislaus, Merced, Madera, Fresno, Kings, Tulare and Kern shall constitute the seventh congressional district.
- Eighth. 8. The counties of San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey, San Luis Obispo, Santa Barbara and Ventura shall constitute the eighth congressional district.
- Ninth. 9. All that portion of the county of Los Angeles comprising the fifty-first, fifty-second, fifty-third, fifty-fourth, sixtieth, sixty-first, sixty-second, sixty-eighth, sixty-ninth, seventieth and seventy-first assembly districts, as such districts are constituted by section 78 of this code, as amended at the regular session of the Legislature commencing January 3, 1927, shall constitute the ninth congressional district.
- Tenth. 10. All that portion of the county of Los Angeles not included in the ninth congressional district shall constitute the tenth congressional district.
- Eleventh. 11. The counties of San Bernardino, Orange, Riverside, San Diego, Mono, Inyo and Imperial shall constitute the eleventh congressional district.
- Effective. **SEC. 2.** The provisions of this act shall take effect at the same time as an act entitled "An act to amend section 78 and to repeal section 90 of the Political Code, relating to the division of the state into legislative districts and defining and establishing such districts, and to repeal all acts in conflict with this act," enacted at the forty-seventh regular session of the Legislature commencing January 3, 1927, and shall not go into effect until or unless the above mentioned act becomes effective.

CHAPTER 860.

An act to provide for the bonding, licensing, regulation and supervision of produce dealers engaged in the handling, receiving or selling of farm products and to create a produce dealers' license fund; to define the purpose of the act and the terms used therein; to define the powers and duties of the state director of agriculture with reference thereto; to provide for the keeping of certain records concerning the sale of farm products; to provide for the revocation of produce dealers' license; to declare certain acts to be offenses and fix the penalties therefor; and to repeal all conflicting acts or parts of acts.

[Approved by the Governor June 1, 1927. In effect July 31, 1927.]

The people of the State of California do enact as follows:

Words and
phrases
defined.

SECTION 1. For the purpose of this act the term "produce dealer" shall include every person, firm, exchange, association or corporation who shall receive produce for sale on commission or contract with the producer thereof for farm products to be sold by him on commission or accept in trust from the producer thereof for the purpose of resale, or who shall sell or

offer for sale on commission or shall solicit consignments within the state of any kind of farm products, or who shall in any way handle for the account of or as an agent of the producer thereof any kind of farm products. The term "farm products" for the purposes of this act, shall include all agricultural, horticultural, viticultural and vegetable products of the soil, poultry and poultry products, live stock and live stock products, honey and cut flowers, but shall not include timber and timber products, milk and milk products, hay, field grains and dried beans. The term "consignor," for the purpose of this act, shall include every person, firm, exchange, association or corporation who shall ship or deliver to any produce dealer any farm products.

SEC. 2. This act shall not be construed to apply to or include any cooperative organization, operating under and by virtue of the laws of the State of California or of any other state or the District of Columbia or under federal statute, or the agents, individual or corporate, of such organizations in the performance of their duties as such agents; except as to that portion of the activities of such organization, or agent, that involves the handling or dealing in the farm products of nonmembers of such organization (*b*) any person, firm, exchange, association or corporation buying vegetable and/or horticultural farm products for the purpose of reselling the same in dried, canned or other preserved form.

SEC. 3. On and after the effective date of this act, no person, firm, exchange, association or corporation shall act as a produce dealer without having obtained a license as provided in this act. Every person, firm, exchange, association or corporation acting as a produce dealer as herein defined shall file an application with the state director of agriculture for a license to transact the business of produce dealer and such application shall be accompanied by the license fee herein provided for. Such application shall state the class or classes of farm products applicant proposes to handle, the full name of the person, firm, exchange, association or corporation applying for such license, and if the applicant be a firm, exchange, association or corporation, the full name of each member of the firm, or the names of the officers of the exchange, association or corporation shall be given in the application. Such application shall further state the principal business address of the applicant in the State of California and elsewhere and the name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant. Such applicant shall further satisfy the state director of agriculture of his or its character, responsibility and good faith in seeking to carry on the business of produce dealer. The state director of agriculture shall thereupon issue to such applicant, upon the execution and delivery of a bond as hereinafter provided, a license entitling the applicant to conduct the business of produce dealer at the place named

Effect on
cooperative
organiza-
tions.

Produce
dealer
licenses.

in the application until the first day of January next following or until the same shall have been revoked for cause.

Directory
and rules.

SEC. 4. The director of agriculture shall publish in pamphlet form as often as he thinks necessary, a list of all licensed produce dealers together with all necessary rules and regulations concerning the enforcement of this act. Each licensed produce dealer shall post his license or a copy thereof in his office or salesroom in plain view of the public; *provided*, that any agent of a licensed produce dealer shall show in writing his authority from his principal or employer to act as such agent. The fee for such license shall be twenty-five dollars (\$25.00) for each year or part thereof. All license fees collected under the provisions of this act shall be paid into the state treasury monthly and shall be credited to the "produce dealers' license fund" which fund is hereby created, and all moneys so deposited shall be held subject to the uses of the state director of agriculture for the purpose of carrying out the provisions of this act.

Display of
license.

License
fees.

Surety
bonds and
recovery
thereon.

SEC. 5. Before any license shall be issued, the applicant shall execute and deliver to the state director of agriculture a good and sufficient surety bond in the sum of five thousand (\$5,000) dollars executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. Said bond shall be conditioned upon compliance with the provisions of the act and upon the faithful and honest handling of farm products in accordance with the terms of this act. Said bond shall be to the State of California in favor of every consignor of farm products. Any consignor of farm products claiming to be injured by the fraud, deceit or wilful negligence of any produce dealer may bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by such fraud, deceit and wilful negligence, or the failure to comply with the provisions of this act. In case of failure by a produce dealer to pay consignor creditors for farm produce received from said consignors to be sold, the state director of agriculture shall proceed forthwith to ascertain the names and addresses of all consignor creditors of such produce dealer, together with the amounts due and owing to them and each of them by such produce dealer, and shall request all such consignor creditors to file a verified statement of their respective claims with the state director of agriculture. Thereupon the state director of agriculture is hereby authorized to and shall proceed forthwith to bring an action on the bond in behalf of said consignor creditors which has been filed in the department by said produce dealer. Upon any action being commenced on said bond the director of agriculture may in his discretion require the filing of a new bond and immediately upon the recovery in any action on such bond such produce dealer shall file a new bond and upon failure to file the same within ten days in either case, such failure shall constitute

sufficient grounds for the suspension or revocation of his license.

SEC. 6. The applicant shall file with the director of agriculture at the time of furnishing said bond a schedule of his maximum and minimum commissions and charges for services in connection with produce handled on account of or as an agent for other parties and such designated commissions and charges shall not be changed or varied for one year thereafter, except by and through a written contract and agreement between the produce dealer or dealers and consignor or consignors of farm products.

Schedule
of commis-
sions and
charges

SEC. 7. For the purpose of enforcing the provisions of this act, the state director of agriculture is authorized to receive verified complaints against any produce dealer or any person, firm, exchange, association or corporation assuming or attempting to act as such, and upon receipt of such verified complaint shall have full authority to make any and all necessary investigations relative to the said complaint, and he shall have at all times free and unimpeded access to all buildings, yards, warehouses, storage and transportation facilities in which any produce is kept, stored, handled or transported. He shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before him, together with all books, memoranda, papers, and other documents, articles or instruments; to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation, and all parties disobeying the orders or subpoenas of said state director of agriculture shall be guilty of contempt and shall be certified to the superior court of the state for punishment for such contempt. Copies of records, inspection certificates, certified reports and all papers on file in the office of the state director of agriculture shall be prima facie evidence of the matters therein contained.

Complaints
and investi-
gations
thereof.

SEC. 8. Upon the verified complaint of any interested party the state director of agriculture must or on his own motion may investigate any transaction involving solicitation, receipt, sale or attempted sale of farm products by any person or persons acting or assuming to act as a produce dealer; failure to make proper and true account of sales and settlement thereof as in this act required; the intentional making of false statements as to condition, and quantity of any farm products received or in storage; the intentional making of false statements as to market conditions; the failure to make payment for farm products within the time required by this act; or any other injurious transactions, and in furtherance of such investigation or inspection, the state director of agriculture, or any authorized representative, may examine that portion of the ledger, books, accounts, memoranda and other documents, farm products, scales, measures, and other articles and things used in connection with the business of such produce dealer relating to the transactions involved. When a consignor of

Miscellaneous
investi-
gations.

farm products fails to obtain settlement satisfactory to him in any transaction after having notified the consignee, a verified complaint may be filed with the state director of agriculture, who shall undertake to effect a settlement, and in the event that he shall fail to effect such settlement, he shall cause a copy of such complaint, together with a notice of time and place of hearing of such complaint, to be served personally or by mail upon such produce dealer. Such service shall be made at least ten days before the hearing, which shall be held in the city or town in which is situated the business location of the licensee, or in which the transaction complained of is said to have occurred. At the time and place appointed for such hearing the state director of agriculture, or his agents, shall hear the parties to such complaint, and shall enter in the office of the state director of agriculture at Sacramento a decision either dismissing such complaint or specifying the facts established on such hearing. A copy of such decision shall be furnished to each, every and all the respective parties thereto.

Refusal and
revocation
of licenses.

SEC. 9. The state director of agriculture may refuse to grant a license, and may revoke any license, as the case may require, when he shall be satisfied of the existence of any of the following facts: (a) that fraudulent charges or returns have been made by the applicant, or licensee, for the handling, sale or storage of, or for rendering of any service in connection with the handling, sale or storage of any farm products; (b) that the applicant, or licensee, has failed or refused to render a true account of sales, or to make a settlement thereon, within the time and in the manner by this act required; (c) that the applicant, or licensee, has made any false statement as to the condition, quality or quantity of farm products received, handled, sold or stored by him, as a produce dealer; (d) that the applicant, or licensee, directly or indirectly, has purchased for his, or its own account farm products received by him, or it, upon consignment without prior authority from consignor together with price fixed by consignor or without promptly notifying the consignor of such purchase; *provided*, that this shall not prevent any produce dealer from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of farm products remaining unsold, if such produce dealer shall forthwith enter such transaction on his account of sales; (e) that the applicant, or licensee, has intentionally made any false or misleading statement as to the conditions of the market for any farm products; (f) that the applicant, or licensee, has made fictitious sales or has been guilty of collusion to defraud the producer; (g) that the produce dealer to whom any consignment is made has reconsigned such consignment to another produce dealer for the purpose of receiving, collecting or charging by such means more than one commission for making the sale therefor for the consignor, unless by consent of such consignor; (h) that the licensee was intentionally guilty of fraud or deception in the procurement of such license; (i)

that the licensee or applicant has failed or refused to file with the director of agriculture a schedule of his maximum and minimum commission and other charges for services in connection with produce handled on account of or as an agent of another as prescribed in section 6 of this act on or prior to February first of each year.

SEC. 10. Any action of the state director of agriculture with reference to the granting of, or the refusal to grant, or to renew any license, or with reference to the revocation of any license granted under the provisions of this act, may be reviewed by any court of competent jurisdiction, but pending final determination of any such review, in the case of the revocation of or refusal to renew the license of any produce dealer, such license shall be deemed in full force and effect until the final determination of such proceedings; *provided*, that no license shall be refused during the time of or on account of the pendency of any review proceedings.

Review of
refusal or
revocation.

SEC. 11. It shall be the duty of every produce dealer, having received any farm products for sale as such dealer, to promptly make and keep a correct record showing in detail the following with reference to the handling, sale, or storage of such farm products: (a) The name and address of the consignor; (b) the date received; (c) the condition and quantity upon arrival; (d) date of such sale for account of consignor; (e) the price for which sold; (f) an itemized statement of the charges to be paid by consignor in connection with the sale; (g) each consignment of product shall be given a lot number or other identifying mark, which number or mark shall appear on all sales tags and/or on any other essential records needed to show what the produce actually sold for; (h) a detailed statement shall be kept on file of the filing of any claim or claims which have been or may be filed by the produce dealer against any person, firm, exchange, association or corporation for overcharges or for damages resulting from the injury or deterioration of such farm products by the act or acts or neglect or failure of such person, firm, exchange, association or corporation, and such records shall be open to the inspection of the state director of agriculture and the consignor or consignors of farm products for whom such claim or claims are made; *provided*, that the money returns, if any, collections, or damages received by said produce dealer from said persons, firms, exchanges, associations or corporations for and on behalf of consignor or consignors of farm products by reason of said overcharges, damages, or deterioration shall forthwith be paid to the aforesaid consignor or consignors of farm products, less charges for collection thereof in accordance with the schedule of charges filed under section 6 of this act. A copy of record and account of sales of farm products together with remittances in full of the amount realized by such sales, less the agreed commission and other charges, shall be delivered to the consignor upon the consummation of the sale together with all moneys received by him in payment

Dealers'
records and
statements.

Dealers'
records and
statements
(cont'd).

for any consignment of farm products, less the agreed commission and other charges, within ten days after receipt of said moneys by said dealers, unless otherwise agreed in writing; and provided, however, that the names and addresses of the purchasers need not be given.

It shall also be the duty of every produce dealer to retain a copy of all records including sales tags, account sales, and other records covering each transaction, for a period of one year from the date thereof, which copy shall at all times be available for, and open to, the confidential inspection of the state director of agriculture and the interested consignor or any authorized representative of either. In the event of any dispute or disagreement between a consignor and a produce dealer arising at the time of delivery as to condition, quality, grade, pack, quantity or weight of any lot, shipment or consignment of farm products, it shall be the duty of the state department of agriculture to furnish upon the payment of a reasonable fee therefor to be paid by requesting party a certificate establishing the condition, quality, grade, pack, quantity or weight of such lot, shipment or consignment, such certificate shall be prima facie evidence in all courts of this state as to the recitals thereof at the time such inspection was made. The burden of proof shall be upon the produce dealer to prove the correctness of his accounting as to any transaction which may be questioned.

Penalties.

SEC. 12. Any person, firm, exchange, association or corporation who shall assume or attempt to act as a produce dealer of farm products as defined by this act without a license, or any person, firm, exchange, association or corporation who, being a produce dealer of farm products, shall (a) impose false charges for handling or services in connection with farm products, or (b) fails to account promptly, correctly, fully and properly and to make settlement therefor as herein provided, or (c) shall intentionally make false or misleading statement or statements as to market conditions, or (d) shall make fictitious sales or shall be guilty of collusion to defraud the producer, or (e) shall directly or indirectly purchase for his or its own account, goods received by him, or it, upon consignment without prior authority from the interested consignor, or shall fail promptly to notify the consignor of such purchases, if any, on his, or its own account; provided, that this clause shall not be so construed as to prevent any produce dealer from taking to account of sales, in order to close the day's business, miscellaneous lots or parcels of farm products remaining unsold, if such produce dealer shall forthwith enter such transaction on his account of sales, or (f) shall intentionally make false statement or statements as to the grade, condition, markings, quality or quantity of goods shipped or packed in any manner or (g) shall fail to comply in every respect herewith, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed one thousand dollars or by confinement in the county jail for not more

than one year, or by both such fine and imprisonment. It is hereby made the duty of the several district attorneys of this state to prosecute all violations of this act subject to prosecution in their respective counties. Civil suits and criminal prosecutions arising by virtue of any of the provisions of this act may be commenced and tried in either the county where the products were received by the produce dealer, or within the county in which the principal place of business of such produce dealer is located within the State of California, or within the county in which the violations of this act occurred.

SEC. 13. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality.

SEC. 14. All acts or parts of acts inconsistent with this act are hereby repealed. Repealed

CHAPTER 861.

An act to create a harbor district to be called Ventura county harbor district, to provide for the location, improvement, development and protection on the seacoast of Ventura county of a harbor and approaches thereto, to provide for the government, control, operation and maintenance of said harbor and the approaches thereto, and to define the powers and duties of the officers thereof, to provide for the construction of works and the acquisition of property therefor; to authorize the advance by Ventura county of the preliminary expense and the incurring by said district of indebtedness for the cost of said construction and the voting, issuing and selling of bonds therefor, and to provide for the levy of assessments by said district for said purposes and for the collection thereof.

[Approved by the Governor June 1, 1927. In effect July 31, 1927.]

The people of the State of California do enact as follows:

SECTION 1. A harbor district is hereby created to be called Ventura county harbor district and the boundaries and territory of said district shall be as follows: Ventura county harbor district

All that territory included within the limits of Ventura county, excepting however that portion of said county lying north of the line separating township five north and township six north of the San Bernardino base line and also excepting Anacapa island and San Nicholas island.

SEC. 2. The objects and purposes of this act are to provide for the location, development, improvement and protection of a harbor on the coast of the Pacific ocean in said Ventura Objects and purposes of act.

county and within said district including the construction, operation, and maintenance of said harbor and such structures, thoroughfares and approaches thereto by land and water as the needs and convenience of commerce may require, and generally the construction maintenance and operation of all such improvements as may be necessary for the safe and convenient landing, loading and unloading, handling and protection of all such classes of merchandise and for the safety and convenience of such passengers as may pass into and out of said harbor by water, including the control, use and lease for the purpose of said harbor of all publicly owned water front lands and tidelands fronting the waters of said harbor or any portion thereof.

Powers of
district.

SEC. 3. The Ventura county harbor district is hereby declared to be a body corporate and politic and as such has and shall have power:

A. To have perpetual succession.

B. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

C. To adopt a seal and alter it at pleasure.

D. To take by grant, purchase, gift, devise or lease, and to hold, use, and enjoy and to lease or dispose of real or personal property of every kind within or without the district necessary or convenient to the full exercise of its powers except that no sale or grant shall be made contrary to the provisions of section 3 of article XV of the constitution of this state.

E. To acquire or contract to acquire lands, rights of way, easements, privileges and property of every kind and to construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act and to complete, extend, add to, repair and from time to time improve any and all works or improvements constructed or acquired by it as herein authorized.

F. To have and to exercise the right of eminent domain and to take thereunder any property necessary to carry out any of the purposes of this act.

G. To incur indebtedness for the accomplishment of any of the purposes of this act and to issue bonds in the manner herein provided.

H. To control and manage the said harbor and said improvements, to appoint, define the duties of and pay all officers, agents and employees necessary for the complete control thereof and to make and from time to time alter and enforce all necessary and proper rules and regulations for the protection, operation and use thereof including the construction and operation of private docks and wharves, the moving, anchoring and docking of vessels and the receiving, discharge and warehousing of freight.

I. To establish and from time to time alter general anchorage, wharfage, dock and warehouse fees and other tolls and

charges as may seem proper for the use of said harbor or any of the structures or improvements provided hereunder and to collect and receive the same and to apply the same for any of the purposes of this act.

J. To cause taxes and assessments to be levied and collected for the purpose of paying the obligations of the district in the manner herein provided.

K. To make contracts of every nature, to employ agents, officers and other labor and to do all things necessary for the full exercise of all powers vested in said district or any of the officers thereof by this act.

SEC. 4. The board of supervisors of Ventura county is hereby empowered to and as soon as may be after the passage of this act they shall appoint a harbor commission for such district which shall perform the duties and exercise the powers herein specified for such district. The chairman of the board of supervisors of Ventura county shall be ex officio a member of said commission. The board shall appoint six other members each of whom shall at the time of his appointment be and have been for two years a bona fide resident elector of such district. The board shall appoint two of said members for a period of one year, two for a period of two years and two for a period of three years; annually thereafter the board shall appoint two members for a period of three years. Any vacancy occurring on the commission shall be filled for the unexpired term by the said board.

Appointment
of commis-
sion.

SEC. 5. Each commissioner so appointed shall within twenty days after he shall receive notice of his appointment qualify by taking and subscribing the constitutional oath of office and filing same with the clerk of Ventura county together with a bond in a sum to be fixed by the supervisors of said county, with two or more sureties, which bond when approved by a judge of the superior court of said county shall be recorded in the office of the county recorder of said Ventura county as other official bonds are recorded. The commissioners or a majority of them having qualified as aforesaid shall meet at some convenient place in said district and organize by electing from their number a president and a treasurer, by electing a secretary who may, but need not, be a member of the commission and by establishing an office at or near said harbor. Officers who are members of the commission shall hold office for one year and until their successors are elected and qualify. All other officers, agents and employees shall hold office only during the pleasure of the commission.

Commis-
sioners to
qualify.

Organization
of commis-
sion.

SEC. 6. The said harbor commission shall thereafter with all diligence cause proper surveys to be made of the coast of the mainland of said county and shall collect, compile and preserve all proper and useful data concerning the same and the necessity, advantage and benefit to be derived by its improvement, development and protection and shall carefully investigate and examine the condition of said coast and said

Harbor
survey

district and shall ascertain the best most feasible and practical plan and system for the location, improvement, development and protection of a harbor or sea coast, and make general plans and specifications therefor and careful estimates of the cost of construction, maintenance and operation thereof and the probable revenue therefrom and determine the amount necessary to be raised by the issuance and sale of bonds to defray the cost of the work and shall make a complete, full and comprehensive report of their investigation and examination and file the same in the office of the commission. The commission shall have power to employ for said purpose such engineering, legal and other expert and clerical assistance as may be necessary.

Notice of hearing.

SEC. 7. Upon the filing of such report the commission shall then fix a place in said district for a hearing on said report and a date not more than thirty nor less than twenty days after the filing thereof and shall cause notice of the fact that said report has been filed and that at the time and place named therein a hearing will be had upon said report, said notice to be published in at least one newspaper published in Ventura county by at least two publications thereof. Said notice shall set forth the limits of the said district and describe in general terms the plan of improvement approved by the commission and set forth the estimated cost, of said improvements, the estimated annual revenue therefrom and the amount approved as necessary to be raised by the issuance and sale of bonds to do the work, and shall state where the report and the plans and specifications may be examined.

Filing of objections, etc.

SEC. 8. Objections or proposed amendments to the said report may be filed with the secretary of the commission at any time prior to said hearing or with the consent of the commission may be presented at the hearing.

Hearing.

SEC. 9. At the time and place fixed for said hearing the commission shall proceed to consider all objections and proposed amendments to the said report or its details, plans, or specifications and may adjourn such hearing from time to time for further examination and investigation or for correction or amendment.

Adoption of plans, etc.

SEC. 10. When the plans and specifications and report shall be finally accepted and approved by the commission they shall adopt and pass a resolution to that effect setting forth the plan or system of improvement, development and protection to be employed and used and the estimated cost thereof and the amount to be raised by the sale of bonds to carry out the said plan or system and a finding in said resolution adopted by said commission that all proceedings theretofore had and the said report were sufficient and in compliance with this act shall be final and conclusive against all persons except the State of California upon suit commenced by the attorney general.

Bond election.

SEC. 11. After the adoption of the said resolution the said commission shall cause a copy of the said report and a copy of

the said resolution duly authenticated by the signature of a majority of the commission to be filed in the office of the county clerk of Ventura county and the board of supervisors thereof shall by ordinance without delay call a special election and submit to the qualified electors of said district the proposition of incurring for said district a bonded debt in the amount and for the purposes stated in said report. The said ordinance shall set forth the limits of the said district as defined in this act, shall set forth by brief general description the objects and purposes for which the indebtedness is proposed to be incurred, shall set forth the amount of the principal of the indebtedness to be incurred and said ordinance shall fix the date on which said special election shall be held, the manner of holding the same and the manner of voting for or against incurring such indebtedness and refer for particulars to the report and resolution on file in the office of the commission and the county clerk.

The board shall by such ordinance form bond election precincts either by adopting the precincts established for general election purposes or by consolidating such precincts to a number not exceeding six for each such bond election precinct. In case of lands lying in a general election precinct the whole of which is not included in said district, the board shall create a special bond election precinct therefor or shall include said lands in the contiguous precinct which they shall deem most convenient.

The board shall by such ordinance designate a polling place, appoint one inspector, two judges and one clerk for each such precinct.

In all particulars not recited in such ordinance or in conflict with the provisions hereof such election shall be held and canvassed as nearly as practicable in conformity with the provisions of law relating to the issuance of county bonds and any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of said bonds, and no defect or irregularity in the calling, holding or determining the result of said election shall affect the validity of said bonds, unless the same shall have materially and substantially affected the result of said election.

SEC. 12. If at such election a majority of the votes cast are in favor of incurring such bonded indebtedness, and the board of supervisors shall by ordinance so find, the harbor commission shall thereby be empowered and authorized to and shall as and when necessary, issue bonds of the said district for the amount stated in such proceedings and sell the same for not less than the par value and accrued interest thereon.

SEC. 13. The harbor commission shall in conformity with the foregoing proceedings by resolution fix the form and denomination of said bonds, the date on which they shall be payable and the rate of interest thereon and each bond shall be authenticated by the seal of the commission and signatures of its president and secretary, who may be in office at

Bonds
(cont'd).

the date of said bond or at any time thereafter prior to the delivery of said bond. Said bonds shall conform in form and manner of issuance as nearly as practicable to the form and manner of issuance of county bonds, the commission and its officers acting in place of county officers. The principal and interest of said bonds shall be payable at the office of the county treasurer of Ventura county out of the special harbor district bond fund hereinafter created. Said bonds shall be sold by said commission in the same manner as county bonds but for not less than par value and accrued interest. The bonds issued under the provisions of this act shall be payable substantially in the following manner: A part thereof, to be determined by the commission, which shall not be less than one-fortieth (1/40th) of the whole amount of such indebtedness, shall be paid each and every year at a day and date to be fixed by said commission and designated in said bonds, together with the interest on all amounts unpaid on such date until the whole of said indebtedness shall have been paid; *provided, however*, that said commission may in its discretion determine and fix a date for the earliest maturity of the principal of said bonds not later than five (5) years from the date of the issue of said bonds and in this event the whole amount of such indebtedness must be payable in equal annual parts in not to exceed forty (40) years from the time of contracting the same. Said bonds shall bear interest at not to exceed six (6) per cent per annura, payable semiannually. The total principal amount of any bonds outstanding shall not exceed five (5) per cent of the total assessed value of taxable real property, including improvements thereon, within said district, at the time of issuance of said bonds.

Disposition
and use of
moneys
received.

SEC. 14. The proceeds of said bonds when received by the treasurer of the commission shall be deposited with the county treasurer in a special fund to the credit of said district, to be called Ventura county harbor district construction fund, and shall be used solely and exclusively for the purposes for which the bonds were issued and withdrawn therefrom only upon demands of the commission, in form and as prepared, presented, allowed and audited in the general manner provided by the commission. The commission may receive and place to the credit of the said fund any and all donations which shall be used only for the purpose for which donated and all funds received from all other sources except as herein otherwise provided which may, in the discretion of the commission, be used for any of the purposes for which said district was created.

Payment
of bonds.

SEC. 15. Any bonds issued under the provisions of this act shall be a lien upon the taxable real property within the district. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the taxable real property including improvements thereon, within said district and all the real property in the district and improvements

thereon shall be and remain liable to be assessed for such payment; *provided*, that the commission may in their discretion apply revenues or receipts other than restricted donations to the payment of any portion of said bonds or the interest thereon.

SEC. 16. In each year after the commission shall have been authorized to incur such indebtedness and issue said bonds, the board of supervisors of Ventura county shall at the time of making the general tax levy for county purposes, levy a tax upon all of the taxable real property, including improvements thereon, in such district, sufficient to pay the interest on all bonds theretofore issued and then outstanding and such portion of the principal thereof as is to become due before the time of making the next general tax levy. If from any cause the revenues and current receipts of the said harbor from wharfage, dockage, permits, tolls, rents and other sources shall appear to the commission to be inadequate to provide the funds otherwise needed for the current operation and maintenance of said harbor, an additional tax shall be levied as hereinafter provided, which shall include such amount of money, not exceeding in any year one and one-half ($1\frac{1}{2}$) mills upon each dollar of the assessed value of the real property, including improvements thereon, in said district, as may be necessary to carry on the said maintenance and operation until the time of making the next general assessment. All such taxes shall be levied upon the real property and improvements thereon set forth on the county assessment roll made by the county assessor of Ventura county. The commission shall not later than the Monday preceding the last Tuesday in August of each year by resolution determine the amount, if any, necessary to be raised for current operation and maintenance. A copy of said resolution, duly authenticated by the signature of the chairman of the commission, or in his absence by the signature of such member as the commission shall designate, shall not later than the last Tuesday in August of each year be filed in the office of the county clerk and one in the office of the county auditor of Ventura county. And said board of supervisors shall make the tax levy in accordance therewith, subject to the limitation above provided.

SEC. 17. After the filing of the said authenticated resolution with the county auditor as aforesaid it shall be the duty of the regular county officers and they are hereby authorized to collect the said assessment from the said property in said district at the time and in the same manner as the general tax levy for county purposes. Said assessment so levied for current operation and maintenance when collected shall be deposited in a special harbor district current fund created by the commission for that purpose and may be withdrawn and used for current operation and maintenance. In each year that portion of said assessment levied for payment of bond principal and interest shall when collected be deposited with the county treasurer in a special harbor district bond

Tax levies

Collection
and use of
tax levies.

fund and shall be used by the county treasurer for the payment of principal and interest on said bonds and for no other purpose. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act. The provisions of the law of this state prescribing the manner of levying, assessing, equalizing and collecting taxes, including the sale of property for delinquency and the redemption from such sale and the duties of the several county officers with respect thereto are, so far as they are applicable and not in conflict with the provisions or intent of this act, hereby adopted and made a part hereof.

Bonds as
legal invest-
ments.

SEC. 18. The bonds of the Ventura county harbor district issued pursuant to this act shall be legal investments for all trust funds, the funds of all insurance companies, banks, both commercial and savings, and trust companies and for state school funds and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in Ventura county harbor district bonds so issued, and whenever bonds of cities, cities and counties, counties, school districts or municipalities may by any law now or hereafter enacted be used as security for the performance of any act, the bonds of this district may be so used. The said bonds of said district are hereby given the same force, value and use as bonds issued by any municipality or political subdivision in this state and shall be free and exempt from all taxation within the State of California.

When work
shall be
done.

SEC. 19. Whenever the funds necessary for the doing of any part of the improvement contemplated by this act shall be available in the said district construction fund, the harbor commission shall proceed to carry out the improvement, development or protection of said harbor; *provided*, that the commission may from time to time sell only such portion of said bonds voted as shall provide funds as the same shall be needed to carry on the work.

Contracts
for work,
labor and
materials.

SEC. 20. The harbor commission shall have power to do all the work of improvement, development or protection under one contract or may segregate the same into separate parts, or divisions and let contracts for one or more separate divisions. Every contract for work, labor or materials shall be let after advertisement for bids by publishing notice thereof for at least ten days in one or more daily newspapers published in the county and elsewhere when and if the commission deem advisable. Every contract shall be let to the lowest responsible bidder, who shall give such security as the harbor commission may require for the full and faithful performance of said contract, and the amount and kind of security required shall be stated in the advertisement for bids; *provided*, that the commission may make contracts without advertising for bids for any part of the work, labor or materials, the cost of which does

not exceed five hundred dollars; *provided, further*, that the harbor commission may reject any and all bids and readvertise for bids for doing the whole or any part of the work, or the commission in its discretion may purchase material, hire or purchase machinery, apparatus or appliances and employ labor and do the work or any part thereof.

SEC. 21. All improvement, development or protection of said harbor, done under this act, shall be of substantial and permanent character and built, constructed and maintained under the power, control, management and authority of the harbor commission.

Work to be substantial

SEC. 22. The harbor commission shall once in each six months make out and verify under oath and file in their office a detailed statement of their proceedings showing the amount of money in the several harbor funds, at the time of their last report, the amount and source of all receipts since received, the amount since expended and the purpose for which expended and the balance on hand in the said funds segregated as to purpose for which available, together with a report of the progress of any work being done and of the condition of the harbor and such other information as they may deem necessary.

Semiannual statement and report.

Upon filing such statement they shall cause notice of such filing, together with a general summary thereof, to be published in a newspaper published in such county in at least one issue thereof.

SEC. 23. Each member of the harbor commission shall receive a per diem of five dollars for each day actually and necessarily spent in the discharge of his duties under this act, together with his necessary traveling expenses to be allowed and paid by the commission monthly on demands presented and approved as other claims against said district.

Compensation of commissioners.

It is declared to be for the interest of all the inhabitants of Ventura county that the matter of the feasibility of a harbor on said coast line be investigated and determined and therefore prior to the authorization of the bond issue as aforesaid, the board of supervisors of Ventura county shall have power to incur, permit to accrue, audit, approve and pay from the funds of said county any demand, debt or obligation incurred for the purpose of this act and approved by the harbor commission in a sum not exceeding five thousand dollars in the aggregate; *provided*, that the said board may by four-fifths vote, upon showing of necessity by the commission, permit the expenditure of and may so pay not to exceed an additional five thousand dollars. All such moneys shall be paid out of the general fund of the county until there shall be money in the harbor district fund to reimburse the county fund when the same shall be reimbursed and thereafter all sums shall be paid from the district funds.

Expense of survey

SEC. 24. The Ventura county harbor commission is hereby vested with power and authority to cooperate with the government of the United States or the State of California in

Cooperation with state and U. S.

the improvement, development or protection of the said harbor and to use any and all of the moneys in the said harbor funds in conjunction with the work of such other agencies or to place all or any of the moneys in such funds at the disposal of such other agencies for use in carrying out any of the purposes of this act.

Completion
of harbor
work.

SEC. 25. Whenever the improvement, development or protection of the said harbor as contemplated by this act shall be completed as contemplated by this act, the commission shall by resolution so find and thereafter no new or additional indebtedness for such purpose shall be incurred or made without submission of the same to a bond election called therefor. Said resolution shall at once be certified to the board.

Use of public
tide and
submerged
lands.

SEC. 26. Whenever the harbor commission shall have been authorized to incur the bonded indebtedness aforesaid the said commission shall have power to improve, maintain, control and operate all tide and submerged public lands within the said district in so far as may be necessary or useful for the purposes of said harbor and to grant leases, franchises and permits for the use thereof for any purposes which to them may seem necessary or useful in connection with the operation of said harbor and to apply the revenues therefrom either to the principal and interest of the bonded indebtedness or for current operation and maintenance as they may determine.

Additional
bond issues

SEC. 27. Whenever bonds have been issued by said district and the proceeds of sale thereof have been expended as in this act authorized and the harbor commission by resolution passed by four-fifths of its members shall determine that the public interest or the necessity of said district demands the issuance of additional bonds for carrying out the purposes of this act by said district, the commission may proceed as before and have a report made, hold a hearing thereon, adopt the same and cause an election to be held on the question of issuing additional bonds in the same manner and with like procedure throughout as hereinbefore provided and all the provisions of this act shall be deemed to apply to such issue of additional bonds.

Resubmission
of bonding
proposition.

SEC. 28. Should the proposition of issuing bonds submitted at any election under this act fail to receive the requisite number of votes of the qualified voters voting at such election to incur the indebtedness for the purpose specified, the commission shall have power and authority at the expiration of six months after such election to proceed as before, either on the basis of the same, an amended, or a new report and plan with like effect as provided above.

Obligation
for indebtedness

SEC. 29. No repeal or amendment of this act which shall in any way affect or release any of the property in said district from the obligations of any outstanding bonds or indebtedness of said district shall go into effect or be valid or become operative until all such bonds and outstanding indebtedness have been fully paid and discharged.

SEC. 30. This act and every part thereof shall be liberally construed to promote the objects thereof and to carry out its intents and purposes. Construction of act.

SEC. 31. In case any section or sections or part of any section of this act shall be found to be unconstitutional or invalid for any reason, the remainder of the act shall not thereby be invalidated but shall remain in full force and effect. Constitutionality.

SEC. 32. This act may be designated and referred to for all purposes as "The Ventura county harbor district act." Short title.

CHAPTER 862.

An act to amend sections two thousand one hundred sixty-eight and two thousand one hundred seventy-one of the Political Code, relating to insane persons.

[Approved by the Governor June 1, 1927. In effect July 31, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 2168 of the Political Code, is hereby amended to read as follows: Stats. 1909, p. 63, amended.

2168. Whenever it appears by affidavit to the satisfaction of a magistrate of a county, or city and county, that any person therein is so far disordered in his mind as to endanger health, person, or property, he must issue and deliver to some peace officer, for service, a warrant directing that such person be arrested and taken before a judge of the superior court of the county, for a hearing and examination on such charge. Such officer must thereupon arrest and detain such person until a hearing and examination can be had, as hereinafter provided. At the time of the arrest a copy of said affidavit and warrant of arrest must be personally delivered to said person. Such affidavit and warrant shall be in substantially the following form: Arrest because of insanity.

In the _____ Court,
of _____,
_____ County of _____, State of California.

AFFIDAVIT OF INSANITY.

In the Matter of _____, an Alleged Insane Person.
State of California, }
_____ County of _____ } ss.

_____, being duly sworn, deposes and says that there is now in said county, in the city or town of _____, a person named _____, who is insane, and is so far disordered in mind as to endanger the health, person, or the property of himself, or of others, and that he, at _____ in said county, on the _____ day of _____, 19____, threatened and attempted (state actions, etc.) _____

That by reason of said insanity, said person is dangerous to be at large;

Wherefore, affiant prays that such action may be had as the law requires in the cases of persons who are so far disordered in mind as to endanger health, person, and property.

Subscribed and sworn to before me, this _____ day of _____, 19__.

WARRANT OF ARREST.

Warrant.

In the _____ Court, _____ County of _____ State of California.

In the Matter of _____ }
of _____ }
----- }
An alleged insane person. }

The People of the State of California, to any Sheriff, Constable, Marshal, Policeman, or Peace Officer, in this State:

The affidavit of _____, having been presented this day to me, _____, county of _____, State of California, from which it appears that there is now in this county, at _____ a person by the name of _____, who is insane, and who is so disordered in mind as to endanger h__ own health, person, and property. (or the person, lives, and property of others), and that it is dangerous for said person to be at large;

And it satisfactorily appearing to me that said _____ is insane, and so far disordered in h__ mind as to endanger health, person, and property;

Now, therefore, you are commanded forthwith to arrest the above named person, and take h__ before a judge of the superior court of said _____ county of _____ for a hearing and examination on the said charge of insanity.

And I hereby direct that a copy of this warrant, together with a copy of said affidavit, be delivered to said _____, at the time of h__ arrest; and I further direct that this warrant may be served at any hour of the night.

Witness my hand, this _____ day of _____ 19__.

I hereby certify that I received the above warrant of arrest on the _____ day of _____, 19__, and served the said warrant by arresting the said _____ alleged to be insane, and bringing h__ before _____ judge of the superior court of said _____ county of _____, on the _____ day of _____, 19__: and I further certify that I delivered a copy of said warrant

of arrest, together with a copy of the affidavit of insanity, as directed in said warrant, personally to said -----, at the time of the arrest.

He must be taken before a judge of the superior court, to whom said affidavit and warrant of arrest must be delivered to be filed with the clerk. The judge must then inform him that he is charged with being insane, and inform him of his rights to make a defense to such charge and produce any witnesses in relation thereto. The judge must by order fix such time and place for the hearing and examination in open court as will give reasonable opportunity for the production and examination of witnesses. Said order must be entered at length in the minute book of the court or must be signed by the judge and filed and a certified copy of the same served on such person. The judge may also order that notice of arrest of such person and the hearing on such charge of insanity be served on such relatives of said person known to be residing in the county as the court may deem necessary or proper.

Arraignment.

SEC. 2. Section 2171 of the Political Code is hereby amended to read as follows:

Stats. 1909, p 67, amended.

2171. Judgment, commitment, form of. The judge, after such examination and certificate made, if he believes the person so far disordered in his mind as to endanger health, person, or property, must adjudge him insane, and make and sign an order that he be confined in a hospital for the care and treatment of the insane, designated in such order, and the order must be accompanied by a written statement of the judge as to the financial condition of the insane person and of the persons legally liable for his maintenance, as far as can be ascertained. Such order and statement shall be in substantially the following form and shall be filed with the clerk.

Judgment and order of commitment.

JUDGMENT OF INSANITY AND ORDER OF COMMITMENT OF INSANE PERSONS.

In the Superior Court of the ----- County of -----, State of California.

In the Matter of -----, }
of -----, }
-----, }
An alleged insane person. }

On this ----- day of -----, A. D., 19___, -----, a person alleged to be insane, was brought before me in open court, for a hearing and examination on a charge of insanity, on the affidavit of -----, charging h----- with insanity, made before, and on a warrant of arrest issued thereon by -----, a magistrate of said -----

Judgment
and order
of com-
mitment.
(cont'd).

county of _____, and upon the order of this court, fixing time and place for the hearing and examination of said charge, made in open court, and it appearing to the court that said alleged insane person, when said order was made, was then and there personally present in open court, and was then and there informed by the court that --he was charged with being insane, and of h---- rights to make a defense to such charge, and of his right to be represented by counsel, and to produce witnesses on h---- behalf, and to have subpoenas issued to compel the attendance of witnesses, and was further informed that, if at such hearing and examination, --he should be ordered committed, that --he might, within five days after the making of such order of commitment, demand that the question of h---- insanity be tried by a jury before said superior court.

And it further appearing to the court, that the original order fixing time and place for said hearing and examination, was entered in the minutes of the court by the clerk thereof, and a duly certified copy of said order was duly served on said alleged insane person, and upon _____, relatives of said alleged insane person, residing in said _____county of _____, as were deemed by the court necessary or proper persons to be served with notice of the arrest of said alleged insane person, and of the hearing on said charge of insanity.

At said hearing and examination, said alleged insane person was represented by _____, an attorney of this court (appointed by the court for that purpose).

The court thereupon, in open court, proceeded with the hearing and examination of said alleged insane person, and _____ were sworn and examined as witnesses in regard to the mental condition of said alleged insane person, h---- financial condition, and that the persons liable for h---- care, support, and maintenance.

At said hearing and examination, there were in attendance, _____and _____, two regularly appointed and qualified medical examiners of said _____county, who then and there heard the testimony of all the witnesses, and each of whom made a personal examination of said alleged insane person, and testified before the court as to the results of such examinations, and other pertinent facts within their knowledge.

Said medical examiners, after making the examination and hearing the testimony of the witnesses, and testifying as aforesaid, did make a certificate showing all the facts required by section 2170 of the Political Code, which certificate is hereto attached and made a part hereof.

Now, therefore, after such examination and certificate made as aforesaid, the court being satisfied from the testimony of said witnesses, and of the truth of the matters set forth in said certificate, that said-----is insane, and is so far disordered in mind as to endanger health, person, and property, and that it is dangerous for life, health, person, and property, for such person to be at large, and that h---- condition is such as to require care and treatment in a hospital for the care and treatment of the insane.

It is therefore ordered, adjudged, and decreed, that said -----is insane, and that ---he be committed to and confined in the-----State hospital, at-----, California.

It is further ordered and directed that-----, sheriff of the-----county of-----, take, convey, and deliver said-----to the proper authorities of said hospital, to be held and confined therein as an insane person.

The sum of-----dollars having been found on the person of said person at the time of h--- arrest, the said sheriff is ordered to take possession of the same and deliver it to the medical superintendent of said institution with said insane person.

Done in open court this-----day of-----, 19-----.

-----,
Judge of the Superior Court,
County of -----, State of California.

STATEMENT OF FINANCIAL ABILITY.

As to the ability of said-----to pay for h--- care and support at the hospital, I find on diligent inquiry that said-----is possessed of real estate of the estimated value of-----situated in-----and of the following description:-----also the following described personal property:-----that the income from said property is as follows:-----that said-----is able to pay the sum of-----per month-----for h--- care and support at the----- Name and address of guardian: -----residing at-----.

Statement of financial ability.

Or-----.

That said-----has relatives as follows:-----residing at-----residing at-----residing ----- That said relatives are financially able to pay for the care and support of said-----, at the hospital, the sum of-----per month.

Dated -----, 19-----.

Judge of the Superior Court,
County of -----, State of California.

The county clerk shall keep an index, alphabetically arranged, which shall show the name and age of each person examined as to his or her sanity, the date of the order of commitment and the name of the hospital to which the person was committed.

Clerk's record.

CHAPTER 36E.

An act to add fifty-five new sections to be numbered sixteen x four consecutively to sixteen x fifty-eight to and to amend sections sixteen and seventeen of an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the state's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act into effect," approved June 16, 1913, as amended.

[Approved by the Governor June 2, 1927. In effect August 1, 1927.]

The people of the State of California do enact as follows:

Stats. 1913,
p. 1090,
amended.

SECTION 1. A new section to be numbered 16x4 is hereby added to an act entitled "An act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; providing for the inspection, measurement and weighing of goods, commodities, wares, packages and amounts of commodities kept for sale or in process of delivery; to prevent the sale of goods, wares and merchandise by false weights and measures; to provide penalties for the violation of the provisions of this act; for the admission in evidence of copies of the state's standard of weights and measures; providing for the appointment of officers to enforce and carry into effect the provisions of this act, including a state superintendent of weights and measures and his deputy, sealers of weights and measures and their deputies; defining the powers and duties of such officers; and making an appropriation to carry this act

into effect," approved June 16, 1913, as amended, to read as follows:

Sec. 16x4. The sealer of weights and measures in counties of the fourth class shall receive a salary of two hundred dollars per month and deputies shall receive one hundred fifty dollars per month each. Counties of 4th class. sealer.

SEC. 2. A new section to be numbered 16x5 is hereby added to said act to read as follows: Stats. 1913, p. 1090, amended.

Sec. 16x5. The sealer of weights and measures in counties of the fifth class shall receive a salary of two hundred twenty-five dollars per month and deputies shall receive one hundred sixty dollars per month each. Counties of 5th class sealer.

SEC. 3. A new section to be numbered 16x6 is hereby added to said act to read as follows: Stats. 1913, p. 1090, amended

Sec. 16x6. The sealer of weights and measures in counties of the sixth class shall receive a salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed. Counties of 6th class sealer.

SEC. 4. A new section to be numbered 16x7 is hereby added to said act to read as follows: Stats. 1913, p. 1090, amended

Sec. 16x7. The sealer of weights and measures in counties of the seventh class shall receive a salary of two hundred dollars per month and deputies shall receive one hundred seventy-five dollars per month each. Counties of 7th class: sealer.

SEC. 5. A new section to be numbered 16x8 is hereby added to said act to read as follows: Stats. 1913, p. 1090, amended

Sec. 16x8. The sealer of weights and measures in counties of the eighth class shall receive a salary of two hundred dollars per month and deputies shall receive one hundred fifty dollars per month each. Counties of 8th class. sealer.

SEC. 6. A new section to be numbered 16x9 is hereby added to said act to read as follows: Stats. 1913, p. 1090, amended

Sec. 16x9. The sealer of weights and measures in counties of the ninth class and his deputies shall receive such compensation as the charter of such county shall provide. Counties of 9th class sealer.

SEC. 7. A new section to be numbered 16x10 is hereby added to said act to read as follows: Stats. 1913, p. 1090, amended.

Sec. 16x10. The sealer of weights and measures in counties of the tenth class shall receive a salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed. Counties of 10th class. sealer.

SEC. 8. A new section to be numbered 16x11 is hereby added to said act to read as follows: Stats. 1913, p. 1090, amended

Sec. 16x11. The sealer of weights and measures in counties of the eleventh class shall receive a salary of one hundred seventy-five dollars per month and deputies shall receive one hundred fifty dollars per month each. Counties of 11th class: sealer.

SEC. 9. A new section to be numbered 16x12 is hereby added to said act to read as follows: Stats. 1913, p. 1090, amended.

Sec. 16x12. The sealer of weights and measures in counties of the twelfth class shall receive a salary of two hundred dol- Counties of 12th class sealer

lars per month and deputies shall receive one hundred fifty dollars per month each.

Stats. 1913,
p. 1090,
amended.
Counties of
13th class:
sealer.

SEC. 10. A new section to be numbered 16x13 is hereby added to said act to read as follows:

Sec. 16x13. The sealer of weights and measures in counties of the thirteenth class shall receive a salary of two hundred dollars per month and deputies shall receive one hundred fifty dollars per month each.

Stats. 1913,
p. 1090,
amended.
Counties of
14th class:
sealer.

SEC. 11. A new section to be numbered 16x14 is hereby added to said act to read as follows:

Sec. 16x14. The sealer of weights and measures in counties of the fourteenth class shall receive a salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed.

Stats. 1913,
p. 1090,
amended.
Counties of
15th class:
sealer.

SEC. 12. A new section to be numbered 16x15 is hereby added to said act to read as follows:

Sec. 16x15. The sealer of weights and measures in counties of the fifteenth class shall receive a salary of two hundred dollars per month and deputies shall receive five dollars per day for each day actually employed.

Stats. 1913,
p. 1090,
amended.
Counties of
16th class:
sealer.

SEC. 13. A new section to be numbered 16x16 is hereby added to said act to read as follows:

Sec. 16x16. The sealer of weights and measures in counties of the sixteenth class shall receive a salary of two hundred dollars per month and deputies shall receive five dollars per day for each day actually employed.

Stats. 1913,
p. 1090,
amended.
Counties of
17th class:
sealer.

SEC. 14. A new section to be numbered 16x17 is hereby added to said act to read as follows:

Sec. 16x17. The sealer of weights and measures in counties of the seventeenth class shall receive a salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed.

Stats. 1913,
p. 1090,
amended.
Counties of
18th class:
sealer.

SEC. 15. A new section to be numbered 16x18 is hereby added to said act to read as follows:

Sec. 16x18. The sealer of weights and measures in counties of the eighteenth class shall receive a salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed.

Stats. 1913,
p. 1090,
amended.
Counties of
19th class:
sealer.

SEC. 16. A new section to be numbered 16x19 is hereby added to said act to read as follows:

Sec. 16x19. The sealer of weights and measures in counties of the nineteenth class shall receive a salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed.

Stats. 1913,
p. 1090,
amended.
Counties of
20th class:
sealer.

SEC. 17. A new section to be numbered 16x20 is hereby added to said act to read as follows:

Sec. 16x20. The sealer of weights and measures in counties of the twentieth class shall receive a salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed.

SEC. 18. A new section to be numbered 16x21 is hereby added to said act to read as follows: Stats. 1913, p. 1090, amended.

Sec. 16x21. The sealer of weights and measures in counties of the twenty-first class shall receive a salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed. Counties of 21st class. sealer.

SEC. 19. A new section to be numbered 16x22 is hereby added to said act to read as follows: Stats 1913, p. 1090, amended.

Sec. 16x22. The sealer of weights and measures in counties of the twenty-second class shall receive a salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed. Counties of 22d class sealer.

SEC. 20. A new section to be numbered 16x23 is hereby added to said act to read as follows: Stats 1913, p. 1090, amended.

Sec. 16x23. The sealer of weights and measures in counties of the twenty-third class shall receive a salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed. Counties of 23d class. sealer.

SEC. 21. A new section to be numbered 16x24 is hereby added to said act to read as follows: Stats. 1913. p 1090, amended.

Sec. 16x24. The sealer of weights and measures in counties of the twenty-fourth class shall receive a salary of two hundred dollars per month and deputies shall receive five dollars per day for each day actually employed. Counties of 24th class: sealer.

SEC. 22. A new section to be numbered 16x25 is hereby added to said act to read as follows: Stats 1913, p. 1090, amended.

Sec. 16x25. The sealer of weights and measures in counties of the twenty-fifth class shall receive a salary of two hundred dollars per month and deputies shall receive five dollars per day for each day actually employed. Counties of 25th class. sealer

SEC. 23. A new section to be numbered 16x26 is hereby added to said act to read as follows: Stats 1913, p. 1090, amended.

Sec. 16x26. The sealer of weights and measures in counties of the twenty-sixth class shall receive a salary of one hundred seventy-five dollars per month and deputies shall receive five dollars per day for each day actually employed. Counties of 26th class: sealer

SEC. 24. A new section to be numbered 16x27 is hereby added to said act to read as follows: Stats 1913, p. 1090, amended.

Sec. 16x27. The sealer of weights and measures in counties of the twenty-seventh class shall receive a salary of one hundred fifty dollars per month and deputies shall receive one hundred fifty dollars per month each. Counties of 27th class sealer.

SEC. 25. A new section to be numbered 16x28 is hereby added to said act to read as follows:

Sec. 16x28. The sealer of weights and measures in counties of the twenty-eighth class shall receive a salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed. Counties of 28th class sealer.

SEC. 26. A new section to be numbered 16x29 is hereby added to said act to read as follows: Stats 1913, p. 1090, amended.

Sec. 16x29. The sealer of weights and measures in counties of the twenty-ninth class shall receive a salary of one Counties of 29th class: sealer

hundred sixty dollars per month and deputies shall receive five dollars per day for each day actually employed.

Stats 1913,
p. 1090,
amended.

Counties of
30th class:
sealer.

SEC. 27. A new section to be numbered 16x30 is hereby added to said act to read as follows:

Sec. 16x30. The sealer of weights and measures in counties of the thirtieth class shall receive a salary of two hundred dollars per month and deputies shall receive five dollars per day for each day actually employed.

Stats 1913,
p. 1090,
amended.

Counties of
31st class:
sealer.

SEC. 28. A new section to be numbered 16x31 is hereby added to said act to read as follows:

Sec. 16x31. The sealer of weights and measures in counties of the thirty-first class shall receive a salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed.

Stats. 1913,
p. 1090,
amended

Counties of
32d class.
sealer.

SEC. 29. A new section to be numbered 16x32 is hereby added to said act to read as follows:

Sec. 16x32. The sealer of weights and measures in counties of the thirty-second class shall receive a salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed.

Stats 1913,
p. 1090,
amended.

Counties of
33d class:
sealer.

SEC. 30. A new section to be numbered 16x33 is hereby added to said act to read as follows:

Sec. 16x33. The sealer of weights and measures in counties of the thirty-third class shall receive a salary of two hundred dollars per month and deputies shall receive five dollars per day for each day actually employed.

Stats 1913,
p. 1090,
amended.

Counties of
34th class:
sealer.

SEC. 31. A new section to be numbered 16x34 is hereby added to said act to read as follows:

Sec. 16x34. The sealer of weights and measures in counties of the thirty-fourth class shall receive a salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed.

Stats 1913,
p. 1090,
amended.

Counties of
35th class:
sealer.

SEC. 32. A new section to be numbered 16x35 is hereby added to said act to read as follows:

Sec. 16x35. The sealer of weights and measures in counties of the thirty-fifth class shall receive a salary of one hundred fifty dollars per month and deputies shall receive five dollars per day for each day actually employed.

Stats 1913,
p. 1090,
amended.

Counties of
36th class:
sealer.

SEC. 33. A new section to be numbered 16x36 is hereby added to said act to read as follows:

Sec. 16x36. In counties of the thirty-sixth class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county.

Stats 1913,
p. 1090,
amended

Counties of
37th class:
sealer.

SEC. 34. A new section to be numbered 16x37 is hereby added to said act to read as follows:

Sec. 16x37. In counties of the thirty-seventh class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county.

Stats. 1913,
p. 1090,
amended.

Counties of
38th class:
sealer.

SEC. 35. A new section to be numbered 16x38 is hereby added to said act to read as follows:

Sec. 16x38. In counties of the thirty-eighth class deputy superintendents of weights and measures shall receive six dollars per day for each day actually employed in the county.

SEC. 36. A new section to be numbered 16x39 is hereby added to said act to read as follows: Stats. 1913, p. 1090, amended.

Sec. 16x39. In counties of the thirty-ninth class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county. Counties of 39th class: sealer.

SEC. 37. A new section to be numbered 16x40 is hereby added to said act to read as follows: Stats 1913, p. 1090, amended

Sec. 16x40. In counties of the fortieth class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county. Counties of 40th class: sealer.

SEC. 38. A new section to be numbered 16x41 is hereby added to said act to read as follows: Stats 1913, p. 1090, amended.

Sec. 16x41. In counties of the forty-first class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county. Counties of 41st class: sealer.

SEC. 39. A new section to be numbered 16x42 is hereby added to said act to read as follows: Stats 1913, p. 1090, amended

Sec. 16x42. In counties of the forty-second class deputy superintendents of weights and measures shall receive six dollars per day for each day actually employed in the county. Counties of 42d class: sealer.

SEC. 40. A new section to be numbered 16x43 is hereby added to said act to read as follows: Stats. 1913, p. 1090, amended.

Sec. 16x43. In counties of the forty-third class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county. Counties of 43d class: sealer.

SEC. 41. A new section to be numbered 16x44 is hereby added to said act to read as follows: Stats 1913, p. 1090, amended.

Sec. 16x44. In counties of the forty-fourth class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county. Counties of 44th class: sealer.

SEC. 42. A new section to be numbered 16x45 is hereby added to said act to read as follows: Stats 1913, p. 1090, amended

Sec. 16x45. In counties of the forty-fifth class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county. Counties of 45th class: sealer.

SEC. 43. A new section to be numbered 16x46 is hereby added to said act to read as follows: Stats 1913, p. 1090, amended

Sec. 16x46. In counties of the forty-sixth class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county. Counties of 46th class: sealer.

SEC. 44. A new section to be numbered 16x47 is hereby added to said act to read as follows: Stats. 1913, p. 1090, amended

Sec. 16x47. In counties of the forty-seventh class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county. Counties of 47th class: sealer.

SEC. 45. A new section to be numbered 16x48 is hereby added to said act to read as follows: Stats 1913, p. 1090, amended.

Sec. 16x48. In counties of the forty-eighth class deputy superintendents of weights and measures shall receive fifty dollars per month. Counties of 48th class: sealer.

Stats. 1913,
p. 1090,
amended.

Counties of
49th class:
sealer.

SEC. 46. A new section to be numbered 16x49 is hereby added to said act to read as follows:

Sec. 16x49. In counties of the forty-ninth class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county.

Stats. 1913,
p. 1090,
amended.

Counties of
50th class:
sealer.

SEC. 47. A new section to be numbered 16x50 is hereby added to said act to read as follows:

Sec. 16x50. In counties of the fiftieth class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county.

Stats. 1913,
p. 1090,
amended.

Counties of
51st class:
sealer.

SEC. 48. A new section to be numbered 16x51 is hereby added to said act to read as follows:

Sec. 16x51. In counties of the fifty-first class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county.

Stats. 1913,
p. 1090,
amended.

Counties of
52d class:
sealer.

SEC. 49. A new section to be numbered 16x52 is hereby added to said act to read as follows:

Sec. 16x52. In counties of the fifty-second class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county.

Stats. 1913,
p. 1090,
amended.

Counties of
53d class:
sealer.

SEC. 50. A new section to be numbered 16x53 is hereby added to said act to read as follows:

Sec. 16x53. In counties of the fifty-third class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county.

Stats. 1913,
p. 1090,
amended.

Counties of
54th class:
sealer.

SEC. 51. A new section to be numbered 16x54 is hereby added to said act to read as follows:

Sec. 16x54. In counties of the fifty-fourth class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county.

Stats. 1913,
p. 1090,
amended.

Counties of
55th class:
sealer.

SEC. 52. A new section to be numbered 16x55 is hereby added to said act to read as follows:

Sec. 16x55. In counties of the fifty-fifth class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county.

Stats. 1913,
p. 1090,
amended.

Counties of
56th class:
sealer.

SEC. 53. A new section to be numbered 16x56 is hereby added to said act to read as follows:

Sec. 16x56. In counties of the fifty-sixth class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county.

Stats. 1913,
p. 1090,
amended.

Counties of
57th class:
sealer.

SEC. 54. A new section to be numbered 16x57 is hereby added to said act to read as follows:

Sec. 16x57. In counties of the fifty-seventh class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county.

Stats. 1913,
p. 1090,
amended.

Counties of
58th class:
sealer.

SEC. 55. A new section to be numbered 16x58 is hereby added to said act to read as follows:

Sec. 16x58. In counties of the fifty-eighth class deputy superintendents of weights and measures shall receive five dollars per day for each day actually employed in the county.

SEC. 56. Section 16 of said act is hereby amended to read as follows: Stats 1915,
p 1315,
amended

Sec. 16. The office of county sealer of weights and measures is hereby created. Whenever in this act the term "sealer" is used, the same shall be taken to mean and refer to sealer of weights and measures. The term of office of such sealer of weights and measures shall be four years, but he shall be subject to removal at the will of such board. A sealer appointed under this act may, with the consent of the board of supervisors of the county appointing him, appoint a deputy or deputies when necessary or expedient to carry out the provisions of this act. Such deputies shall always be subject to removal by the sealer of weights and measures. The salary and compensation provided for the sealer and deputy sealers shall be paid out of the county treasury in equal monthly installments, where the employment is by the year, and monthly as earned in other cases, in the same manner and at the same time as other county officers are paid. In addition to the salaries and compensations provided, said sealer and deputies shall be entitled each to receive their personal and traveling expenses necessarily incurred in the performance of their duties as herein provided, and said expenses so incurred and all compensation earned by such officers or employees as shall not be employed by the year shall be a county charge, and the board of supervisors shall allow and pay the same out of the general fund of the county in the same manner as other claims against said fund are allowed and paid. In case the legislative body of any county or city and county shall not appoint a sealer for such county or city and county within thirty days after a vacancy occurs, the state director of agriculture shall assign as soon as practicable a deputy who shall perform all the duties of sealer in such county or city and county as provided in this act to be performed by county or city sealers and shall provide copies of the original standards of weights and measures for use by said deputy in such county. The actual cost of such services shall be paid by the county in the same manner in which other claims against the county are paid. The amount to be paid shall be at the rate of one hundred fifty dollars per month for the time such deputy is employed in such county in addition to the actual traveling expenses of such deputy made necessary by such appointment. County
sealers

Expenses

Where
county fails
to appoint

The county shall also stand its proportionate share of the actual cost of the set of copies to be used in such county by such deputy, at the rate of one-twelfth of the cost thereof for every month such copies are employed therein during the first year of their use, and in that event such county may at any time pay the balance of the cost of such copies and become the owner thereof, or the county may pay rental to the state for the use of such copies at the rate of ten per cent per annum of the cost price thereof. Copies

Stats 1917,
p 1649,
amended
City sealers.

SEC. 57. Section 17 of said act is hereby amended to read as follows:

Sec. 17. The legislative body of any city or town may appoint a sealer of weights and measures, fix his compensation and provide for the appointment by the sealer of such number of deputies as the said legislative body may deem necessary and expedient and fix the compensation of such sealer and deputies. They shall be allowed their traveling expenses actually and necessarily incurred in the performance of their duties. The term of office of sealer of weights and measures appointed under the provisions of this section shall be four years. He shall be subject to removal by the power appointing him. Deputies appointed under the provisions of this section by a sealer of a city or town shall be subject to removal by the sealer.

CHAPTER 864.

An act to amend section one hundred two of the "California vehicle act," approved May 30, 1923, as amended, relating to headlights.

[Approved by the Governor June 2, 1927. In effect August 1, 1927.]

The people of the State of California do enact as follows:

Stats 1925,
p 409,
amended

SECTION 1. Section 102 of the "California vehicle act," approved May 30, 1923, as amended, is hereby amended to read as follows:

Headlight
devices to
be tested

Sec. 102. Headlight devices to be tested.

(a) Before any headlight or headlight control device intended to enable a headlight to comply with the provisions of this act shall be used upon any motor vehicle, such headlight or headlight control device shall first be submitted to and tested by a testing agency appointed by the division and a certificate of approval as hereinafter specified be procured from such testing agency.

Deputies.

(b) The division shall appoint skilled deputies or agents possessing the proper qualifications and laboratory equipment to carry out the tests specified in this act.

Submission
of head-
lights

(c) Any person, firm or corporation may submit to the chief of the division of motor vehicles a headlight or headlight control device and make application that the same be tested as to conformity with the requirements of this act.

Upon an application for a test, as first above mentioned, the chief of the division of motor vehicles shall, upon notice to the applicant, submit such device to a testing agency appointed as herein provided with the request that such device be tested as to conformity with the provisions of this act when used separately or in connection with approved headlamps or headlight control devices. Each such application shall, upon the filing of his application, pay to the division a fee of fifty dollars. All such fees shall be paid by the division into the

state treasury and deposited in a fund to be known as the "motor vehicle testing fee fund," and the moneys in such fund, or so much of them as may be necessary, are hereby appropriated to meet the expenses of the test provided for in this section, and the balance thereof, if any, shall be paid into the motor vehicle fund.

(d) The testing agency shall adjust each device in accordance with the printed instructions of the manufacturer thereof and conduct an exact scientific and laboratory test of every device submitted to it, as herein provided, to determine whether or not the device submitted will conform with the requirements of this act. Each device submitted shall be tested with twenty-one standard candlepower lamp or bulb, thirty-two standard candlepower lamp or bulb, and any standard candlepower lamp or bulb between these two limits; *provided*, that if all the provisions of section 101 hereof are complied with by any headlight, and in addition thereto such headlight is so constructed that the light source thereof is not visible at any point above a horizontal plane through the top of the aperture of such headlight when the same is mounted in accordance with this act, and no reflected light of any greater intensity than eight hundred apparent candlepower except as specified in subdivision three or section 101 hereof, is projected by such headlight in any direction above the horizontal plane above described, a standard bulb of any candlepower, to be certified and approved by the testing agency for use in such headlight, may be used in such headlight. The testing agency shall submit in duplicate a detailed report of each such test to the division of motor vehicles; such report shall give in detail the apparent candlepower of light projected at each point of the said test, the candlepower of the lamp or bulb used to produce the amount of light nearest the maximum requirement of section 101 hereof, any particular adjustments required by the testing agency which are not included in the manufacturers' printed instructions, together with the reasons for such additional requirements, and a statement as to whether or not the device is approved and will conform with the requirements of this act when used in accordance with the instructions of the testing agency. Each such report shall be signed by the person who made the test and by an officer of the institution under which said test has been made. Reports of all such tests shall be accessible to the public and a copy thereof shall be furnished by the chief of the division of motor vehicles to the applicant for the test.

(e) Whenever the division shall receive from the testing agency a report that a particular device has been tested and approved, together with instructions as to the candlepower lamp or bulb and any particular adjustments to be used in connection with such device, the division shall issue to the applicant a certificate of approval, together with a copy of the instructions of the testing agency relative to the use of such device.

Test and
report
thereon.

Certificate
of approval

Filing of
certificate
and
instructions

(f) The chief of the division of motor vehicles shall transmit a copy of every certificate of approval of a headlight device, together with a copy of the instructions of the testing agency in connection therewith, to the county clerk of every county within the State of California, who shall file the same, and to every city, town or county police department, whose duty it is to enforce the provisions of this act.

Complying
with
requirements
after arrest

(g) Any person using a headlight device in connection with the headlights upon a motor vehicle, which device has been approved by a testing agency as herein provided and who shall be arrested upon a charge that such headlights are equipped with excessive candlepower lamp or bulb not approved for use in connection with such device by the testing agency or that such headlights are not properly focused or adjusted to conform to the requirements of this act, shall be released from custody or excused from appearing in court and such charge shall be dismissed upon the submission by him to the appropriate justice of the peace or district attorney or other prosecuting attorney of satisfactory evidence showing that he has within twenty-four hours after such arrest caused such headlights to conform with the requirements of this act.

Retest
following
complaint

(h) Whenever the division shall receive one or more complaints in writing that any headlight lens, reflector or headlight control device sold commercially which is hereafter or which has heretofore been approved by the division does not under ordinary conditions of use comply with the requirements of this act, the division in its discretion may upon notice to the manufacturer thereof require that such headlight lens, reflector or headlight control device shall be retested by a testing agency appointed by the division as herein provided and, upon any such retest the testing agency shall determine whether or not such headlight lens, reflector, or headlight control device meets the requirements of this act, and, if the same is approved, the division shall issue a certificate of approval to the manufacturer thereof. No fee shall be charged for any such retest.

Sale of
headlights

(i) From and after the date upon which this section becomes effective it shall be unlawful to sell or offer for sale any headlight lamp or headlight equipment unless it is of a type which shall have been approved by the division under the provisions hereof, and unless such device is accompanied by a printed sheet of instructions describing the device in detail, its method of mounting and adjustment, candlepower limits of lamps to be used and any other adjustment that may be necessary to insure its conformity with the requirements of this act, and with the conditions specified in the report of the testing agency appointed by the chief of the division to test such headlight control device, such instructions shall be printed with photographs of the (a) control device, (b) pattern of light from one headlight thrown on regulation testing screen, showing the relation of the patterns of light as projected to a horizontal cross line placed across the face of such screen at a height equal

to the height of the center of such headlight, and with the headlight adjusted for tilt and focus exactly as required to conform to the requirements of this act. It shall be unlawful from and after the date upon which this section becomes effective to sell or offer for sale any new motor vehicle equipped with headlights which do not comply with the provisions of this act.

Nothing in this act shall be construed as preventing the use on a motor vehicle of any headlight lamp, device or equipment heretofore approved by the division until December 31, 1924, unless such approval is revoked in accordance with the provisions hereof. After December 31, 1924, it shall be unlawful to use on any highway in this state any headlight lamp, device or equipment which shall not have been approved by the division as in this act provided. Use of unapproved headlights

Nothing in this act shall be construed to prohibit the use, on any motor vehicle manufactured prior to the year 1920 and registered at the time this amendment takes effect, of headlights, the current for which is derived from a magneto without the use of a battery, until September 1, 1927; *provided*, such headlights are equipped with lenses, reflectors or headlight control device otherwise required under this act. Vehicles manufactured prior to 1920.

Nothing in this act shall be construed to prohibit the use on any motor vehicle at any time of any device for furnishing electric current for the headlights thereof which the division shall determine produces a current which is substantially constant and of sufficient voltage and which is substantially equal to that produced by a battery; *provided*, such headlights are otherwise constructed, arranged and adjusted as required in this act. Substantial compliance.

CHAPTER 865.

An act to promote the development of the California fruit, nut and vegetable industry in state, interstate and foreign markets; to protect the state's reputation in these markets, to establish standards and standard containers for certain fruits, nuts and vegetables specified herein, and to prevent deception in the packing, marking and sale of fruits, nuts and vegetables, to prescribe penalties for the violation of the provisions hereof and to repeal the "California fruit and vegetable standardization act," approved May 23, 1925.

[Approved by the Governor June 2, 1927. In effect August 1, 1927.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and for any and all purposes may be designated and referred to, as "The California fruit, nut and vegetable standardization act of 1927." Short title.

SEC. 2. To promote the development of the California fruit, nut and vegetable industry, and to prevent deception in the packing, marking, shipping or sale of fruits, nuts and Standards for fruits, nuts and vegetables established.

vegetables for state, interstate or foreign commerce, there are hereby created and established certain standards and standard containers for apricots, avocados, berries, cherries, citrus fruits, dates, grapes, peaches, pears, oriental persimmons, plums and fresh prunes, "Wonderful" pomegranates, quinces, walnuts, artichokes, cantaloupes, carrots, head lettuce, melons, onions, potatoes, sweet potatoes and tomatoes.

Enforcing
officers.

SEC. 3. The director of agriculture is hereby empowered, through his duly authorized agents, and through the county horticultural commissioners of each county of the state, their deputies and inspectors, to enforce all provisions of this act. The director of agriculture shall have supervision and control over all enforcing officers of this act in the State of California. The refusal of any officer duly authorized under this act to carry out the orders and directions of the director of agriculture in the enforcement of this act shall be deemed neglect of duty.

The horticultural commissioner of each county, and his deputies and inspectors, shall be, by virtue of their office, inspectors of fruits, nuts and vegetables under this act in their respective counties.

Enforcement
of act

SEC. 4. All enforcing officers under the provisions of this act shall have power to enter and to inspect every place or vehicle, within the county or district for which they have been appointed, where any fruits, nuts or vegetables are produced, stored, packed, delivered for shipment, loaded, shipped, being transported, offered for sale or sold, and to inspect such places and all such fruits, nuts and vegetables, and the containers thereof and equipment found in any such places, or in vehicles when being transported.

It shall be the duty of all enforcing officers mentioned in this act to carry out the provisions of this act in their respective counties or districts, and to cause the prosecution of any person, firm, company, corporation or organization whom they know or have reason to believe to be guilty of violating any of its provisions. Any enforcing officer in the performance of his duties shall have the same powers possessed by other peace officers of the city, county, or state, and shall have the right, while exercising such police powers, to seize and hold as evidence such part of any pack, load, lot, consignment or shipment of fruits, nuts or vegetables packed, delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in violation of this act, as may in his judgment be necessary to secure the conviction of the party he knows or believes has violated or is violating any of the provisions of this act.

District
attorney to
prosecute.

SEC. 5. It shall be the duty of the district attorney of such county, or city and county, in which any violation of this act may occur, to prosecute the person, firm, company, organization or corporation accused of such violation, and also, at the request of the director of agriculture or his duly

authorized agents, to institute and prosecute such action as may be authorized under the provisions of this act.

SEC. 6. The director of agriculture is hereby empowered to define, promulgate and enforce such rules and regulations as may be deemed necessary to carry out the provisions of this act, which shall not conflict with any provided for in this act.

Rules and regulations and additional grades and standard packages

The director of agriculture is hereby empowered to establish and enforce such additional grades, grading rules and regulations as may be deemed necessary on fruits, nuts or vegetables, including those which are not named in this act, which shall not conflict with any provided for in this act, after a thorough investigation has been made of the needs of the particular fruit, nut or vegetable for which grades, grading rules and regulations are contemplated. Such grades, grading rules and regulations must, before they become effective, be approved in one or more public meetings attended by representative growers and shippers of the localities interested in the industry affected. Such meetings shall be advertised at least once in a newspaper published in such localities one week or more prior to the meetings; said meetings shall be presided over by the director of agriculture, or any of his duly authorized agents and shall, in so far as possible and practicable, be conducted at such place or places as can be conveniently reached by representatives of the affected industry. Grades, grading rules and regulations, established in accordance with the provisions of this section, shall not be modified during the current shipping season of the fruit, nut or vegetable for which they are established, excepting as hereinafter provided. In like manner the director of agriculture may provide for standard packages other than those established in this act, but no standard packages shall be eliminated or changed without two years notice to the industry involved.

On receipt of a written appeal signed by at least twenty-five representative growers and shippers of the commodity for which grades, grading rules, regulations or standard packages have been established under the provisions of this section, protesting against the grades, grading rules, regulations or standard packages so established, the director of agriculture shall call a hearing within ten days after the receipt of such an appeal. Due notice shall be given by the director of agriculture to all interested parties of the date and place of such hearing and the grades, grading rules, regulations or standard packages shall be sustained, modified or revoked, in the discretion of the director of agriculture on the basis of the evidence presented. If such grades, grading rules, regulations or standard packages are not changed or modified by the director of agriculture, in accordance with the provisions of this section, they shall continue to be in full force and effect. Grades, grading rules, regulations and standard packages, established under the provisions of this section, shall be promulgated by the director of agriculture and published in one

or more newspapers or farm journals of general circulation in the State of California.

The Legislature hereby declares that the establishment by the director of agriculture of such additional standards, grading rules, regulations and standard packages as provided by this section, constitutes merely the necessary expert and technical definition of details, and is not considered by the Legislature as a legislative act on the part of the director of agriculture.

Words and
phrases
defined

SEC. 7. When used in this act the words herein mentioned shall be defined as follows: "containers" or "packages" shall mean any box, crate, lug, chest, basket, carton, barrel, keg, drum, sack, or other container used for packing, shipping or selling fruits, nuts or vegetables. "Subcontainers" shall mean any basket or other receptacle used within a container. "Pack, packing or packed" shall mean the regular compact arrangement of all or part of the fruit or vegetables in any container or subcontainer used for the purpose of sale or transportation. "Deceptive pack" shall mean any container of fruits, nuts or vegetables which has in the outer layer or any exposed surface fruits, nuts or vegetables which are so superior in quality, size or condition to those in the interior of the container, or the unexposed portion, as to materially misrepresent the entire contents. "Deceptive arrangement" or "deceptive display" of fruits, nuts or vegetables shall mean any bulk load, arrangement or display of such products which has in the outer layer, or exposed portion, fruits, nuts or vegetables which are so superior in quality, size or condition to any of those which are concealed, or the unexposed portion, as to materially misrepresent any part of the lot. "Fruits, nuts or vegetables" shall mean the food product of any tree, vine or plant which produces edible fruits, nuts or vegetables suitable for human consumption. "Mature," excepting when otherwise specifically defined, shall mean having reached the stage of maturity which will indicate the proper completion of the ripening process. "Overripe" shall mean having reached an advanced stage of maturity which causes the product to be undesirable or unfit for human consumption in a fresh state. "By-products" shall mean any product commercially processed or manufactured for resale from fruits, nuts or vegetables, or their juices. "County" shall include in its meaning a consolidated city and county.

Conformity
with act.

SEC. 8. All fruits, nuts and vegetables when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in bulk, or in any container or subcontainer, shall conform with all provisions of this act.

Marking of
containers.

SEC. 9. Excepting as hereafter specifically exempted, all containers of fruits, nuts or vegetables of a kind specified in this act, except subcontainers, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of the orchard or farm where the same was produced,

with the post-office address thereof; or the name of the person, firm, company, corporation or organization who shall have first packed or authorized the packing of same; or the name under which such packer shall be engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

Any containers, when used as subcontainers, excepting as hereinafter provided in section 21, shall be exempt from the provisions regarding marking when the container in which they are placed is marked in compliance with the requirements of this act.

All markings required by this act, except net weight, shall be plainly and conspicuously stamped, stenciled, printed, labeled or branded on one end of each crate, box, lug, carton or chest, and on one side of each keg, drum or sack, and on either one side or the top cover of each basket, barrel or other container.

SEC. 10. No containers or subcontainers of fresh or dried fruits, nuts or vegetables shall bear grade or other designations that are in any way false or misleading. This provision shall be construed to prohibit the repeated use of any container or subcontainer of fruits, nuts or vegetables, bearing any markings required by this act, or any designations of brand, quality or grade, unless all such markings which do not properly and accurately apply to the products repacked or replaced therein shall first be completely removed, erased or obliterated. Nothing in this act shall be construed to conflict with any California or federal laws or regulations regarding net weight markings on containers or subcontainers.

False and misleading markings.

SEC. 11. Standard packages are hereby established as follows:

Standard packages.

(1) Standard basket, approximately eight inches square on top, six and one-half inches square on bottom and four inches deep, inside measurements.

(2) Standard berry baskets: (a) Dry pint containing an interior capacity of approximately thirty-three and six-tenths cubic inches. (b) Dry one-half pint containing an interior capacity of approximately sixteen and eight-tenths cubic inches; *provided*, that the only standard basket for strawberries shall be the dry pint.

	Depth inside in inches	Width inside in inches	Length outside in inches
(3) Standard twelve basket crate-----	2½	13½	19½
(4) Standard crate -----	4	16	17½
(5) Standard crate -----	4½	16	17½
(6) Standard crate -----	4½	16	17½
(7) Standard crate -----	4¾	16	17½
(8) Standard crate -----	5	16	17½
(9) Standard cherry box-----	2½	9	19½
(10) Special cherry box-----	3	9½	19½
(11) Standard cherry lug-----	4½	9	19½
(12) Standard fruit box-----	3	11½	19½

Standard packages (cont'd).	Depth inside in inches	Width inside in inches	Length outside in inches
(13) Standard fruit box.....	3½	11½	19¾
(14) Standard fruit box.....	4	11½	19¾
(15) Standard fruit box.....	4½	11½	19¾
(16) Standard fruit box.....	4½	11½	19¾
(17) Standard fruit box.....	4½	11½	19¾
(18) Standard pear box.....	8½	11½	19¾
(18A) Standard artichoke box	9½	11	22
(18B) Half artichoke box	4½	11	22
(19) Standard lug box.....	4	13½	17½
(20) Standard lug box.....	4½	13½	17½
(21) Standard lug box.....	4½	13½	17½
(22) Standard lug box.....	5½	13½	17½
(23) Standard lug box.....	5½	13½	17½
(24) Special sawdust pack lug.....	7½	13½	17½
(25) Special sawdust pack lug.....	7½	13½	17½
(25A) Standard artichoke lug.....	8½	14	24
(26) Standard orange box.....	11½	11½	26
(26A) Persimmon box	3½	11½	26
(27) Half orange box.....	5½	11½	26
(28) Pomegranate box	6½	11½	26
(29) Standard lemon box.....	10	13	27
(29A) Half lemon box	5	13	27
(30) Jumbo lemon box.....	11½	13½	27
(30A) Half jumbo lemon box.....	5 ⁹ / ₁₆	13½	27
(31) Standard cantaloupe crate.....	12 ¹⁶ / ₁₆	12	23½
(32) Pony cantaloupe crate.....	11	11	23½
(33) Jumbo cantaloupe crate.....	13	13	23½
(34) Standard cantaloupe flat.....	4	12	23½
(35) Special cantaloupe flat.....	4½	13½	23½
(36) Special cantaloupe flat.....	5	14½	23½
(37) Standard lettuce crate.....	13	18	24½

maximum, with minimum inside length of 21¼ inches.

Inside length of lettuce crates shall be measured between the end slats, excepting that if flat end posts wider than one and one-half inches are used, the inside length shall be measured between the posts.

(38) Standard grape drum, containing two thousand six hundred forty-two cubic inches, fourteen inches deep, fifteen and one-half inches wide, inside.

(39) Standard grape keg containing two thousand six hundred forty-two cubic inches minimum.

In standard containers numbers 26, 26A, 27 and 28 the average inside length of the two compartments, between center and end pieces, shall be not less than eleven and fifteen-sixteenths inches. In standard containers numbers 29, 29A, 30 and 30A the average inside length of the two compartments, between center and end pieces, shall be not less than twelve and seven-sixteenths inches.

Prior to July 1, 1929, the inside width of standard containers numbers 19, 20, 21, 22, 23, 24 and 25 may be thirteen and three-fourths inches in lieu of thirteen and one-half inches.

SEC. 12. It shall be unlawful for any person, firm, company, organization or corporation to pack or cause to be packed, import, sell, offer for sale, deliver for shipment, load, ship or transport any fruits, nuts or vegetables which do not conform with all requirements of this act.

Unlawful practices.

It also shall be unlawful to prepare, deliver for shipment, load, ship, transport, offer for sale or sell a deceptive pack, load, arrangement or display of fresh or dried fruits, nuts or vegetables, or to mislabel any container or display of such fruits, nuts or vegetables.

SEC. 13. No provision of this act, excepting as hereinafter provided in section 21, shall be construed to prevent a grower of fruits, nuts or vegetables in the State of California from selling or delivering the same unpacked and unmarked, as a part of his crop in bulk to a packer for grading, packing or storage; or to prevent a grower or packer from manufacturing the same into any by-product, or from selling the same unpacked and unmarked to any person, firm, company, organization or corporation actually engaged in the operation of a commercial by-products factory for the sole and express purpose of being used in the State of California in the manufacture of a by-product for resale.

Sales to packers and by-products manufacturers.

SEC. 14. All fruits, nuts or vegetables of a kind specified in this act which are not wrapped or packed, and which are intended for use in the State of California in commercial processing, preserving or manufacture of by-products for resale, shall be exempt from the provisions of this act; excepting as hereinafter provided in section 21; *provided, however*, that the packages in which they are contained shall bear no false or misleading statements or designations; *provided, further*, that such fruits, nuts or vegetables shall not be deceptively packed or deceptively placed in any container.

Sales for use in processing, preserving, etc.

Any inspector of fruits, nuts or vegetables may require from the owner and/or shipper of such fruits, nuts or vegetables such proof as he may deem necessary that they will be used only in the State of California in commercial processing, preserving or manufacture of by-products for resale and shall hold same until satisfactory proof is given.

SEC. 15. It shall be lawful for any forwarding company, person, firm, corporation or organization, and for any common carrier to decline to ship or transport any fruits, nuts or vegetables when notified by an inspector of fruits, nuts and vegetables that such products are found to be delivered for shipment in violation of any of the provisions of this act, and any such forwarding company, person, firm, corporation, organization or common carrier may reserve the right in any receipt, bill of lading or other writing given to the consignor thereof, to reject for shipment and to return to such consignor

Shipments in violation of act.

or hold at the expense and risk of the latter all fruits, nuts or vegetables which upon inspection are found to be delivered for shipment in violation of any of the provisions of this act.

Apricots.

Sec. 16. Apricots. Fresh apricots, when being packed, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or subcontainer, shall conform to the following standard.

Standard for Fresh Apricots. Fresh apricots shall be mature but not overripe, shall be free from cuts, bruises, unhealed cracks, insect injury, mold, brown rot, decay, and from serious damage caused by scab, shot hole fungus, hail or other means, and in the case of packed apricots shall be virtually uniform in size; *provided*, that not more than ten per cent, by count, of the apricots in any one container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Damage caused by scab or shot hole fungus, on any apricot, shall not be considered serious unless the spots total more than five in number, or cover an aggregate area of more than one-fourth inch in diameter. Damage caused by hail in any apricot shall not be considered serious unless it causes a waste of ten per cent by weight of the fruit.

“Virtually uniform in size” shall mean in the case of packed apricots a variation of not more than one-fourth of an inch in diameter, when measured through the widest portion of cross-section, between the fruits in any one container. When packed in layers there shall be approximately the same numerical count in each layer throughout a container or subcontainer having straight sides. In the case of apricots packed in sloping side containers, the bottom layer shall contain a smaller numerical count than the top layer.

Markings. In addition to the markings required by section 9 of this act, all containers of fresh apricots, when packed, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of variety if known, and when not known the words “unknown variety,” the net weight, and the approximate number of fruits in the container or subcontainer, which number shall be within four of the true count; *provided*, that in lieu of the approximate number of fruits the numerical description of pack may be used. Numerical description of pack shall describe the count of the top layer on two adjacent sides of the container or subcontainer. When two or more varieties are packed or placed in a container they shall be labeled “mixed varieties.” Containers in which the fruit in the top layer only is placed in compact arrangement shall be labeled “face and fill” in lieu of the approximate number of fruits.

Containers of fresh apricots which are not packed shall not be required to show any markings.

Standard Containers for Packed Apricots. Packed fresh apricots shall be in standard containers numbers 4, 5, 6, 7, 20

or 23 established in section 11 of this act; *provided*, that other sized containers may be used if conspicuously marked in letters not less than one-half inch in height "irregular container." No standard containers are established for loose fresh apricots which are not packed.

SEC. 17. Avocados. Avocados, when being packed, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold, in any container or subcontainer or in bulk, shall conform to the following standard. Avocados.

Standard for Avocados. Avocados shall be mature, free from worm injury, mold, decay, and from serious damage caused by cuts, bruises, growth cracks, insects or disease; and in the case of packed avocados shall be virtually uniform in size; *provided*, that not more than ten per cent, by count, of the avocados in any one container or loose lot may be below these requirements, but not to exceed one-half of this tolerance. or five per cent, shall be allowed for any one cause; *provided, further*, that no part of this tolerance shall be allowed for immature avocados.

Damage to any avocado shall not be considered as serious unless it causes a waste of twenty per cent by weight of the fruit.

The percentage of serious defects in any bulk lot of avocados may be established by inspection of a representative sample, which shall consist of not less than one hundred fruits selected at random.

When packed in layers there shall be approximately the same numerical count in each layer throughout a container or subcontainer having straight sides.

Avocados shall not be considered mature when the edible portion shows an oil content of less than eight per cent, by weight, by chemical analysis.

Markings. In addition to the markings required by section 9 of this act, all containers of avocados, when packed, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of variety, if known, and when not known the words "unknown variety" or "unnamed variety," the net weight or average weight of fruits, and the number of fruits in the container or subcontainer. When two or more varieties are packed or placed in a container they shall be labeled "mixed varieties."

Containers of avocados which are not packed shall not be required to show any markings.

No Standard Containers. No standard containers are established by this act for avocados.

SEC. 18. Berries. A. Strawberries, when being packed, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or subcontainer, shall conform to the following standard. Strawberries.

Standard for Strawberries. Strawberries shall be mature but not overripe, shall not be noticeably undeveloped or deformed; and shall have the cap (calyx) attached, and be free from cuts, mold, decay, and from serious damage caused by rain, irrigation, sun, frost, bruising, disease, insects or other means, and in the case of face packed strawberries shall be virtually uniform in size; *provided*, that not more than ten per cent, by weight, of the strawberries in any one container or subcontainer, may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Any strawberry which has not less than two-thirds of the surface showing pink or red color shall be considered mature.

"Virtually uniform in size" shall mean, in the case of face packed strawberries, a variation of not more than one-fourth of an inch in diameter, when measured through the widest portion of cross-section, between the berries in any one sub-container.

"Face packed" shall mean the regular arrangement of the top layer of strawberries in any container or subcontainer.

Markings. The markings required by section 9 of this act, in lieu of being plainly and conspicuously stamped, stenciled, printed, labeled or branded on one end of each crate or chest containing berries, may be shown on tags or labels placed on top of the fruit in each crate, slide or drawer.

Standard Containers for Strawberries. All strawberries shall be in standard subcontainer number 2a established in section 11 of this act.

Raspberries,
blackberries,
etc.

B. Red and Blackcap Raspberries, Blackberries, Dewberries and Loganberries. Red and blackcap raspberries, blackberries, dewberries and loganberries, when being packed, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or subcontainer, shall conform to the following standard:

Standard for Red and Blackcap Raspberries, Blackberries, Dewberries and Loganberries. Red and blackcap raspberries, blackberries, dewberries and loganberries shall be mature but not overripe, shall not be noticeably undeveloped or deformed; and shall be free from cuts, mold, decay and from serious damage caused by rain, sun, frost, bruising, disease, insects or other means; *provided*, that not more than ten per cent, by weight, of the berries in any one container or subcontainer may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Markings. The markings required by section 9 of this act, in lieu of being plainly and conspicuously stamped, stenciled, printed, labeled or branded on one end of each crate or chest containing berries, may be shown on tags or labels placed on top of the fruit in each crate, slide or drawer.

Standard Containers for Red and Blackcap Raspberries, Blackberries, Dewberries, and Loganberries. All red and

blackcap raspberries, blackberries, dewberries and loganberries shall be in standard subcontainers number 2a or 2b, established in section 11 of this act.

SEC. 19. Cherries. Cherries when being packed or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container, or subcontainer, shall conform to the following standard: Cherries.

Standard for Cherries. Cherries shall be mature but not overripe, not abnormally soft, wrinkled, shriveled, or spongy, not stemless or wet, and shall be free from soft bruises, unhealed growth cracks or splits, cuts, bird pecks or other skin breaks, insect injury, aphis honey dew, mold, brown rot, decay and from serious damage caused by sunburn or doubles, and in the case of packed cherries shall be virtually uniform in size; *provided*, that not more than ten per cent, by count, of the cherries in any one container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Damage caused by sunburn shall not be considered serious unless the flesh is affected. Damage caused by doubles shall not be considered serious unless one of the halves is undeveloped, small or dry.

“Virtually uniform in size” shall mean, in the case of packed cherries, that the average size of cherries used in the fill shall not be smaller than would pack one row more in each direction than the cherries in the packed face; *provided, further*, that bunch faced or drop faced cherries shall not be considered packed. Cherries in cartons shall have the same size in each layer.

Markings. In addition to the markings required by section 9 of this act, all containers of cherries, when packed, bunch faced or drop faced, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of variety, if known, and when not known the words “unknown variety,” and the net weight. When two or more varieties are packed or placed in a container they shall be labeled “mixed varieties.”

Containers of cherries which are not packed, bunch faced or drop faced shall not be required to show any markings.

Containers of cherries which are loose, bunch faced or drop faced, may be marked with row sizes as herein defined, and when any container is so marked the average size of the cherries in the face, or exposed surface of the fruit, shall conform to the row size so marked; *provided, further*, that the average size of cherries used in the fill shall not be smaller than one row size below that marked on the container.

The number of “row size” shall be deemed to be that number of cherries of uniform size whose aggregate width will equal nine inches. The diameter of cherries for the various “row sizes” shall be as follows: For an “8 row size,” one and one-eighth inches, for a “9 row size,” one inch, for a “10 row

size," nine-tenths of one inch, for an "11 row size," nine-elevenths of one inch, for a "12 row size," nine-twelfths of one inch, and for a "13 row size," nine-thirteenths of one inch.

Standard Containers for Packed Cherries. Packed, bunch faced or drop faced cherries shall be in standard containers numbers 3, 9, 10, 11, 12, 14, 19 or 23 established in section 11 of this act; *provided*, that standard containers, numbers 11 and 12 shall not be standard after January 1, 1929; *provided, further*, that other sized containers may be used if conspicuously marked in letters not less than one-half inch in height "irregular container." No standard containers are established for loose cherries which are not packed, bunch faced or drop faced.

Citrus fruits

SEC. 20. Citrus Fruits. Citrus fruits, when being packed, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or subcontainer, or in bulk, shall conform to the following standard:

Standard for Citrus Fruits. Citrus fruits shall be mature, virtually free from marked evidence of freezing injury, free from rots, excepting brown rot, blue and green mold, and from serious damage caused by splits, cuts, bruises, stem or thorn punctures, or by drying at the stem or blossom end; and in the case of packed citrus fruits shall be virtually uniform in size; *provided*, that, with the exception of freezing injury, not more than ten per cent, by count, of the citrus fruits in any one container, or in any lot in bulk, may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause; *provided, further*, that brown rot, blue and green mold shall not be considered serious defects.

Oranges shall not be deemed mature under the provisions of this act unless the juice contains soluble solids equal to or in excess of eight parts to every part of acid contained in the juice, the acidity of the juice to be calculated as citric acid without water of crystallization; *provided*, that the oranges have attained at least twenty-five per cent of yellow or orange color before picking; *provided, however*, that oranges which are substantially or at least seventy per cent colored at the time of picking shall be deemed mature irrespective of analysis of the juice; *provided, further*, that no oranges may be accelerated in color unless the juice contains soluble solids equal to or in excess of eight parts to every part of acid contained in the juice, the acidity of the juice to be calculated as citric acid without water of crystallization.

Grapefruit shall not be deemed mature under the provisions of this act unless the juice contains soluble solids equal to or in excess of five parts to every part of acid contained in the juice, the acidity of the juice to be calculated as citric acid without water of crystallization.

"Virtually free from marked evidence of freezing injury" means that not more than fifteen per cent, by count, of the

citrus fruits in any one container, or in any lot in bulk, may show marked evidence of freezing injury, which is hereby defined as a water soaked appearance or evidence of previous water soaking, or the presence of crystals or crystalline deposit, on the two surface membranes of each of two or more segments, as shown on the separation of the segments one from another, of a section, not less than one inch or more than one and one-half inches in thickness, of the central portion of the fruit, obtained by cutting off a portion of each end—the evidence of freezing injury to show for the entire length but not necessarily the entire area of the surface membranes; or a drying or desiccation in twenty per cent or more of the exposed pulp as shown on a transverse cut through the center.

The percentage of marked evidence of freezing injury or other defects may be established by inspection of a representative sample, which shall consist of not less than one hundred fruits of the various sizes selected at random.

Damage caused by splits, cuts, bruises, or stem or thorn punctures, in any citrus fruit, shall not be considered serious if the injury is well healed and free from mold or decay.

Damage caused by drying at the stem or blossom end of any citrus fruit shall not be considered serious unless twenty per cent or more of the pulp shows a marked drying or desiccation.

Markings. In addition to the markings required by section 9 of this act, all containers of citrus fruits, when packed, shall bear upon them in plain sight and in plain letters on the outside thereof the following: The number and average diameter of citrus fruits in the container, and, in the case of oranges, the name of variety, if known, and when not known the words "unknown variety" or "seedlings."

Containers of citrus fruits which are not packed shall not be required to show any markings.

Standard Containers. All packed oranges, grapefruit and tangerines shall be in standard containers numbers 26 or 27, and all packed lemons shall be in standard containers numbers 29, 29A, 30 or 30A, established in section 11 of this act; *provided*, that other sized containers may be used if conspicuously marked in letters not less than one-half inch in height "irregular size container." No standard containers are established for other species of citrus fruits or for loose citrus fruits which are not packed.

SEC. 21. Fresh or Dried Dates. Markings. In addition ^{Dates.} to the markings required in section 9 of this act, all containers and subcontainers of fresh or dried dates or date by-products shall bear upon them, in plain sight on the outside thereof, in the English language, the net weight, and, in letters not less than one-half of an inch in height, the name of the state or of the foreign country where the dates were produced, directly preceded by the words in like sized type "grown in"; *provided*,

that, in the case of any containers or subcontainers with contents of not more than three pounds net weight, this marking may be in letters not less than one-eighth of an inch in height.

Standard Containers. No standard containers are established by this act for dates.

Grapes.

SEC. 22. Grapes. Districts. For the purpose of this act the state shall be divided into districts as follows:

District 1. That part of the state south of the San Geronio pass in Riverside county and east of the Sierra Nevada range, comprising parts of the counties of Riverside and San Diego and all of Imperial county.

District 2. All of the state excepting the part included in district 1.

Classification of Varieties. For the purpose of this act grape varieties shall be classified as follows:

GROUP A.

(White)

Almeria	Malaga
Aspiran Blanc	Ohanez
Bicane	Olivette Blanche
Chasselas de Fontainebleau	Olivette de Vendemian
Chasselas Napoleon	Palomino
Cornichon Blanc	Persian 23
Dattier de Beyrouth	Pizzutello di Roma
Dizmar	Rish Baba
Golden Chasselas	Rosaki
Golden Queen	Sultana
Khalili	Thompson Seedless
Khandahar	Verdal
Ladyfinger	

(Red)

Angelino	Pink Thompson Seedless
Catawba	Piment
Chasselas Rose	Red Malaga
Emperor	Rose de Falloux
Flame Tokay	Sultanina Rose
Hunisa	Tokay
Maraville de Malaga	Zabalkanski
Molinera Gorda	Zabalkanskoi

(Black)

Grapes
(cont'd).

Black Corinth	Gros Guillaume
Black Ferrara	Isabella
Black Hamburg	Isabella Regia
Black Monukka	Muscat Albaradiens
Black Morocco	Muscat Hamburg
Black Prince	Olivette Noir
Black Zante	Panariti
Bleu Grau	Pierce
California Concord	Pierce Isabella
Concord	Pizzutello Nero
Corinthe Noir	Prune de Cazouls
Cornichon	Purple Damascus
Danugue	Rose of Peru
Drodelabi	Ribier
Frankenthal	Servian Blue
Fresno Beauty	Snow's Muscat Hamburg
Gros Colman	Zante Currant

and other similar varieties.

GROUP B.

(White)

Burger	Muscatel Gordo Blanco
Colombar	Pedro Ximenes
Elbling	Riesling
Feher Szagos	Sauvignon
Folle Blanche	Sauvignon Vert
Huasco (Muscat)	Semillon
Muscat Bonod	Traminer
Muscat Bowood	White Hanepoot (Muscat)
Muscat of Alexandria	

(Black)

Alicante-Bouschet	Madelaine
Alicante-Ganzin	Madeleine
Aramon	Madelaine Angevine
Beclan	Malvoisie
Black Pinot	Mataro
Burgundy	Mission
Cabernet Sauvignon	Mondeuse
Calmette	Mourastel
Carignane	Mourvedre
Charbono	Petit-Bouschet
Early Black July	Petite Sirah
Grand Noir	Serine
Grenache	Syrah
Jacquez	Zinfandel
Lenoir	

and other similar varieties which are not included in Group A.

Grapes
(cont'd).

Standards for Grapes. Grapes, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or subcontainer, shall conform to one of the following standards:

Standards for Group A. Fancy Grapes. Fancy grapes shall consist of bunches of well developed grapes of one variety which are uniformly well colored, mature, firmly attached to capstems, not shattered, split, crushed, wet, soft, wilted or scarred; which are free from shot berries, raisining or raisined berries, sunburned or dried berries, waterberry, mildew, Almeria spot, mold, decay, and from damage caused by other disease, insects, discoloration, freezing, or other means.

Bunches shall not be straggly, or excessively small excepting that a sufficient number of small bunches shall be allowed to insure a properly packed container. Stems shall be free from mold and from damage caused by mildew.

In order to allow for variations incident to proper grading and handling, not more than five per cent, by weight, of the grapes in any container, may be below the requirements of this grade; but not more than a total of two per cent, by weight, may be seriously damaged, and not more than one-fourth of this amount, or one-half of one per cent, may be affected by mold or decay.

Fancy Sawdust Packed Grapes. Fancy grapes when packed in sawdust, cork, or similar packing material, in addition to the specifications prescribed above for fancy grapes, shall comply with the following requirements:

The bunches of grapes shall be well matured, and may be loose but not excessively straggly, and shall be not less than six inches in length, measured from shoulder to tip, excepting the Almeria (Ohanez) variety, which shall have bunches not less than four inches in length and weighing not less than one-half pound each. The berries shall have a diameter of not less than five-eighths of an inch, measured through the widest portion of cross section, excepting the Almeria variety, which shall have berries with a diameter of not less than nine-sixteenths of an inch. The stems shall be mature and shall not be weak, dry or brittle.

The five per cent tolerance permitted above for fancy grapes also shall apply to fancy sawdust packed grapes, but total serious defects, including mold and decay, shall be limited to one-half of one per cent by weight. In addition, grapes of this grade when packed in sawdust, cork, or similar packing material, may have not to exceed ten per cent, by weight, of the bunches in any container, and not more than five per cent, by weight, of the berries, which are below the prescribed sizes or weights.

Number 1-A Grapes. Number 1-A grapes shall consist of bunches of grapes of one variety which are well colored, mature, firmly attached to capstems, not shattered, split,

crushed, wet, soft, wilted, or badly scarred; which are free from immature shot berries, raisining or raisined berries, sunburned or dried berries, waterberry, mildew, mold, decay and from damage caused by other disease, insects, freezing or other means. ^{Grapes (cont'd).}

Bunches shall not be excessively straggly and stems shall be free from mold and from damage caused by mildew.

In order to allow for variations incident to proper grading and handling, not more than ten per cent, by weight, of the grapes in any container may be below the requirements of this grade; but not more than a total of five per cent, by weight, may be seriously damaged, and not more than one-fifth of this amount, or one per cent, may be affected by mold or decay.

Grapes of varieties included in group A which have been placed in cold storage for a period of not less than thirty days, on a basis of storage in transit from the point of packing to interstate markets, and which, upon removal from storage, fail to meet the requirements of No. 1-A grapes only by reason of deterioration which has occurred after packing, shall not be required to show grade markings, provided that such grapes shall at least meet the requirements of unclassified grapes.

Unclassified Grapes, Packed in Sawdust, Cork or Similar Packing Material. All grapes packed in sawdust, cork or similar packing material, which fail to comply with the requirements for fancy sawdust packed grapes as established above, shall be required to meet the specifications of No. 1-A grapes, and to be marked "unclassified" as hereafter required; *provided, however*, that the packer or owner of any grapes in sawdust, cork or similar packing material, which fail to meet the requirements of fancy sawdust packed grapes, or unclassified grapes in sawdust, only by reason of deterioration which has occurred after packing, shall not be held liable for violation of this provision on account of such deterioration.

Standards for Group B. No. 1-B Grapes. Number 1-B grapes shall consist of grapes which are fairly well colored, mature, firmly attached to capstems, not split, crushed, or wet; which are free from immature shot berries, raisining or raisined berries, sunburned or dried berries, waterberry, red-berry, mold or decay, and from damage caused by mildew or other disease, insects or other means.

In order to allow for variations incident to proper handling, not more than fifteen per cent, by weight, of the berries in any container may be raisining or raisined; *provided*, that not more than one-third of this amount, or five per cent, may be raisined. In addition, not more than ten per cent, by weight, of the berries in the container, may be below the remaining requirements of this grade, but not more than a total of five per cent, by weight, may be seriously damaged, and not more than two-fifths of this amount, or two per cent, may be affected by mold or decay; but in no case shall more than fifteen per cent, by weight, of the bunches in any container

Grapes
(cont'd).

have spots of mold or decay affecting three or more contiguous berries.

Number 2 Grapes. Number 2 grapes shall consist of grapes which are mature, which are not detached from the capstems, split, crushed, or wet; which are free from raisined berries, sunburned or dried berries, waterberry, redberry, mold or decay, and from other serious damage.

In order to allow for variations incident to proper handling, not more than fifteen per cent, by weight, of the berries in any container may be raisined, and in addition not more than ten per cent, by weight, of the berries in the container may be below the remaining requirements of this grade, but not more than a total of five per cent, by weight, may be affected by mold or decay.

Unclassified Grapes. Unclassified grapes shall be mature and shall not include in excess of ten per cent, by weight, of berries affected by mold or decay in any one container; *provided*, that, in the case of varieties included in group A, not more than ten per cent, by weight, of the bunches in any container may be immature.

Any grapes which fail to meet the requirements for unclassified grapes, because of immaturity, mold or decay, may be disposed of only as provided in sections 13 and 14 of this act, excepting that nothing in this act shall prevent a grower of grapes from selling part or all of his crop, which may fail to meet the requirements of unclassified grapes, to a purchaser for the sole and express purpose of being used by such purchaser for the manufacture of a by-product in the State of California; *provided*, that each container of such grapes shall be plainly and conspicuously marked with the name and address of the grower, and, in letters not less than one-half inch in height, with the words "by-product grapes"; *provided, further*, that each such sale shall be made only under written permit of an enforcing officer of this act, who may require from the grower and/or purchaser of such grapes such proof as he may deem necessary that they will be used only as herein provided.

General Requirements. For the purpose of the standards for grapes, and their respective tolerances, established above, the provisions shall apply to the bunch as the unit in the case of:

1. Maturity of group A varieties.
2. Color in fancy, fancy sawdust pack, No. 1-A and unclassified sawdust pack standards.
3. Bunches which fail to meet requirements for size or compactness (straggly or excessively straggly) in fancy, fancy sawdust pack, No. 1-A and unclassified sawdust pack standards.
4. Mixed varieties (except in No. 1-B, No. 2 or unclassified grapes when marked "mixed varieties" or with color of grapes).

5. Stems which are immature, weak, dry or brittle in fancy sawdust pack. Grapes
(cont'd).

6. Stems which are not free from mold and damage caused by mildew in fancy, fancy sawdust pack, No. 1-A and unclassified sawdust pack.

7. Bunches damaged by discoloration in fancy and fancy sawdust pack standards.

8. Bunches having spots of mold affecting three or more contiguous berries in No. 1-B standard.

The maturity of group B varieties shall apply to the entire contents of any container, as hereinafter stated, and color requirements in No. 1-B standard apply to the entire contents of each container.

In regard to all other requirements and tolerances the individual grape berry shall be the unit considered.

For the purpose of this section, although the tolerances specified for the various standards necessarily are placed on a package basis, not more than one-fourth of the packages in any lot may be permitted to exceed the tolerance established by not more than one-half of the amount allowed; *provided*, that the entire lot shall average within the tolerance established; *provided, further*, that no container shall have more mold or decay than the amount specified in the tolerance established.

No provision of this section shall be construed to prevent placing any varieties included in group A under the standards established for group B; *provided*, all containers are properly marked with the grade designations as hereafter required, nor to prevent placing any varieties included in group B under the standards established for group A.

Definitions. When used in this section the words herein mentioned shall be defined as follows:

"Well matured," in the standard for fancy grapes packed in sawdust, cork or similar packing material, means that each bunch of grapes shall test not less than seventeen per cent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; *provided*, that the variety Malaga shall test not less than twenty per cent.

"Mature" stems means that they shall be firm and pliable but not limp or flabby, generally of a yellowish green or straw color, or having brownish, woody seals at the cut ends.

"Mature," in the standards for grapes shall mean that each bunch of the varieties classified above in group A shall test not less than seventeen per cent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; *provided*, that the varieties Malaga and Thompson seedless shall test not less than eighteen per cent when produced in any section excepting district one; *provided, further*, that the varieties Emperor, Gros Colman, (Bleu Grau, Drodolabi, Fresno Beauty, Servian Blue), Pierce Isabella, (Pierce, Isabella Regia, California Concord), Olivette Blanche, Ladyfinger, Rish Baba, Khalili, Persian 23 (Dizmar) and Cornichon shall

Grapes
(cont'd).

test not less than sixteen per cent; *provided, further*, that in the case of varieties included in group B "mature" shall mean that the average or composite test of all the grapes in any container shall be not less than seventeen per cent soluble solids in juice, as determined by the Balling or Brix scale hydrometer; *provided*, that white varieties of the Muscat type shall test not less than eighteen per cent; *provided, further*, that the variety Burger shall test not less than sixteen per cent.

"Uniformly well colored" in standards for grapes, means in the case of:

"Black varieties" that each bunch shall have not less than ninety-five per cent, by count, of berries showing good characteristic color; excepting that in order to allow for variations incident to proper grading and handling, not more than ten per cent, by weight, of the bunches in any container may have not less than eighty per cent, by count, of berries showing good characteristic color.

"Red varieties" that each bunch shall have not less than seventy-five per cent, by count, of well colored berries; excepting that in order to allow for variations incident to proper grading and handling not more than ten per cent, by weight, of the bunches in any container may have not less than sixty per cent of well colored berries. Red grape berries shall be considered well colored when at least sixty per cent of the surface shows good characteristic color. Light or cherry red, dark red and purple are considered good characteristic color for the Emperor variety.

"White varieties" that each bunch shall have not less than twenty-five per cent, by count, of berries showing straw or amber color; excepting that in order to allow for variations incident to proper grading and handling, not more than ten per cent, by weight, of the bunches in any container may be below this requirement. No straw or amber color shall be required for Almeria (Ohanez) and Verdal.

"Well colored" in standards for grapes, means in the case of:

"Black varieties" that each bunch shall have not less than seventy-five per cent, by count, of berries showing characteristic color; excepting that in order to allow for variations incident to proper grading and handling not more than ten per cent, by weight, of the bunches in any container may have not less than fifty per cent, by count, of berries showing characteristic color. Reddish purple to black color shall be considered characteristic for Cornichon.

"Red varieties" that each bunch shall have not less than sixty per cent, by count, of well colored berries; excepting that in order to allow for variations incident to proper grading and handling, not more than ten per cent, by weight, of the bunches in any container may be below this requirement.

"White varieties" no requirements for "well colored."

“Fairly well colored” in standards for grapes, means in the ^{Grapes} (cont'd). case of:

“Black varieties” that seventy-five per cent of the grapes in any container shall show color characteristic of the variety when mature. Reddish purple to black color shall be considered as characteristic for Mission, Aramon, Rose of Peru, Black Prince, Black Hamburg, Grenache, and Malvoise.

“Red varieties” that sixty per cent of the grapes in any container shall have at least half of the surface of the berries showing characteristic color.

“White varieties” no requirements for “fairly well colored.”

“One variety” means grapes having the same varietal characteristics.

“Wet” means moisture from crushing, rain, dew or other causes.

“Raisining berries” means grape berries in some stage of the normal curing process, which have developed to some extent the characteristic shriveled or wrinkled appearance of a raisin, but which contain sufficient juice to drop from the berry under ordinary pressure between thumb and finger. Change of color and flavor are, in some cases, additional characteristics of raisining berries.

While wilting is prerequisite to the raisining process, berries which merely are wilted without shriveling, wrinkling, or change of color, are not considered as raisining.

“Raisined berries” means grape berries which are fully cured, resembling raisins, which do not contain sufficient juice to drop from the berry under ordinary pressure between thumb and finger.

“Sunburned or dried grapes” mean grapes which show complete drying out, from any cause, of part or all of any individual berries.

“Waterberry” means a disease characterized by a watery, soft or flabby condition of the berries. Such affected berries are low in sugar content, have tender skins and are very easily crushed.

“Redberry” means a condition closely resembling waterberry, generally found in black varieties. Such grapes show a red or brownish red color, in addition to the general characteristics of waterberry.

“Damage caused by mildew” means damage causing discoloration of the berries which seriously affects the appearance of a lot.

“Damage caused by discoloration” means that more than fifteen per cent, by count, of the berries on any bunch, show a dark brown discoloration. Sunkissed berries of an amber or light brown color shall not be considered as damaged.

“Seriously damaged” includes grapes which are split, crushed, wet, completely dried, or affected with redberry, waterberry, mold or decay.

Grapes
(cont'd).

Markings. Each container of grapes, packed in sawdust, cork or similar packing material, which meet the requirements of fancy sawdust packed grapes, as established above, may be marked "fancy" or "fancy sawdust packed," but shall bear no other term designating quality or grade, excepting as hereafter provided.

Any container of grapes, packed in sawdust, cork or similar packing material, which meet the requirements of unclassified grapes packed in such material, shall be plainly and conspicuously marked, in letters not less than one-half inch in height, with the word "unclassified," and shall bear no other term designating quality or grade.

Any container of grapes, excepting those packed in sawdust, cork or similar packing material, may be marked with any proper designation of quality or grade; *provided*, that each container of grapes of a variety included in group A, established above, which fail to meet the requirements of the standard for No. 1-A grapes, established above, shall be plainly and conspicuously marked in letters not less than one-half inch in height, with the proper standard designation as "No. 1-B" or "No. 2," as the case may be, but shall bear no other term designating quality or grade, excepting as hereafter provided.

Each container of grapes which meet the requirements for unclassified grapes, but which fail to meet the requirements for No. 2 grapes, established above, shall be plainly and conspicuously marked, in letters not less than one-half inch in height, with the word "unclassified," and shall bear no other term designating quality or grade.

In lieu of the standard grade markings required above, any container of grapes may be marked with the name for the same grade established in United States standards for grapes promulgated by the United States department of agriculture and approved by the director of agriculture of the State of California.

In addition to the markings required above, and those required by section 9 of this act, all containers of grapes shall bear upon them in plain sight and in plain letters on the outside thereof the following: Net weight and name of the variety, provided that the words "variety unknown," "mixed varieties" or the color of the grapes may be marked in lieu of the name of the variety.

Standard Containers. Grapes packed in sawdust, cork or similar packing material shall be in standard containers numbers 24, 25, 38 or 39, and all other grapes shall be in standard containers numbers 1, 4, 5, 6, 7, 20, 21, 22 or 23 established in section 11 of this act; *provided*, that containers numbers 20, 21, 22 and 23 shall be standard for grapes only when used without cleats, or when used with a cleat or cleats on each end not to exceed a total height of eleven-sixteenth of an inch; *provided*, that other sized containers may be used if conspicuously

marked in letters not less than one-half inch in height "irregular containers"; *provided, further*, that containers numbers 20, 22 and 24 shall be standard only until July 1, 1929.

SEC. 23. Peaches. Fresh peaches, when being packed, or ^{Peaches.} after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or subcontainer, shall conform to the following standard:

Standard for Fresh Peaches. Fresh peaches shall be mature but not overripe, shall be free from unhealed cuts or skin breaks, unhealed growth cracks, serious bruises, insect injury, split pits which are open at the stem end, mold, brown rot, decay and from serious damage caused by scab, rust, blight, or other diseases, hail or other means, and in the case of packed peaches shall be virtually uniform in size; *provided*, that not more than ten per cent, by count, of the peaches in any one container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Damage caused by scab or rust on any peach shall not be considered serious unless the spots cover an aggregate area in more than one-half inch in diameter, or show cracks. Damage caused by blight on any peach shall not be considered serious unless the spots total more than ten in number, or cover an aggregate area of more than one-half inch in diameter, or cause gum to exude. Damage caused by hail in any peach shall not be considered serious unless it causes a waste of ten per cent by weight of the fruit. Superficial thrip marks which do not cover more than five per cent of the surface of any peach shall not be considered as insect injury.

"Virtually uniform in size" shall mean, in the case of packed peaches, a variation of not more than one-half of an inch in diameter, when measured through the widest portion of cross section, between the fruits in any one container. When packed in layers there shall be approximately the same numerical count in each layer throughout a container or subcontainer having straight sides.

Markings. In addition to the markings required by section 9 of this act, all containers of fresh peaches, when packed, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of variety, if known, and when not known the words "unknown variety"; the net weight, and the approximate number of fruits in the container or subcontainer, which number shall be within four of the true count; *provided*, that, in lieu of the approximate number of fruits, the numerical description of pack may be used. When two or more varieties are packed or placed in a container, they shall be labeled "mixed varieties."

Containers in which the fruit in the top layer only is placed in regular compact arrangement shall be labeled "face and fill" in lieu of the approximate number of fruits and net weight.

Containers of fresh peaches which are not packed shall not be required to show any markings.

Standard Containers for Packed Peaches. Packed fresh peaches shall be in standard containers numbers 1, 5, 6, 7, 14, 15, 16, 17 or 23, established in section 11 of this act; *provided*, that other sized containers may be used if conspicuously marked, in letters not less than one-half inch in height, "irregular container." No standard containers are established for loose fresh peaches which are not packed.

Pears.

SEC. 24. Pears. Fresh pears, when being packed, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or subcontainer, shall conform to the following standard:

Standard for Fresh Pears. Fresh pears shall be mature but not overripe, shall be free from cuts or skin breaks, serious bruises, San Jose scale, codlin moth larvæ, mold, decay, and from serious damage caused by scab, black end or other diseases, limb rubs, frost, hail, codlin moth larvæ or other insects, and in the case of packed pears shall be virtually uniform in size; *provided*, that not more than ten per cent, by count, of the pears in any one container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Damage caused by scab or black end in any pear shall not be considered serious unless the spots cover an aggregate area of more than one-half inch in diameter. Damage caused in any pear by other diseases, limb rubs, frost or hail shall not be considered serious unless it causes a waste of ten per cent by weight of the fruit. Damage to any pear caused by thrip mark, blister mite or other superficial blemishes due to insects, shall not be considered serious unless it affects ten per cent of the surface of the fruit. Damage caused to any pear by superficial well healed codlin moth "stings" shall not be considered serious, but any unhealed "stings" or holes caused by codlin moth larvæ shall be considered serious.

"Virtually uniform in size" shall mean, in the case of packed pears, a variation of not more than one-half of an inch in diameter, when measured through the widest portion of cross-section between the fruits in any one container. When packed in layers there shall be approximately the same numerical count in each layer throughout a container or subcontainer having straight sides.

Markings. In addition to the markings required by section 9 of this act, all containers of fresh pears, when packed, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of variety, if known, and when not known the words "unknown variety;" the net weight and the approximate number of fruits in the container or subcontainer, which number shall be within four of the true count; *provided*, that in lieu of the approximate number of fruits, the numerical description of pack may be used. When

two or more varieties are packed or placed in a container they shall be labeled "mixed varieties."

Containers in which the fruit in the top or outer layer only is placed in regular compact arrangement shall be labeled "face and fill" in lieu of the approximate number of fruits.

Containers of fresh pears which are not packed shall not be required to show any markings.

Standard Containers. Packed fresh pears shall be in standard containers numbers 5, 6, 7, 16, 18, 22 or 23 established in section 11 of this act; *provided*, that other sized containers may be used if conspicuously marked in letters not less than one-half inch in height "irregular container." No standard containers are established for loose fresh pears which are not packed.

SEC. 25. Persimmons (Oriental). Oriental persimmons, Persimmons. when being packed, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or subcontainer shall conform to the following standard:

Standard for Oriental Persimmons. Oriental persimmons shall be mature but not overripe, shall be free from cuts, bruises, broken skins, growth cracks, loosened calyx, mold, decay, and from serious damage caused by hail; and in the case of packed Oriental persimmons shall be virtually uniform in size; *provided*, that not more than ten per cent, by count, of the persimmons in any one container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Damage caused by hail in any persimmon shall not be considered serious unless it causes a waste of ten per cent by weight of the fruit.

"Virtually uniform in size" shall mean, in the case of packed Oriental persimmons, a variation of not more than one-half of an inch in diameter, when measured through the widest portion of cross-section, between the fruits in any one container.

No Oriental persimmon shall be considered mature unless the entire surface has attained an orange or reddish color.

Markings. In addition to the markings required by section 9 of this act, all containers of Oriental persimmons, when packed, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of variety, if known, and when not known the words "unknown variety;" the net weight and the approximate number of fruits in the container or subcontainer, which number shall be within four of the true count; *provided*, that in lieu of the approximate number of fruits the numerical description of pack may be used. When two or more varieties are packed or placed in a container they shall be labeled "mixed varieties," or, when each subcontainer holds only one variety, "assorted varieties."

Containers in which the fruit in the top layer only is placed in regular compact arrangement shall be labeled "face and fill" in lieu of the approximate number of fruits.

Containers of Oriental persimmons which are not packed shall not be required to show any markings.

Standard Containers for Packed Oriental Persimmons. Packed Oriental persimmons shall be in standard containers numbers 5, 6, 7, 12, 13, 14, 15, 16, 17, 23, or 26A, established in section 11 of this act; *provided*, that other sized containers may be used if conspicuously marked in letters not less than one-half inch in height "irregular container." No standard containers are established for loose Oriental persimmons which are not packed.

Plums and
fresh prunes.

SEC. 26. Plums and Fresh Prunes. Plums and fresh prunes, when being packed, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or subcontainer, shall conform to the following standard:

Standard for Plums and Fresh Prunes. Plums and fresh prunes shall be mature but not overripe, shall be free from cuts, serious bruises, unhealed growth cracks, mold, brown rot, decay, and from serious damage caused by sunburn, hail, split pits, and insects; and in the case of packed plums and fresh prunes shall be virtually uniform in size; *provided*, that not more than ten per cent, by count, of the plums or fresh prunes in any one container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Damage caused in any plum or fresh prune by sunburn or insects shall not be considered as serious unless the flesh is affected. Damage caused in any plum or fresh prune by split pits shall not be considered as serious unless it causes an opening at the stem end. Damage caused by hail in any plum or fresh prune shall not be considered serious unless it causes a waste of ten per cent by weight of the fruit.

"Virtually uniform in size," shall mean, in the case of packed plums and fresh prunes, a variation of not more than one-fourth of an inch in diameter, when measured through the widest portion of cross-section, between the fruits in any one container. When packed in layers there shall be approximately the same numerical count in each layer throughout a container or subcontainer having straight sides. In the case of plums or fresh prunes packed in sloping side containers, the bottom layer shall contain a smaller numerical count than the top layer.

Markings. In addition to the markings required by section 9 of this act, all containers of plums and fresh prunes, when packed, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of variety, if known, and when not known the words "unknown variety"; the net weight and the approximate number of fruits in the container or subcontainer, which number shall be within four of the true count; *provided*, that in lieu of the approximate number of fruits the numerical description of pack may be used. Numerical description of pack shall describe the count

of the top layer on two adjacent sides of the container or subcontainer. When two or more varieties are packed or placed in a container they shall be labeled "mixed varieties," or, when each subcontainer holds only one variety, "assorted varieties."

Containers in which the fruit in the top layer only is placed in regular compact arrangement shall be labeled "face and fill" in lieu of the approximate number of fruits.

Containers of plums or fresh prunes which are not packed shall not be required to show any markings.

Standard Containers for Packed Plums and Fresh Prunes. Packed plums and fresh prunes shall be in standard containers numbers 4, 5, 6, 7, 8, 13, 14, 15, 16, 20, 21, 22 or 23, established in section 11 of this act; *provided*, that other sized containers may be used if conspicuously marked in letters not less than one-half inch in height "irregular container." No standard containers are established for loose plums or fresh prunes which are not packed.

SEC. 27. Pomegranates ("Wonderful"). Pomegranates ^{Pomegran-} of the "Wonderful" variety, when being packed, or after ^{ates.} packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or subcontainer, shall conform to the following standard:

Standard for "Wonderful" Pomegranates. "Wonderful" pomegranates shall be mature, free from internal rot and other decay, and from serious damage caused by sunburn, growth cracks, cuts or bruises, and in the case of packed "Wonderful" pomegranates shall be virtually uniform in size; *provided*, that not more than ten per cent, by count, of the pomegranates in any one container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause; *provided, further*, that no part of this tolerance shall be allowed for "Wonderful" pomegranates which are not mature.

Damage caused in any "Wonderful" pomegranate by sunburn shall not be considered serious unless the seed arils fail to show the characteristic reddish color of normal matured fruit. Damage caused by cracks in the rind or other portion of a "Wonderful" pomegranate shall not be considered serious unless the crack is over one inch in length or exposes any seed arils. Damage caused in any "Wonderful" pomegranate by cuts or bruises shall not be considered serious unless the seed arils are injured.

Any "Wonderful" pomegranate shall not be considered mature unless the juice is at least as dark in color as the shade of red shown by the Lovibond tintometer scale red 20 plus yellow 1, in addition to which the juice shall contain not to exceed one and eighty-five one hundredths ($1\frac{85}{100}$) per cent of acid.

"Virtually uniform in size" shall mean, in the case of packed "Wonderful" pomegranates, a variation of not more than one-half of an inch in diameter, when measured through

the widest portion of cross-section, between the fruits in any one container.

Markings. In addition to the markings required by section 9 of this act all containers of "Wonderful" pomegranates, when packed, shall bear upon them in plain sight and in plain letters on the outside thereof the following: The name of the variety and the number of fruits in the container.

Containers of "Wonderful" pomegranates which are not packed shall not be required to show any markings.

Standard Containers for Packed "Wonderful" Pomegranates. All packed "Wonderful" pomegranates shall be in standard containers numbers 27 or 28, established in section 11 of this act; *provided*, that other sized containers may be used if conspicuously marked in letters not less than one-half inch in height "irregular container."

No standard containers are established for loose "Wonderful" pomegranates which are not packed.

Quinces.

SEC. 28. Quinces. Quinces, when being packed, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or subcontainer, shall conform to the following standard:

Standard for Quinces. Quinces shall be mature but not overripe, shall be free from cuts or skin breaks, unhealed growth cracks, serious bruises, San Jose scale, codlin moth larvæ, mold, decay and from serious damage caused by scab or other diseases, hail, codlin moth larvæ or other means and in the case of packed quinces shall be virtually uniform in size; *provided*, that not more than ten per cent, by count, of the quinces in any one container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Damage caused by scab, other diseases or hail to any quince shall not be considered serious unless it causes a waste of ten per cent by weight of the fruit. Damage caused to any quince by superficial well healed codlin moth "stings" shall not be considered serious, but any unhealed "stings" or holes caused by codlin moth larvæ shall be considered serious.

"Virtually uniform in size" shall mean, in the case of packed quinces, a variation of not more than one-half of an inch in diameter, when measured through the widest portion of cross-section, between the fruits in any one container. When packed in layers there shall be approximately the same numerical count in each layer throughout a container or subcontainer having straight sides.

Markings. In addition to the markings required by section 9 of this act, all containers of quinces, when packed, shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of variety, if known, and when not known the words "unknown variety"; the net weight, and the approximate number of fruits in the container or subcontainer, which number shall be within four of the true count; *provided*, that in lieu of the approximate number of

fruits the numerical description of pack may be used. When two or more varieties are packed or placed in a container, they shall be labeled "mixed varieties."

Containers in which the fruit in the top layer only is placed in regular compact arrangement shall be labeled "face and fill" in lieu of the approximate number of fruits.

Containers of quinces which are not packed shall not be required to show any markings.

No Standard Containers. No standard containers are established by this act for quinces.

SEC. 29. Walnuts. Walnuts, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or in bulk, shall conform to the following standard.

Standard for Walnuts. Walnuts shall be mature, free from blanks, insect larvæ, insect injury and from meats which are rancid, affected by green mold or by serious damage caused by white mold, gray mold, or shriveling; *provided*, that not more than twenty per cent, by count, of the walnuts in any one container or bulk lot may be below these requirements.

Damage caused to the meat of any walnut by white or gray mold shall not be considered serious unless the mold adheres to more than one-fourth of the entire surface of the kernel, or materially affects the edibility. Damage caused to the meat of any walnut by shriveling shall not be considered serious unless at least one-fourth of the kernel of the nut is shriveled so that the meat is leathery, tough, unpalatable, or decidedly shrunken.

Markings. In addition to the markings required by section 9 of this act all containers of walnuts shall bear upon them in plain sight and in plain letters on the outside thereof the following: Name of grade, variety or type (as "budded," "soft shell," or "seedlings"); the net weight, and, in letters not less than one and one-half inches in height, and in the English language, the name of the state or of the foreign country where the nuts were produced.

No Standard Containers. No standard containers are established by this act for walnuts.

SEC. 29a. Globe artichokes, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container, shall conform to one of the following standards:

Standards for Globe Artichokes. Fancy Globe Artichokes. Fancy Globe artichokes shall be properly trimmed, free from colored blossoms, insect larvæ, insect injury, mold, decay, and from damage caused by freezing, bruising, snails, and other means, and in the case of packed artichokes shall be virtually uniform in size; *provided*, that not more than ten per cent, by count, of the artichokes in any one container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Globe
artichokes
(cont'd).

Unclassified Globe Artichokes. Unclassified Globe artichokes shall be free from insect larvæ and insect injury, mold, decay, and from serious damage caused by freezing, and in the case of packed artichokes shall be virtually uniform in size; *provided*, that not more than ten per cent by count, of the artichokes in any one container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Properly trimmed means that the stems shall show a clean cut and be not over one and one-half inches in length.

Damage caused by freezing or bruising shall mean that part or all of the bud is distinctly darkened or discolored.

Serious damage caused by freezing means that the stem or heart of the artichoke shows discoloration due to freezing.

Virtually uniform in size shall mean, in the case of packed Globe artichokes, a variation of not more than three-fourths of an inch in diameter, when measured through the widest portion of cross-section between the artichokes in any one container.

Standard Pack for Globe Artichokes. Globe artichokes, when packed, or after packing, or when shipped, delivered for shipment, offered for sale or sold as a standard pack, shall be tightly packed with a bulge and shall have a minimum net weight of thirty-five pounds in a standard box. There shall be approximately the same numerical count of uniformly sized Globe artichokes in each layer throughout the container. The following sizes may be put up as standard packs in the standard box:

Size 1. Packed with not more than sixty artichokes.

Size 2. More than sixty but not more than seventy-five artichokes.

Size 3. More than seventy-five but not more than ninety-six artichokes.

Size 4. More than ninety-six but not more than one hundred twenty-five artichokes.

Size 5 shall constitute a standard pack in the standard half box only and shall pack not more than one hundred twenty-five artichokes in this container.

Marking Requirements. In addition to the markings required by section 9 of this act, all containers of Globe artichokes, when packed, shall be plainly and conspicuously stamped or stenciled on the outside thereof, in figures not less than one-half inch in height, with the number of artichokes contained therein; *provided*, that the contents may vary not more than five artichokes from the count as marked.

Each container of Globe artichokes which meet the requirements for Fancy Globe artichokes, as established above, may be marked "Fancy" or with any other proper designation of quality or grade; *provided*, that each container of Globe artichokes which fail to meet the requirements of Fancy Globe artichokes, but which meet the requirements for unclassified Globe artichokes, shall be plainly and conspicuously marked, in letters not less than one-half inch in height, with the word

“unclassified,” and shall bear no other term designating quality or grade.

Containers in which Globe artichokes are not packed to conform with the requirements for the standard pack established above shall be plainly and conspicuously marked, in letters not less than one-half inch in height, “Irregular pack.”

Standard Containers. Packed Globe artichokes shall be in standard containers numbers 18A, 18B or 25A, established in section 11 of this act; *provided*, that other sized containers may be used if conspicuously marked in letters not less than one-half inch in height “irregular container.” No standard containers are established for Globe artichokes which are not packed.

Sec. 30. Cantaloupes. Cantaloupes, when being packed, Cantaloupes. or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container shall conform to the following standard:

Standard for Cantaloupes. Cantaloupes shall be mature but not overripe, not soft, wilted, spongy, flabby, or poorly netted, and shall be free from mold, decay, unhealed growth cracks, cuts, and from serious damage caused by bruises, sunburn, insect injury, aphid honey dew or other means; and in the case of packed cantaloupes shall be virtually uniform in size; *provided*, that not more than ten per cent, by count, of the cantaloupes in any one container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Damage caused by bruises, sunburn, aphid honey dew or insects to any cantaloupe shall not be considered serious unless affecting the edible portion or providing ready entrance for fungus or decay.

“Mature” in the case of cantaloupes shall mean that the appearance of the outside indicates maturity and the arils which surround the seed during development of maturity have been absorbed and, in addition, that the juice of the edible portion shall contain not less than eight per cent soluble solids as determined by the Balling or Brix scale hydrometer.

“Virtually uniform in size” shall mean, in the case of packed cantaloupes, that there shall be the same numerical count of uniformly sized cantaloupes in each layer throughout the container.

Standard Pack for Cantaloupes. The following counts of cantaloupes hereby are established as standard packs for the respective standard containers as shown:

Standard Pack—Counts	Standard Container Number
27, 36 or 45.....	31 (Standard Cantaloupe Crate)
45 or 54.....	32 (Pony Cantaloupe Crate)
27, 36 or 45.....	33 (Jumbo Cantaloupe Crate)
9, 12 or 15.....	34 (Standard Cantaloupe Flat)
9, 12 or 15.....	35 (Special Cantaloupe Flat)
8, 9, 11 or 12.....	36 (Special Cantaloupe Flat)

Marking Requirements. In addition to the markings required by section 9 of this act, which shall be placed on all containers of cantaloupes, all cantaloupe packs, other than those provided in this section, shall be conspicuously marked in letters not less than one-half inch in height "irregular pack."

Containers of cantaloupes which are not closed shall not be required to show the markings prescribed in this act.

Standard Containers. Packed cantaloupes shall be in standard containers numbers 31, 32, 33, 34, 35 or 36, established in section 11 of this act; *provided*, that other sized containers may be used if conspicuously marked in letters not less than one-half inch in height "irregular size container." No standard containers are established for unpacked or loose cantaloupes in open or unlidded containers.

Carrots

SEC. 30a. Carrots. Carrots, when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container, shall conform to the following standard:

Standard for Carrots. Carrots shall be fairly well formed, free from decay, insect injury, unhealed growth cracks, and from serious damage caused by green discoloration, diseases, mechanical or other means, and when bunched shall be virtually uniform in size; *provided*, that not more than ten per cent, by weight, of the carrots in any container may be below these requirements, but not more than a total of five per cent, by weight, shall be allowed for decay.

Carrots shall not be considered fairly well formed if doubles or other misshapen condition cause a waste of ten per cent, by weight, of the edible portion.

"Serious damage caused by green discoloration" shall mean a green color on more than fifteen per cent of the length of any carrot.

"Virtually uniform in size" shall mean, in the case of bunched carrots, a variation of not more than one-half of an inch in diameter, when measured through the widest portion of cross-section, between the carrots in any one bunch.

Marking Requirements. In addition to the markings required by section 9 of this act, which shall be placed on all containers of carrots, all containers of bunched carrots shall be plainly and conspicuously stamped or stenciled on the outside thereof, in figures not less than one-half inch in height, with the number of bunches contained therein.

No Standard Containers. No standard containers are established by this act for carrots.

Head lettuce.

SEC. 31. Head Lettuce. Head lettuce, when being packed, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container shall conform to the following standard:

Standard for Head Lettuce. Head lettuce shall not be leafy without head formation and shall be free from slime or decay

affecting leaves within the head, free from seed stems or stem rot which are apparent on external examination, internal insect injury, and from serious damage caused by bursting or freezing; provided that not more than ten per cent, by count, of the heads in any one container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Head lettuce
(cont'd).

Damage caused by bursting shall not be considered serious unless the head is burst open. Damage caused by freezing shall not be considered serious when it affects only the wrapper leaves and/or not exceeding three outer head leaves.

Standard Pack for Head Lettuce. Head lettuce, when packed, or after packing, or when shipped, delivered for shipment, offered for sale or sold as a standard pack, shall contain either three dozen, three and a half dozen, four dozen, four and a half dozen, five dozen, seventy-five or ninety heads of lettuce per crate, and shall be tightly packed with a slight bulge of crates when lidded, and crates shall contain not more than thirty pounds of ice. Each crate of four and one-half dozen count shall have each layer arranged with four rows of four, five, five and four heads.

In the case of head lettuce in standard packs there shall be the same numerical count of regularly arranged heads in each layer, and no heads shall be placed outside of the regular arrangement of three uniform flat layers, excepting that in the case of sizes smaller than five dozen a bridge of from three to six heads shall be permitted, but the heads in such bridge shall be included in the count as marked.

In the case of head lettuce in other than standard packs, there shall not be a variation in numerical count of more than two heads between any two layers in one container.

Both iced and dry packed lettuce shall be considered as packed, in both open and closed containers.

Marking Requirements. In addition to the markings required by section 9 of this act, all crates of head lettuce, when packed, shall be plainly and conspicuously stamped or stenciled on the outside thereof, in figures not less than one-half inch in height, with the exact number of heads contained therein; *provided*, that in the case of crates marked "irregular pack" the contents may vary not more than three heads from the count as marked.

Crates in which lettuce is not packed to conform with the requirements for a standard pack established above shall be conspicuously marked "irregular pack" in letters not less than one-half inch in height.

Standard Containers. Ice packed lettuce shall be in standard container number 37 established in section 11 of this act; *provided*, that other sized containers may be used if conspicuously marked in letters not less than one-half inch in height "irregular container." No standard containers are established for lettuce which is loose or dry packed.

Melons.

SEC. 32. Persian Melons, Casabas, Honey Dew Melons and Watermelons. Persian melons, casabas, honey dew melons and watermelons when being packed, or after packing, or when delivered for shipment, loaded, shipped or being transported, offered for sale or sold in any container or in bulk, shall conform to the following standard:

Standard for Persian Melons, Casabas, Honey Dew Melons and Watermelons. Persian melons, casabas, honey dew melons and watermelons shall be mature but not overripe or soft, shall be free from mold, decay, unhealed growth cracks, cuts, and from serious damage caused by bruises, sunburn, insect injury, aphid honey dew or other means; *provided*, that not more than ten per cent, by count, of the melons in any lot may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Damage caused by bruises, sunburn, aphid honey dew or insects, to any Persian melon, casaba, honey dew melon or watermelon, shall not be considered serious unless it affects the edible portion or provides ready entrance for fungus or decay.

“Mature,” in the case of watermelons shall mean that the appearance of the outside indicates maturity, that the arils which surround the seed have been absorbed, and that the flesh of the melon has not less than seventy-five per cent red color.

Markings. All containers of packed melons shall bear the markings required in section 9 of this act.

No Standard Containers. No standard containers are established by this act for Persian melons, casabas, honey dew melons or watermelons.

Deceptive Load. It shall be unlawful to load, offer for shipment, ship, transport, offer for sale or sell a deceptive load of Persian melons, casabas, honey dew melons or watermelons. A deceptive load is hereby defined as one which has in the upper layer, or exposed portion, melons which are so superior to any of the others in the load in size, quality or maturity as to misrepresent the contents.

Onions.

SEC. 33. Onions. Onions when being packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container shall conform to the following standard:

Standard for Onions. Onions shall be free from decay, freezing injury and from serious damage caused by insects, sun scald, heat, or sprouting; *provided*, that not more than ten per cent, by weight, of the onions in any container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Damage caused by sun scald or heat shall not be considered serious unless it has caused a softening or collapse of the tissues which has not been followed by drying. Damage caused

by sprouting shall not be considered serious unless the onions are soft and spongy.

Markings. No markings shall be required by this act on containers of onions.

No Standard Containers. No standard containers are established by this act for onions.

SEC. 34. Potatoes. Potatoes, when being packed or placed ^{Potatoes.} in any container, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or in bulk shall conform to the following standard:

Standard for Potatoes. Potatoes shall be free from freezing injury, sun scald, salt injury, black heart, live tuber moth larvæ, fusarium tuber rot, leak, slimy soft rot, late blight rot, black leg and from serious damage caused by powdery dry rot, Rhizoctonia, scab, growth cracks, second growth, hollow heart, sunburn, cuts, bruises, mechanical injury, grass roots, wire worm, tuber moth and nematode; *provided*, that not more than ten per cent, by weight, of the potatoes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Damage caused in any potato by powdery dry rot, Rhizoctonia, scab, growth cracks, second growth, hollow heart, sunburn, cuts, bruises, mechanical injury, grass roots, wire worm, tuber moth and nematode shall not be considered serious when it can be removed by the ordinary process of preparation for use without a waste of ten per cent or more, by weight, in addition to that which would occur if the potato were perfect.

Markings. No markings shall be required by this act on containers of potatoes.

No Standard Containers. No standard containers are established by this act for potatoes.

SEC. 35. Sweet Potatoes. Sweet potatoes, when being ^{Sweet potatoes.} packed or placed in any container, or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container, shall conform to the following standard:

Standard for Sweet Potatoes. Sweet potatoes shall be free from freezing injury, sun scald, fusarium tuber rots, wet rot, black rot, soft rot, and from serious damage caused by powdery dry rot or other disease, growth cracks, sunburn, cuts, bruises, mechanical injury, grass roots, nematode, wire worm or other insects; *provided*, that not more than ten per cent, by weight, of the sweet potatoes in any one container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Damage caused by powdery dry rot or other disease, growth cracks, sunburn, cuts, bruises, mechanical injury, grass roots, nematode, wire worm or other insects shall not be considered serious when it can be removed by the ordinary process of

preparation for use without a waste of ten per cent or more, by weight, in addition to that which would occur if the sweet potato were perfect.

Markings. No markings shall be required by this act on containers of sweet potatoes.

No Standard Containers. No standard containers are established by this act for sweet potatoes.

Tomatoes.

SEC. 36. Tomatoes. Tomatoes when being packed or after packing, or when delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in any container or subcontainer, shall conform to the following standard:

Standard for Tomatoes. Tomatoes shall be mature but not overripe, shall be free from insect injury which has penetrated or materially damaged the flesh, wet or soft rots, blight, freezing injury, and from serious damage caused by blossom end rot, mosaic, alkali spot, sun scald, bruises, cat faces, blossom end scars and growth cracks; and, in the case of tomatoes which are wrapped and packed, shall be virtually uniform in size; *provided*, that not more than ten per cent, by weight, of the tomatoes in any one container may be below these requirements, but not to exceed one-half of this tolerance, or five per cent, shall be allowed for any one cause.

Damage caused to any tomato by blossom end rot, mosaic, alkali spot, sun scald, bruises, cat faces, blossom end scars or growth cracks, shall not be considered as serious unless it causes a waste of twenty per cent by weight.

“Virtually uniform in size” shall mean, in the case of packed wrapped tomatoes, a variation of not more than one-half of an inch in diameter, when measured through the widest portion of cross-section, between the tomatoes in any one container.

When tomatoes are wrapped and packed in layers, there shall be approximately the same numerical count in each layer throughout a container or subcontainer having straight sides. When wrapped and packed in standard California lug boxes, the center and bottom layers shall have the same count, which, in case wide cleats are used, may be not to exceed one row more in length than the top layer, and, if packed on edge, one row more in width than the top layer, but which shall not be less than the count in the top layer.

Marking Requirements. In addition to the markings required by section 9 of this act, all containers of packed tomatoes shall bear upon them in plain sight and in plain letters on the outside thereof the net weight; *provided*, that, in the case of packed tomatoes which are not wrapped, all markings required by this act may be shown on a tag placed on top of the tomatoes within the container, instead of being placed upon one end as prescribed in section 9 of this act.

Containers of tomatoes which are not packed shall not be required to show any markings.

No Standard Package. There is no standard package established by this act for tomatoes.

SEC. 37. Any person, firm, company, corporation or organization who shall violate any of the provisions of this act shall be deemed to be guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Penalties

SEC. 38. Any fruits, nuts or vegetables packed, stored, delivered for shipment, loaded, shipped, or being transported, offered for sale or sold in violation of any of the provisions of this act, and their containers, shall be deemed to be a public nuisance, and shall not be moved from the place where they may be, excepting under the specific direction of a proper enforcing officer. After due and proper written notice, if the packer or owner of such fruits, nuts or vegetables shall refuse, or shall fail within twenty-four hours, to recondition or remark the same so as to comply with all requirements of this act, such fruits, nuts or vegetables and their containers may be seized by the director of agriculture, his deputies or any enforcing officer as herein provided, and by order of the justice, municipal or superior court of the county, or city and county, within which the same may be, shall be condemned and destroyed, or released upon such conditions as the court, in its discretion, may impose to insure that they will not be packed, delivered for shipment, shipped, transported, offered for sale or sold in violation of any of the provisions of this act. Seizure, condemnation and destruction

SEC. 39. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, or phrase, thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional. Constitutionality

SEC. 40. The "California fruit and vegetable standardization act," approved May 23, 1925, is hereby repealed. Stats 1925, p 625, repealed

CHAPTER 866.

An act to amend section forty-seven of the Civil Code, relating to privileged publications.

[Approved by the Governor June 2, 1927. In effect August 1, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 47 of the Civil Code is hereby amended to read as follows: Stats 1895, p 167, amended

47. A privileged publication is one made—

I. In the proper discharge of an official duty. Privileged publications

Privileged
publications
(cont'd).

2. In any (1) legislative or (2) judicial proceeding, or (3) in any other official proceeding authorized by law; *provided*, that an allegation or averment contained in any pleading or affidavit filed in an action for divorce or an action prosecuted under section 137 of this code made of or concerning a person by or against whom no affirmative relief is prayed in such action shall not be a privileged publication as to the person making said allegation or averment within the meaning of this section unless such pleading be verified or affidavit sworn to, and be made without malice, by one having reasonable and probable cause for believing the truth of such allegation or averment and unless such allegation or averment be material and relevant to the issues in such action.

3. In a communication, without malice, to a person interested therein, (1) by one who is also interested, or (2) by one who stands in such relation to the person interested as to afford a reasonable ground for supposing the motive for the communication innocent, or (3) who is requested by the person interested to give the information.

4. By a fair and true report, without malice, in a public journal, of (1) a judicial, (2) legislative, or (3) other public official proceeding, or (4) of anything said in the course thereof, or (5) of a verified charge or complaint made by any person to a public official, upon which complaint a warrant shall have been issued.

5. By a fair and true report, without malice, of (1) the proceedings of a public meeting, if such meeting was lawfully convened for a lawful purpose and open to the public, or (2) the publication of the matter complained of was for the public benefit.

CHAPTER 867.

An act to amend section nineteen x five of the juvenile court law approved June 5, 1915, as amended, relating to compensation and expenses of probation officers, their deputies, assistants and employees in counties of the fifth class.

[Approved by the Governor June 2, 1927. In effect August 1, 1927.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 42,
amended.

Counties of
5th class
probation
officer.

SECTION 1. Section 19x5 of the juvenile court law approved June 5, 1915, as amended, is hereby amended to read as follows:

Sec. 19x5. In counties of the fifth class there shall be one probation officer and seven assistant probation officers.

The salaries of said officers shall be as follows:

Probation officer, two thousand seven hundred dollars per annum; and each of said assistant probation officers, two thousand one hundred dollars per annum.

The said probation officer is hereby allowed one stenographer at a salary of one thousand five hundred dollars per

annum, two stenographers at salaries of one thousand two hundred dollars each per annum, and one clerk whose salary shall be one thousand two hundred dollars per annum.

CHAPTER 868.

An act to amend sections two thousand three hundred twenty-two x twenty-one and two thousand three hundred twenty-two x two of the Political Code, relating to the salaries and expenses of the county horticulture commissioners, their deputies, inspectors and clerks in counties of the second and twenty-first classes.

[Approved by the Governor June 2, 1927. In effect August 1, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 2322x21 of the Political Code, is hereby amended to read as follows:

Stats. 1925,
p. 205,
amended.
Counties of
21st class:
horticultural
commis-
sioner.

2322x21. In counties of the twenty-first class, the commissioner shall receive a salary of two thousand seven hundred dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following inspectors to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) Two inspectors at a monthly salary of one hundred dollars each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed two thousand four hundred dollars.

SEC. 2. Section 2322x2 of the Political Code is hereby amended to read as follows:

Stats. 1925,
p. 136,
amended.
Counties of
2d class:
horticultural
commis-
sioner.

2322x2. In counties of the second class, the commissioner shall receive a salary of four thousand eight hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following deputy, inspectors and clerks to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows, to wit:

(a) One deputy horticultural commissioner at a salary of three thousand dollars per annum.

(b) Two inspectors at a monthly salary of two hundred dollars per month each during the time actually employed, but the aggregate amount which may be expended in any year for such inspectors shall not exceed four thousand eight hundred dollars.

(c) The commissioner is also authorized and empowered to appoint not to exceed one clerk at a monthly salary of one hundred seventy-five dollars during the time actually employed and not to exceed one clerk at a monthly salary of one hundred fifty dollars during the time actually employed, but the aggregate amount which may be expended in any year for such clerks shall not exceed three thousand nine hundred dollars.

CHAPTER 869.

An act to amend section five of the hide and brand law, relating to revocation of licenses.

[Approved by the Governor June 2, 1927. In effect August 1, 1927.]

The people of the State of California do enact as follows:

Stats. 1921,
p. 1251,
amended
License to
slaughter or
sell meat

SECTION 1. Section 5 of the hide and brand law is hereby amended to read as follows:

Sec. 5. 1. No person shall slaughter a bovine animal or offer for sale, barter or exchange the meat thereof, unless he shall have a license therefor issued in accordance with the provisions of this act, except as herein otherwise provided.

Slaughter-
house
license

2. Every person slaughtering cattle as a business shall do so in a designated slaughterhouse. Before beginning business he must procure from the director a license to carry on such business and execute a bond to the State of California, in the penal sum of one thousand dollars to be approved by the director, conditioned that such person shall not slaughter, sell or expose for sale any cattle or the meat thereof, without first being the owner thereof, or being authorized so to do by such owner, and that in case he shall slaughter any cattle without being the owner, or so authorized by the owner, he shall, in addition to all other statutory penalties, pay therefor double the value of such animal. All amounts recovered on said bonds shall be paid as follows: One-half to the owner of such animal and the remaining one-half to the cattle protection fund.

Fees

3. Said director shall grant to every applicant who complies with the provisions of this act a license to slaughter cattle, and sell the meat thereof for the unexpired portion of the current calendar year. Every applicant for such license shall pay to said director the following annual fee which shall be paid in advance: Applicants who slaughter less than ten head per month, five dollars per annum. Applicants who slaughter more than ten head and less than fifty head per month, ten dollars per annum. Applicants who slaughter more than fifty head, twenty-five dollars per annum. One-fourth of said fees shall be paid for a fractional quarter of a year. But in no case shall the fee be less than two dollars for a fractional part of the year.

Location

4. The applicant shall state in his application where his slaughterhouse is located, and he shall not slaughter cattle at any other place. If a licensee desires to change the location of his slaughterhouse, he shall apply to said director to have his license transferred, and the director may reissue the license without additional charge.

Forfeiture
of license.

5. Upon failure of a licensee for a period of fifteen days to pay said fee, his license shall thereupon be forfeited and thereafter it shall be unlawful for him to slaughter cattle until a penalty of twenty-five dollars and fifty cents per day for

every day the licensee slaughters cattle after the expiration of his license, is paid to the director and a new license issued.

6. The director may, after notice to the interested party and a hearing, revoke a license for a wilful violation of any of the provisions hereof, or for maintaining an insanitary slaughterhouse, unless such slaughterhouse shall be under the supervision of a city or county meat inspection department where regular inspection is conducted by employees who have passed a civil service meat inspector's examination, or the United States department of agriculture, and a license so revoked shall not be reissued except upon the payment of a renewal fee of twenty-five dollars.

7. Every slaughterer of cattle shall keep on file in his office for ninety days after slaughter, the original bill of sale and the certificate of inspection of all cattle slaughtered by him.

8. Every peddler, or retailer of meats, purchasing the meat of any bovine animal, must enter in a book to be kept for that purpose and exhibit the same on demand, the name of the person from whom said meat was purchased or otherwise obtained, the date of said purchase, the quantity so purchased, and the time and place of the delivery thereof to him.

No peddler, or retailer of meat, shall purchase the meat of a slaughtered bovine animal from any person not known to him to be licensed under the provisions of this act, or a regular wholesale dealer in meats with an established place of business.

9. No person not licensed as a slaughterer under this act shall give, sell, or deliver to any peddler of meats any part of the carcass of a bovine animal. This provision shall not apply to purchases from a regular wholesaler of meat having an established place of business.

10. Nothing in this act shall be so construed as to prohibit an owner of property, or a ranchman located on a definite property as a tenant, lessee or purchaser under contract, from slaughtering cattle bred and raised by him in small numbers on said premises and nothing herein shall be so construed as to prohibit such ranchmen from selling or giving away a portion of the meat thereof.

11. Any person actually engaged in the dairy business or engaged in the raising of cattle may slaughter upon his own premises, any calves under eight months of age, actually produced by him, upon annual notification to the director of agriculture of his intention to slaughter such calves, and filing with the office of the director of agriculture a monthly report giving the number of calves slaughtered per month.

12. Every licensed slaughterer shall at the end of each calendar month mail to the director a written report stating the total number of cattle inspected for marks and brands and slaughtered during the preceding month and showing in separate columns the number thereof that were: (a) calves under one year of age; (b) cows one year of age and over; (c) steers; (d) stags; (e) bulls; (f) number slaughtered on each date; (g) branded, and (h) unbranded cattle.

Revocation
of license

Records.

Record of
retailer.

Sale by
unlicensed
slaughterer.

Sale by
ranchmen.

Dairymen
slaughtering
calves.

Reports to
director.

CHAPTER 870.

An act to add a new section to be numbered fifty and one-half to the "Acquisition and improvement act of 1925," approved May 23, 1925, relating to the status of territory, for the purpose of this act when the validity of the annexation of such territory to a municipality or city has been questioned, and to the doing of improvement work in or on, or the acquisition of, public ways in such territory.

[Approved by the Governor June 2, 1927. In effect August 1, 1927.]

The people of the State of California do enact as follows:

Stats 1925,
p. 904,
amended

SECTION 1. A new section to be numbered 50½ is hereby added to the "Acquisition and improvement act of 1925," approved May 23, 1925, to read as follows:

Territory
annexed and
validity
questioned.

Sec. 50½. If the validity of the annexation or purported annexation of unincorporated territory to a municipality or city is questioned in any suit, action or proceeding brought in or before a court of competent jurisdiction, such territory, for the purposes of each and every provision of this act shall be deemed not to have been annexed to such municipality or city but shall be deemed to be unincorporated territory of the county until a judgment declaring such annexation valid or invalid shall have become final; and any and all proceedings under the provisions of this act for the acquisition of any public way or ways or the doing of improvement work in or on any public way or ways in such territory or any part thereof, commenced subsequent to the institution or filing of any such suit, action or proceeding and prior to the date upon which such judgment becomes final, shall be commenced and carried on to final completion by the county, which is hereby given full power and jurisdiction to do the same, and such proceedings so taken hereunder shall be as valid and legal in every respect as if such unincorporated territory had not been annexed to such municipality or city; *provided*, that the consent of the legislative body of such municipality or city shall first be obtained thereto and to the assessment of property in such territory.

CHAPTER 871.

An act to amend section four of an act entitled "An act to create the office of public defender, to provide for the election of such officers and prescribing their duties and compensation," approved May 24, 1921, relating to the compensation of public defender.

[Approved by the Governor June 2, 1927. In effect August 1, 1927.]

The people of the State of California do enact as follows:

Stats. 1921,
p. 354,
amended.

SECTION 1. Section 4 of the act entitled "An act to create the office of public defender, to provide for the election of such

officers and prescribing their duties and compensation," approved May 24, 1921, is hereby amended to read as follows:

Sec. 4. The compensation of said public defender shall be paid by the several counties in the same manner as other county officers are paid and said compensation shall be in full for all services rendered, except actual and necessary traveling expenses while engaged in the discharge and performance of his official duties and which expenses shall be audited and paid as are other claims against the county. The compensation of the public defender shall be as follows: in counties of the first and second classes, eight thousand dollars per annum; in counties of the third class, four thousand dollars per annum; in counties of the fourth, fifth, sixth, seventh, eighth and ninth classes, one thousand eight hundred dollars per annum; *provided, however*, that in counties of the first, second and third classes the public defender shall devote all his time to the duties of his office and shall not engage in the practice of law except in the capacity of public defender.

Compensation.

CHAPTER 872.

An act to amend section four thousand two hundred forty-two of the Political Code, relating to the salaries, fees and expenses of officers in counties of the thirteenth class.

[Approved by the Governor June 2, 1927. In effect August 1, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 4242 of the Political Code is hereby amended to read as follows:

Stats. 1925,
p. 672,
amended
Counties of
13th class:
officers and
employees.

4242. In counties of the thirteenth class, the county and township officers shall receive as full compensation for the services required of them by law or by virtue of their office, the following salaries:

1. The county clerk, five thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the county clerk the following clerks, deputies and employees, who shall be appointed by the county clerk and shall be paid salaries as follows: One chief deputy at a salary of two hundred dollars per month; two court room deputies at a salary of one hundred eighty-five dollars each per month; one office deputy at a salary of one hundred sixty-five dollars per month; two office deputies at a salary of one hundred fifty dollars each per month; one office deputy at a salary of one hundred forty dollars per month; *provided, further*, that in any year when a general election is to be held or the compilation of a registration of voters is required by law or supplements to be made thereto, the county clerk shall receive as expenses for compiling such registration of voters and making supplements thereto and work incidental to election, the sum of seven and one-half cents for each name

Clerk.

registered or appearing on the great register for each general election, to be paid upon filing and presentation of duly verified claims therefor, by the county clerk, with the board of supervisors of said county; *and provided, further*, that in any year when a registration of voters is required by law or supplements to be made thereto, the said county clerk may appoint such number of registration deputies as may be necessary for the registration of voters in their respective precincts, each of said deputies to receive the sum of ten cents per name for each elector registered by him; said registration deputies to be paid for their services on the presentation and filing with the board of supervisors of said county, a duly verified claim therefor on the general fund of said county, after proper allowance of said claim by said board of supervisors; the salary of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid; *provided, further*, that the compensation for registration of electors and compilation of the registration of voters and supplements thereto as herein provided for, shall not be paid in monthly installments but shall be paid after proper allowance of verified claims therefor by the board of supervisors of said county.

Sheriff.

2. The sheriff six thousand dollars per annum. All mileage for service of papers in civil actions arising either inside or outside of the county, excepting actions in which the county is interested. All fees for service of papers in civil action. All expenses incurred in criminal cases and mileage in criminal cases, for each mile actually and necessarily traveled by automobile, ten cents per mile. *Provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff the following deputies, clerks and employees, who shall be appointed by the sheriff, and shall be paid salaries as follows: One undersheriff at a salary of two hundred fifty dollars per month; one deputy sheriff at a salary of two hundred twenty-five dollars per month; two deputy sheriffs at a salary of two hundred dollars per month each; one deputy sheriff to act in criminal cases, at a salary of two hundred dollars per month; one deputy sheriff to act as day jailer at a salary of one hundred seventy-five dollars per month; one deputy sheriff to act as night jailer at a salary of one hundred seventy-five dollars per month; two deputy sheriffs to act as bailiffs at a salary of one hundred eighty-five dollars each per month; two deputy sheriffs at a salary of one hundred fifty dollars per month each; one stenographer to the sheriff at a salary of one hundred fifty dollars per month; one office stenographer to the sheriff at a salary of one hundred forty dollars per month; *provided*, that the sheriff may employ from one to five persons to act as deputy sheriffs at a salary of five dollars per day each, when in the judgment of the sheriff such deputies are necessary; *provided, however*, that the

total amount of the compensation for such additional deputies to be paid per diem shall not in any fiscal year exceed the total sum of one thousand five hundred dollars; *provided, further*, that the compensation of said last mentioned deputies shall be paid upon presentation of duly verified claims filed with the board of supervisors of the said county in the same manner that other claims are filed and paid. The salaries of the deputies, clerks and employees herein provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, four thousand dollars per annum; *pro-Recorder. vided*, that in counties of this class there shall be, and there is hereby allowed to the recorder the following deputies, clerks, and employees, who shall be appointed by the county recorder, and shall be paid salaries as follows: One chief deputy at a salary of two hundred dollars per month; one deputy at a salary of one hundred seventy-five dollars per month; two index clerks at a salary of one hundred thirty-five dollars each per month; four copyists at a salary of one hundred thirty-five dollars each per month; and one copyist, at such time as in the judgment of the county recorder is necessary, at a salary of one hundred thirty-five dollars per month, and such copyists as the county recorder may appoint at a salary of four dollars and twenty-five cents per day, each; *provided, however*, that the total salary on a per diem basis paid to such last named copyists, shall not exceed the sum of three thousand five hundred dollars per annum; and such last named copyists, employed on a per diem basis, shall be paid for their services on the presentation and filing with the board of supervisors of said county, of their duly verified claims therefor, from the same fund as the salary of the county recorder is paid. The salaries of the other deputies, clerks and employees herein provided for, shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county recorder is paid.

4. The auditor, four thousand dollars per annum; *pro-Auditor. vided*, that in counties of this class there shall be and there hereby is allowed to the auditor the following deputies, clerks and employees who shall be appointed by the county auditor and who shall be paid salaries as follows: One deputy auditor at a salary of two hundred dollars per month; two clerks at a salary of one hundred thirty-five dollars per month each; one clerk at a salary of one hundred fifteen dollars per month; the salaries of the deputy and employees hereinabove provided for shall be paid by the county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the auditor is paid; *provided, further*, that the said auditor is hereby allowed such clerks and employees as he may deem necessary and appoint at a salary of five dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such

clerks and employees on a per diem basis shall not exceed the total sum of one thousand five hundred dollars per annum; *provided, further*, that such clerks and employees shall be paid for their services out of the same fund as the auditor is paid upon filing with the board of supervisors of said county, their duly verified claims for the sums due them.

Treasurer.

5. The treasurer, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the treasurer, one deputy treasurer who shall be appointed by the treasurer and who shall receive a salary of two hundred dollars per month, said salary to be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid; *provided, further*, that the said treasurer is hereby allowed such clerks and employees as he may deem necessary to appoint at a salary of five dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such clerks and employees on a per diem basis shall not exceed the total sum of one thousand dollars per annum; *and provided, further*, that such clerks and employees shall be paid for their services out of the same fund as the salary of the treasurer is paid upon filing with the board of supervisors of said county, their duly verified claims for the sums due them; *provided, however*, that the bond of the treasurer and his deputy shall be executed with a reliable bonding and surety company and that the premiums on said bonds when the same have been duly approved, shall be a charge against the county and payable out of the general fund upon the presentation and filing of duly verified claims therefor with the board of supervisors.

Collector.

6. The tax collector, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following clerks, deputies and employees, who shall be appointed by the tax collector, and shall be paid salaries as follows: One deputy tax collector at a salary of two hundred dollars per month; one deputy tax collector at a salary of one hundred seventy-five dollars per month; one deputy tax collector at a salary of one hundred fifty dollars per month; one clerk at a salary of one hundred thirty-five dollars per month; one stenographer to the tax collector at a salary of one hundred twenty-five dollars per month; and such copyists as the tax collector may appoint at a salary of three and one-half dollars per day each; and such clerks as the tax collector may appoint at a salary of four dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such copyists and clerks shall not exceed the sum of four thousand dollars per annum; and such index clerks as the tax collector may appoint at a compensation of one cent for each separate assessment appearing on the rolls and copied by such index clerk; each such copyists and clerks to be paid for their services on presenting and filing with the board of supervisors of said county, their

duly verified claims therefor. The salaries of the deputies, clerks and employees herein provided for, shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, however*, that the compensation of said copyists and clerks shall be paid on presenting and filing of claims with the board of supervisors as hereinbefore provided.

7. The district attorney, six thousand dollars per annum; Attorney. *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following deputies, clerks and employees, who shall be appointed by the district attorney, who shall hold office at the pleasure of the district attorney and shall be paid salaries as follows: One deputy district attorney at a salary of three hundred dollars per month; two deputy district attorneys at a salary of two hundred twenty-five dollars per month each; and one stenographer to the district attorney at a salary of one hundred forty-five dollars per month; one stenographer at a salary of one hundred twenty-five dollars per month. The salaries of the deputies, clerks and employees herein provided for shall be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid. The district attorney and his deputies shall be allowed ten cents per mile without any constructive mileage for his expenses for traveling, necessarily done by automobile, and his actual traveling expenses when he travels by rail.

8. The superintendent of schools, five thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the superintendent of schools, one deputy superintendent of schools, who shall be appointed by the superintendent of schools, and shall be paid a salary of two hundred dollars per month; one field deputy superintendent of schools, who shall be appointed by the superintendent of schools to assist the superintendent of schools in the discharge of his duty in visiting and examining schools, as provided by the state law, and it shall be the duty of said field deputy superintendent of schools to make written report of his examination, to be transmitted by the superintendent of schools to each trustee of all districts so examined; said field deputy shall receive a salary of two hundred fifty dollars per month, and his actual and necessary traveling expenses while engaged in performing the duties of his office under the direction of the superintendent of schools; one deputy superintendent of schools who shall be a registered nurse, to be appointed by the superintendent of schools and who shall receive a salary of two hundred dollars per month. The salary of the deputies provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid. Supt. of schools.

Assessor.

9. The assessor, six thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, clerks and employees who shall be appointed by the assessor and shall be paid salaries as follows: Two deputy assessors at a salary of two hundred dollars per month each; one improvement valuation deputy assessor at a salary of two hundred dollars per month; one deputy assessor at one hundred sixty-five dollars per month; four field deputy assessors to hold office not to exceed five months each in any one year at a salary of one hundred sixty-five dollars per month each; one transfer deputy at a salary of one hundred twenty-five dollars per month; one stenographer at a salary of one hundred twenty-five dollars per month, and such additional deputy assessors at a salary of seven and one-half dollars per day each, and such additional clerks at a salary of four and one-half dollars per day each, and such additional copyists at a salary of four dollars per day each as the assessor may appoint; *provided, however*, that the total compensation of said additional deputy assessors, clerks and copyists shall not exceed the sum of seven thousand dollars per annum. The salaries of the deputies, clerks and employees herein provided for, shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *provided, however*, that the compensation of said additional deputy assessors, clerks and copyists, shall be paid out of the same fund as the salary of the assessor is paid on the presentation and filing of verified claims with the board of supervisors, as hereinbefore provided; *provided, however*, that in counties of this class the assessor shall receive no compensation or commission for collection of personal property taxes, nor shall such assessor receive any compensation or commission for making out the military roll of persons returned by him as subject to military duty as provided by section 1901 of the Political Code.

Coroner.

10. The coroner, such fees as are now or may hereafter be allowed by law; *provided, however*, that in counties of this class the coroner shall be allowed for general services in holding an inquest, the sum of twenty-five dollars, and there shall be and there hereby is allowed to the county coroner one stenographer to the coroner whose duty it shall be to act as reporter, and take down in shorthand and transcribe into longhand the testimony of the witnesses at all inquests. Said stenographer to the coroner shall be appointed by the coroner and be paid a salary of one hundred twenty-five dollars per month; which salary shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county officers are paid. The county coroner is further allowed to rent an office for a sum not to exceed fifteen dollars per month, which rental shall be paid on the presentation and filing of the duly verified claims therefor with the board of supervisors of said county.

All subpoenas or processes issued by said coroner may be served by any peace officer and fees for such service shall be paid as provided by law.

11. The public administrator, such fees as are now or may hereafter be allowed by law. Administrator.

12. The surveyor, six thousand dollars per annum, provided that in counties of this class there shall be and there is hereby allowed to the surveyor the following deputy and employees who shall be appointed by the surveyor, and hold office at his pleasure, to wit: One deputy surveyor at a salary of two hundred fifty dollars per month; one stenographer to the surveyor at a salary of one hundred ten dollars per month. The salary of the deputy and the stenographer herein provided for shall be paid by the said county at the same time and in the same manner and out of the same fund as the salary of the surveyor is paid. In addition to the deputy and stenographer herein provided for the surveyor, the surveyor shall be allowed the following engineers and employees: Two engineers at eight and one-half dollars per day each; two field engineers at eight and one-half dollars per day each; one draughtsman at seven and one-half dollars per day; one instrument man at seven and one-half dollars per day; four chainmen at five and one-half dollars per day each; *provided, however*, that the total compensation for said engineers and employees shall not exceed the sum of eighteen thousand dollars per year; *and provided, further*, that the compensation of said engineers and employees shall be paid by the county on the presentation and filing of claims therefor with the board of supervisors as hereinbefore provided, said payment to be made from the same fund as the salary of the surveyor is paid. Surveyor.

13. The population of the several judicial townships, for the purpose of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors in the month of July, 1930, and in the month of July every four years thereafter. Population of townships.

14. Justices of the peace shall receive the following monthly salaries to be paid each month as the salaries of county officers are paid which shall be in full for all services rendered by them in criminal cases: (1) In townships having a population of ten thousand and one, or more, two hundred dollars per month; (2) in townships having a population of from seven thousand and one, or more, to ten thousand, inclusive, one hundred seventy-five dollars per month; (3) in townships having a population of from four thousand and one to seven thousand, inclusive, one hundred fifty dollars per month; (4) in townships having a population of three thousand and one to four thousand, inclusive, one hundred twenty-five dollars per month; (5) in townships having a population of two thousand five hundred or more and less than three thousand, fifty dollars a month; (6) in townships having a population of Justices.

two thousand or more, and less than two thousand five hundred, forty-five dollars a month; (7) in townships having a population of one thousand two hundred or more, and less than two thousand, forty dollars a month; (8) in townships having a population of one thousand or more and less than one thousand two hundred, twenty dollars a month; (9) in townships having a population of four hundred fifty or more, and less than one thousand, fifteen dollars a month; (10) in townships having a population of less than four hundred fifty, five dollars per month. Each justice must pay in to the county once a month, all fines and fees collected by him in criminal and civil cases, and the auditor must withhold warrants for salary until a certified statement has been filed with him of all criminal and civil cases tried or filed and fines and fees collected and paid into the county treasury. In addition to the monthly salary herein, each justice may receive as expenses for maintaining his office such sum as may be necessary, not to exceed twenty per cent of the amount allowed him as salary.

Constables.

15. Constables shall receive the following salaries to be paid each month as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases:

(1) In townships having a population of three thousand or more, one hundred eighty dollars a month; (2) in townships having a population of two thousand five hundred or more, and less than three thousand, ninety-six dollars a month; (3) in townships having a population of two thousand or more and less than two thousand five hundred, ninety-three dollars a month; (4) in townships having a population of one thousand two hundred or more, and less than two thousand, ninety dollars a month; (5) in townships having a population of one thousand and more, and less than one thousand two hundred, thirty-five dollars a month; (6) in townships having a population of four hundred fifty or more, and less than one thousand, twenty-five dollars a month; (7) in townships having a population of less than four hundred fifty, five dollars a month; *provided, further*, that in addition to the salary herein allowed each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for services of warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court. For summoning a coroner's jury the same fees as are now or may be hereafter allowed for summoning a jury in a civil action in the justice's court. For transporting prisoners to the county jail, the expenses for such transportation. In addition to the monthly salary allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law. In addition to the monthly salary allowed herein, each constable in townships having a population of three thousand five hundred or

more may receive as expenses for maintaining his office each month a sum not to exceed twenty-five per cent of the amount allowed him as salary.

16. Each member of the board of supervisors, two thousand ^{Supervisors.} four hundred dollars per annum for personal services performed by him as supervisor, member of the board of equalization and road commissioner. Each supervisor shall also receive as expenses, as supervisor and road commissioner, twenty cents per mile each way traveling to and from his residence while engaged in the performance of the duties of supervision of public roads as commissioner, or other business of the county, said expenses not to exceed fifty dollars in any one month.

17. The bonds of county officers, their assistants, deputies ^{Official bonds.} and employees such as required by law to be furnished when executed with a reliable bond and surety company, the cost of said bond when duly approved, shall be a charge against the county payable out of the general fund.

18. The traffic officer, one hundred seventy-five dollars per ^{Traffic officer.} month; *provided*, that in counties of this class there shall be and there hereby is allowed to the traffic officer the following deputies, which offices are hereby created, who shall be appointed by the traffic officer and be paid salaries as follows: Six deputy traffic officers at a salary of one hundred sixty-five dollars per month each. The salaries of the deputies herein provided for shall be paid by the county monthly at the same time and in the same manner and out of the same fund as the salary of the traffic officer is paid; *provided*, that all the provisions of this subsection are to apply to the office of the county traffic officer whenever said office of county traffic officer is created by law.

19. Sealer of weights and measures, two thousand four hun- ^{Sealer.} dred dollars per annum; *provided*, that in counties of this class, there shall be and there hereby is allowed to the sealer of weights and measures, one deputy, who shall be paid a salary as follows: One hundred fifty dollars per month; the salary of the sealer of weights and measures and the deputy herein provided for, shall be paid by said county in monthly installments at the same time and in the same manner and from the same fund as the salaries of other county officers are paid; *provided, further*, that verified claims of the sealer of weights and measures and his deputy for traveling expenses necessarily and actually incurred in the performance of their duties shall be presented and filed with the board of supervisors each month for the amounts claimed for the preceding month, which said claim shall be paid out of the general fund of the county, after due allowance thereof by the board of supervisors of said county.

20. County librarian, two thousand seven hundred dollars ^{Librarian.} per annum; *provided*, the salary of the county librarian shall be paid by said county in monthly installments at the same time,

and in the same manner and from the same funds as the salaries of other county officers are paid; *provided, further*, that verified claims of the county librarian for traveling expenses necessarily and actually incurred in the performance of the duties of the office shall be presented and filed with the board of supervisors each month for the amounts claimed for the preceding month.

Expenses.

21. Actual, reasonable and necessary expenses shall be allowed all the officers of the county in the discharge of their official duties. Detail expense accounts must be rendered on the first day of each month for the expenses incurred within the previous month. For traveling necessarily done by automobile an officer shall be allowed mileage at the rate of ten cents per mile without any constructive mileage except as herein otherwise provided; *provided, however*, that the provisions of this paragraph shall not apply to or limit the provisions of paragraph sixteen of this section, providing for mileage of supervisors in counties of this class.

Employees
necessary.

22. *Provided*, that all deputies, assistants and employees herein provided for in addition to the deputies, assistants and employees provided for by any effective law on the second day of November, 1926, are hereby declared to be necessary and proper deputies, assistants and employees to be allowed to the principal in each county office herein mentioned during his term of office.

CHAPTER 873.

An act to amend section eleven of an act entitled "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, with respect

to the support of wards of the juvenile court, and the reimbursement of the county for expenditures made, and duration of orders for support.

[Approved by the Governor June 2, 1927. In effect August 1, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 11 of "An act to be known as the juvenile court law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the juvenile court law approved March 8, 1909, as amended by an act approved April 5, 1911, and as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent herewith," approved June 5, 1915, as amended, is hereby amended to read as follows:

Stats. 1927,
p. 305,
amended.

Sec. 11. An order providing for the care and custody of a ward of the juvenile court in such case where it is necessary that provision be made for the expense of support and maintenance of said ward, must direct that the whole expense of such support and maintenance of said ward, up to the amount of not more than twenty dollars per month be paid from the county treasury, and may direct that an amount up to twenty-five dollars per month be so paid, and in the case of any physically sick, epileptic, insane or feeble-minded ward, the court may order such additional sum or sums to be paid from the county treasury as may be necessary for the support and maintenance of said ward; *provided*, that the total amount so paid in the case of said physically sick, epileptic, insane or feeble-minded ward shall not exceed the sum of forty dollars per month. That all orders made pursuant to the provisions of this section, shall state the amounts to be so paid from the county treasury, which shall not in the case of any one ward exceed twenty-five dollars in any one month, except that in the case of any physically sick, epileptic, insane or feeble-minded ward an amount not to exceed forty dollars per month may be ordered paid.

Support
of ward.

At the time of making any order providing for the support and maintenance of a ward of the juvenile court, said court shall inquire into the earnings, property or estate of said ward,

and into the ability of the parent, parents, guardian of said ward, or other person liable for the support and maintenance of said ward, to pay for the expense of support and maintenance of said ward.

If it is found that twenty-five dollars a month is insufficient to pay the whole expense of support and maintenance of said ward, or in the case of the physically sick, epileptic, insane or feeble-minded ward it is found that forty dollars a month is insufficient to pay the whole support and maintenance of said ward, the court may order and direct that such additional amount as may be necessary shall be paid out of the earnings, property or estate of said ward, or by the parent, parents, guardian of said ward, or other person liable for the support and maintenance of said ward, to said probation officer, who shall in turn pay the same to the person, association or institution that under court order is caring for and maintaining said ward.

Reimburse-
ment of
county.

Said court shall further order, and direct that the county for its expense of support and maintenance of any such ward shall be reimbursed, either in whole or in part, from the earnings, property or estate of said ward, or by the parent, parents, guardian of said ward, or other person liable for the support of said ward, if it is found that there are earnings, property or estate of said ward sufficient therefor, or that said parent, parents, guardian of said ward, or other person liable for the support of said ward, is able to pay, either in whole or in part, for such expense of support and maintenance of said ward, and for the purpose of said reimbursement may order and direct payments to be made to the probation officer from the earnings, property or estate of said ward, or by the parent, parents, guardian of said ward, or other person liable for the support of said ward, the amount of which payments shall be determined by said court and which said payments shall be paid by said probation officer in turn to the county treasurer of said county on account of said reimbursement.

No order for payment shall be made in a sum in excess of the actual cost of supporting and maintaining said ward.

Duration
of order.

No order for the payment from the county treasury of the expense of support and maintenance of a ward of the juvenile court shall be effective for more than twelve months, and upon all said original and all subsequent hearings the case shall be continued on the calendar, but in no instance to exceed twelve months; *provided, however*, that in the case of each person committed to any state school there shall be paid monthly to the state treasurer the sum of twenty dollars by the county from which such person is committed, for and during each month or part of month such person so committed remains in such state school or in any other state school within this state to which such person may be transferred.

Accounts of
officers.

For the purpose of handling the reimbursement and other payments provided for herein said probation officer shall keep suitable books and accounts and shall give and keep suitable

receipts and vouchers, and if such funds shall be by said probation officer kept in a bank, said bank shall be designated by the judge of said court. The auditor of said county annually in the month of January shall audit such books and accounts and shall make a report thereon to the judge of said court and to the supervisors of such county prior to the thirty-first day of said month of January.

In all cases the court may determine whether or not the parent, parents, or guardian shall exercise any control of said ward and define the extent thereof. Parents' control.

Any disobedience or interference with any order of the juvenile court or of the judge thereof shall constitute a contempt of court. Contempt.

It shall be the duty of the probation officer to see that such parent, parents, guardian of said ward, or other person liable therefor, comply with such orders, or upon failure to make any payment directed in such orders to report such failure to such court. The court may at any time set aside, change or modify any order herein provided for. Compliance with orders.

Where said juvenile court has ordered payment of money to be made as reimbursement to the county for the expense of support and maintenance of any ward as herein provided for or as additional amount for the expense of support and maintenance of said ward for said person, association or institution that under court order is caring for and maintaining said ward, either from the earnings, property or estate of said ward, or by the parent, parents, guardian of said ward, or other person liable for the support of said ward, execution may issue for such payment or payments upon the order and at the discretion of said court, upon affidavit of said probation officer showing that any payment or payments are due and have not been made. Execution to enforce payment.

SEC. 2. This act shall be considered to be the latest legislative expression upon the matters herein contained irrespective of any other bill or law heretofore enacted, and especially is intended to supersede the provisions of chapter 161 of the laws of 1927. Effect of act.

CHAPTER 874.

An act to authorize cities, counties, and cities and counties, to establish official master plans and to appoint planning commissions; prescribing the powers and duties of said planning commissions; providing for the approval of plats for penalties for non-conformance thereto, that building permits shall conform to official master plans, for establishing and enforcing future street lines, for the appointment of regional planning commissions and prescribing their powers and duties.

[Approved by the Governor June 2, 1927. In effect August 1, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Any city, county, or city and county, by ordinance of the legislative body which has the authority to lay out, Adoption of master plan.

adopt and establish streets, parks or playgrounds, may, as herein provided, establish an official master plan of the said city, county, or city and county, and such plan is to be deemed to be final and conclusive with respect to the location and width of streets, or ways, plazas and open spaces and public easements, and the location of parks, playgrounds and public rights in lands shown thereon. Such official master plan is hereby declared to be established to conserve and promote the public health, safety, and general welfare. Said ordinance shall make it the duty of some appropriate official or employee of said city, county, or city and county, at once to file for record with the recorder of the county in which the area covered by said plan is situated a certificate showing that the city, county, or city and county, has established an official master plan.

Creation and
appointment
of planning
commission.

SEC. 2. Such legislative body of each city, county, or city and county, is hereby authorized and empowered to create by ordinance a planning commission to consist of six members to be appointed by the chief executive officer of the city, county, or city and county, with the approval of the legislative body thereof, and ex officio of the said chief executive officer, the chief engineer and the attorney or counsel of said legislative body. Of the members of the commission first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, one for the term of five years, and one for the term of six years, from and after his appointment, and their successors shall be appointed for the term of six years from and after the expiration of the terms of their predecessors in office. The terms of ex officio members shall correspond to their respective official tenures. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired portion of the term as in the first instance. In any city, county, or city and county, in which there is a planning commission created in accordance with law, the ordinance, instead of providing for the appointment of a new planning commission, may provide that the existing commission shall continue, the members thereof thereafter to be appointed in accordance with the provisions of this act, with the powers and duties as specified for a planning commission appointed as provided in this act, in addition to the powers and duties they may already possess. All members of the commission shall serve as such without compensation, and, when duly authorized by the commission, may attend city planning conferences or meetings of city planning institutes or hearings upon pending city planning legislation, and the commission may, by resolution spread upon its minutes, pay the reasonable traveling expenses incident to such attendance.

Organization
of
commission.

SEC. 3. The commission shall elect its chairman from among the appointed members for a term of one year and, subject to other provisions of law, may create and fill such other offices as it may determine. The commission shall hold

at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. The commission may appoint such officers and employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees. The commission may also contract with architects, city planners, engineers, and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the legislative body, which shall provide the funds, equipment, and accommodations necessary for the commission's work. Each city, county and city and county which has established a planning commission, may, in making its annual tax levy and as a part thereof, levy and collect a tax, not to exceed in any fiscal year the sum of two mills on the dollar of assessed valuation, for the purpose of defraying the lawful expenses incurred by the planning commission in carrying out the purposes of this act, and may make appropriations from other funds therefor.

Expenditures.

Tax levy.

SEC. 4. It shall be the function and duty of the planning commission to make and adopt a master plan for the physical development of the municipality, or county, and of any land outside its boundaries which, in the commission's judgment, bears relation to the planning thereof. Such plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the commission's recommendations for the development of said territory, including among other things the general location, character, and extent of streets, waterways, waterfronts, playgrounds, plazas, squares and open spaces, parks, aviation fields, and other public ways and grounds, the general location of public buildings and other public property; and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, grounds, open spaces, buildings, property, terminals, or utilities; or other matters authorized by law. The commission may from time to time adopt and publish a part of the plan covering one or more major sections or divisions of the territory under its jurisdiction or one or more of the aforesaid or other subjects-matter. The commission may from time to time amend, extend or add to the master plan.

Adoption, extension and alteration of master plan.

SEC. 5. In the preparation of such plan, the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality, or county, and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality, or county, and its

Surveys, studies and purpose of plan.

environs, which will, in accordance with present and future needs, best promote the amenities of life, health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, distribution of population, good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements, the improvement and control of architecture and general embellishment of the area under its jurisdiction.

Hearing and adoption of resolution by commission.

SEC. 6. Before adopting the master plan or any part of it or any substantial amendment thereof the commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the municipality or county or in the official gazette of the municipality or county. The adoption of the plan or part or amendment thereof shall be by resolution of the commission, carried by the affirmative votes of not less than six members of the commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the commission to form the whole or part of the plan or amendment, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the secretary of the commission. An attested copy of the master plan shall be certified to the legislative body.

Hearing and adoption of plan by legislative body.

SEC. 7. Upon receipt of an attested copy of the master plan, or of any part thereof, as adopted by the planning commission, a public hearing thereon shall be held by the legislative body. At least ten days notice of such public hearing shall be published in an official publication of said city, county, or city and county, or in a newspaper of general circulation therein. No change or addition to said master plan, or any part of it as adopted by the planning commission, shall be made by the legislative body until the said proposed change or addition shall have been referred to the planning commission for report thereon and an attested copy of said report thereon filed with the legislative body by the planning commission; but the failure of the commission to so report within thirty days from and after the date of the request for said report by the legislative body shall be deemed to be approval of said additions or changes by the commission; *provided*, that if said additions or changes be disapproved by the commission a two-thirds vote of the entire membership of the legislative body shall be necessary to pass any ordinance overruling such disapproval by the commission.

Subsequent alteration of plan.

SEC. 8. Whenever the legislative body shall have adopted the master plan of the city, city and county, or county, or of any major section or district thereof, no street, square, park, or other public way, ground, or open space, or public building

or structure, shall be constructed or authorized in the area shown on said master plan until the location, character, and extent thereof shall have been submitted to and approved by the planning commission. In case of disapproval thereof the commission shall communicate its reasons to the legislative body, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership; *provided, however*, that if the authorization or financing of the public way, ground, space, building, or structure be one whose construction, financing or authorization does not, under the law or charter provisions governing same, fall within the province of the legislative body, then the submission to the planning commission shall be by the board, commission or body having such jurisdiction, and the planning commission's disapproval may be overruled by said board, commission or body by a vote of not less than two-thirds of its membership. The failure of the commission to act upon such submission within sixty days from and after the date of official submission to the commission shall be deemed approval.

SEC. 9. The commission shall have power to promote public interest in and understanding of the master plan, and to that end may publish and distribute copies of the plan, or of any part thereof, or of any report and may employ such other means of publicity and education as it may determine. The commission shall, from time to time, recommend to the appropriate public officials programs for specific improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, education, professional and other organizations, and with citizens with relation to the carrying out of the plan. The commission shall have the right to accept and use gifts for the exercise of its functions. All public officials shall upon request furnish to the commission, within a reasonable time, such information as it may require for its work. The commission, its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to fulfill its functions and carry out the purposes of this act.

Additional powers and duties of commission.

SEC. 10. Such legislative body is authorized and empowered, whenever and as often as it may deem it to be for the public interest, to change or add to the official master plan so as to lay out new streets, improvements or conveniences mentioned in this act, or to widen, enlarge, close or abandon such existing streets, improvements or conveniences. At least ten days notice of a public hearing on any proposed action with reference to such change in the official master plan shall be published in an official publication of said city, county, or city and county, or in a newspaper of general circulation therein. Before making such addition or change, the matter shall be referred to the planning commission for report thereon, as provided

Additional changes by legislative body.

in section 7 hereof. Such additions and changes, when adopted by ordinance by the legislative body shall become a part of the official master plan of the city, county, or city and county, and shall be deemed to be final and conclusive with respect to all matters shown thereon. The layout, widening, enlarging, closing, or abandoning of streets, plazas and open spaces, parks or playgrounds by the city, county, or city and county, under provisions of law other than those contained in this act shall be deemed to be a change or addition to the official master plan, and shall be subject to all the provisions of this act.

Optional
reference
to planning
commission.

SEC. 11. The body creating such planning commission may, by general or special rule, provide for the reference of any other matter or class of matters to the planning commission before final action thereon by the public body or officer of said city, county, or city and county, having final authority thereon, with the provision that final action thereon shall not be taken until said planning commission has submitted its report thereon or has had reasonable time, to be fixed in said rule, to submit the report. The planning commission shall have full power and authority to make such investigations, maps and reports, and recommendations in connection therewith relating to the planning and development of the city, county, or city and county, as to it seems desirable, providing the total expenditures of said board shall not exceed the funds available therefor.

Short title.
Definitions.

SEC. 12. This act shall be known as "The planning act." For the purpose of this act certain terms are defined as provided in this section. Wherever appropriate the singular includes the plural and the plural includes the singular. The term "street" includes streets, highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements and rights of way, and other ways. The term "subdivision" means the division of a tract or parcel of land into lots for the purpose, whether immediate or future, of sale or of building development, including any plat or plan which includes the creation of any part of one or more streets, public easements, or other rights of way, whether public or private, for access to or from such lots, and/or including the creation of new or enlarged parks, playgrounds, plazas or open spaces.

Jurisdiction
of
commission.

SEC. 13. The territorial jurisdiction of any municipal planning commission over the subdivision or platting of land shall include all land located in the municipality and all land lying within three miles of the corporate limits of the municipality and not located in any other municipality; except that in the case of any such nonmunicipal land lying within three miles of more than one municipality having a planning commission, the jurisdiction of each such municipality shall terminate at a boundary line equidistant from the respective corporate limits of such municipalities; *and provided, further*, that the approval of the county planning commission, if there be one, shall also be necessary, on all plats in areas outside

the corporate limits of any municipality, except that where said county planning commission fails to agree with a city planning commission having jurisdiction over any plat, the legislative body of the county, by a two-thirds vote of its entire membership, may overrule the findings of either commission and approve said plat as recommended by the other commission.

NOTE.—Error in numbering sections. No section 14 in bill.

SEC. 15. Before exercising the powers referred to herein the planning commission shall adopt general regulations governing the subdivision of land within its jurisdiction, to provide for the proper arrangement of streets in relation to other existing and planned streets and to the master plan, to provide for adequate and convenient open spaces, for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, and easements for building setback lines, or for public utility lines. Such regulations may include requirements as to the minimum width, and area of building lots, and as to the extent to which streets and other public ways shall be graded and improved, and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of the plat. All such regulations shall be published as provided by law, and before adoption, a public hearing shall be held thereon. A copy thereof shall be filed for record by the commission with the recorders of the counties in which the commission and territory are located, and certified to the legislative body.

Adoption
of general
regulations
by
commission

SEC. 16. The planning commission shall approve or disapprove a plat within thirty days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand; *provided, however*, that the applicant for the commission's approval may waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Any plat submitted to the commission shall contain the name and address of a person to whom notice of a hearing shall be sent; and no plat shall be acted on by the commission without affording a hearing thereon. Notice shall be sent to the said address by registered mail of the time and place of such hearing not less than five days before the date fixed therefor. Public notice of all such hearings shall also be given. Every plat approved by the commission may, without further hearing, be adopted by the commission as an amendment of or addition to the master plan.

Submission
and approval
of plats by
commission.

SEC. 17. Before the approval of a plat, the planning commission and legislative body shall take into consideration the prospective character of development of the area included in the plat and of the surrounding territory. The owner of the land or his agent who files the plat may add, as a part of the plat, a notation, if he so desires, to the effect

Matters that
may be con-
sidered or
required

that no offer of dedication of such streets, parks or playgrounds, or any of them, is made to the public; and may show by dotted line on said plat dedication of easements for building setback lines, or for the use of public utility lines. The planning commission, or legislative body, may require that a deed to the fee for streets, or other areas offered for dedication to the public on said plat, be delivered to the city or county, as the case may be, where the same are located, at the time of filing of said plat.

Use of plat
before
approval.

SEC. 18. Whoever, being the owner or agent of the owner of any land located within the territory of a subdivision subject to the approval of a planning commission or legislative body, transfers or sells, or agrees to sell, or negotiates to sell, any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by said planning commission and legislative body and recorded or filed for record as so approved in the office of the appropriate county recorder, shall forfeit and pay a penalty of one hundred dollars for each lot or parcel so transferred or sold, or agreed or negotiated to be sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The city, county, or city and county, may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, or may recover the said penalty by a civil action in any court of competent jurisdiction.

Filing of
unapproved
plat.

SEC. 19. A county recorder who receives for filing or records a plat of a subdivision without the approval of the planning commission as required by law, shall be deemed guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than five hundred dollars.

Streets not
conforming
to approved
plan or plat.

SEC. 20. The city, county, or city and county shall not accept, lay out, open, improve, grade, pave, or curb any street, or lay or authorize sewers or connections to be laid in any street or right of way, within any portion of territory for which the planning commission shall have adopted a major traffic street plan, unless such street (a) shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to the adoption of such plan; or unless such street (b) corresponds with a street shown on the official master plan, or with a street on a subdivision plat approved by the planning commission, or with a street on a street map made by and officially adopted by the commission. The legislative body may, however, accept any street not shown on or not corresponding with a street on the official master plan or on an approved subdivision plat or an approved street map; *provided*, the ordinance or other measure accepting such street be first submitted to the planning commission for its approval and, if approved by this commission, be enacted or passed by not less than a majority of the

entire membership of the legislative body, or, if disapproved by the commission, be enacted or passed by not less than two-thirds of the entire membership of the legislative body. A street approved by the planning commission upon submission by legislative body, or a street accepted by a two-thirds vote after disapproval by the planning commission, shall thereupon have the status of an approved street as fully as though it had been originally shown on the official master plan or on a subdivision plat approved by the commission or had been originally mapped by the commission.

SEC. 21. From and after the time when a planning commission shall have adopted a major street plan of the territory within its subdivision jurisdiction or part thereof, then no building shall be erected on any lot within such territory or part, nor shall a building permit be issued therefor unless the street giving access to the lot upon which such building is proposed to be placed (a) shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to that time, or unless such street (b) corresponds with a street shown on the official master plan or with a street on a subdivision plat approved by the planning commission or with a street on a street map made by and adopted by the commission or with a street accepted by the legislative body, after submission to the planning commission, by the favorable vote required in section 20 of this act. Any building erected in violation of this section shall be deemed an unlawful structure and the building inspector or other appropriate official may cause it to be vacated and have it removed.

Erection of buildings along non-conforming streets.

SEC. 22. From and after the adoption of a major traffic street plan by any planning commission, the jurisdiction of the planning commission over plats shall be exclusive within the territory under its jurisdiction, except as provided in section 13 hereof, and all statutory control over plats or subdivisions of land granted by other statutes shall in so far as in harmony with the provisions of this act be deemed transferred to such planning commission, and in so far as inconsistent with the provisions of this act are hereby repealed.

Jurisdiction of commission over plats.

SEC. 23. The planning commission is empowered, after it has adopted any part of a master plan for any part of the territory within its platting jurisdiction to make, or cause to be made, from time to time, surveys for the exact location of the lines of a street or streets shown in any portion of such master plan and make a map of the land thus surveyed, more precisely showing the land which it recommends be reserved for future acquisition for public streets. The planning commission, before adopting any such map, shall hold a public hearing thereon, notice of the time and place of which, with a general description of the district or area covered by the map, shall be given not less than ten days previous to the time fixed therefor by one publication in a newspaper of general circulation in the municipality, if the district or area be within the municipality, or of general circulation in the county, if

Making and adoption of maps

Making and
adoption
of maps
(cont'd).

the district or area be outside of the municipality. After such hearing, the commission may transmit the map, as originally made or modified as may be determined by the commission, to the legislative body, together with the commission's estimate of the time or times within which the lands, shown on the map as street locations, should be acquired by the municipality, or county, as the case may be. Thereupon, by resolution, the legislative body may approve and adopt or may reject such map, or may modify it with the approval of the planning commission, or in the event of the planning commission's disapproval, the legislative body may by a favorable vote of not less than two-thirds of its entire membership, modify such map and adopt the modified map. In the resolution of adoption of a map, the legislative body shall fix the period of time for which the street locations shown upon the map shall be deemed reserved for future taking or acquisition for public use. Upon such adoption the clerk of the legislative body shall file for record one attested copy of the map with the county recorder of each county in which the mapped land is located and retain one copy for the purpose of public examination. Such approval and adoption of a map shall not, however, be deemed the opening or establishment of any street, nor the taking of any land for street purposes nor for public use, nor as a public improvement, but solely as a reservation of the street locations shown thereon, for the period specified in the legislative body's resolutions, for future taking or acquisition for public use. The commission may, at any time, negotiate for or secure from the owner or owners of any such lands, releases of claims for damages or compensation for such reservations or agreements indemnifying the municipality or county from such claims by others, which releases or agreements shall be binding upon the owner or owners executing the same and their successors in title. At any time after the filing of a map for record with the county recorder and during the period specified for the reservation, the planning commission and the owner of any land containing a reserved street location, may agree upon a modification of the location of the lines of the proposed street, such agreement to include a release by said owner of any claim for compensation or damages by reason of such modification; and thereupon the commission may make a map corresponding to the said modification and transmit same to the legislative body; and if such modified map be approved by the legislative body the clerk of the legislative body shall file for record an attested copy thereof with the said county recorder or recorders and said modified map shall take the place of the original map. At any time the legislative body may, by resolution, abandon any reservation and shall file for record any such abandonment with the said county recorder or recorders.

Receiving
of protests
and hearing
thereof.

SEC. 24. The resolution of the legislative body adopting, any street map as provided in section 23, shall provide that it

shall not become effective for forty days, and shall further provide that it shall not become effective until subsequent to the publication once a week for four successive weeks in a newspaper of general circulation published in said county, city and county, or city of a notice of the adoption of said resolution. Said resolution and said notice shall also state a time within which the owners of property lying within or immediately adjoining the lines of the proposed future street opening or widening, or between any future street line, and the nearest public highway, may protest in writing against the adoption of said future street lines.

Receiving
of protests
and hearing
thereof
(cont'd).

Upon the receipt of any protests within the time fixed in said resolution and said notice the said legislative body may cause the same to be examined by its engineer or engineers and by its attorney or attorneys, and shall set a time for the hearing of the same, notice of which hearing shall be given to such protestant at his address which shall be stated in the protest.

Upon the hearing of any protest the said legislative body may grant or deny the same except that the said legislative body shall not deny the written protests of the owners of a majority of the area of property lying within any proposed street to be opened, or a majority of the frontage of a street to be widened upon which a future street line is established, except by a four-fifths vote of such legislative body.

In granting or sustaining any protest the legislative body may grant or sustain the same as to the entire future street line or lines proposed or only as to a portion thereof. As to any portion of such proposed future street line or lines concerning which a protest is not granted or sustained said legislative body may deny said protest or protests. Upon the denial of any such protest the said resolution shall immediately become finally effective. If no protests are filed as herein provided for, such resolution shall take final effect at midnight of the last day for filing such protest.

Whenever any resolution as herein provided shall have become final it shall be the duty of the clerk of the legislative body to cause to be recorded in the office of the county recorder of the appropriate county, a notice referring to the said resolution by number and other appropriate description including the date of its adoption and setting forth a description of the property contained within the said proposed opening and widening, or opening or widening lines, or between said future street lines and the nearest public highway, together with a copy of the map showing any such line or lines.

If any owner of property lying within any lines for the proposed opening and widening, or opening or widening of any street, or between any such future street line and the nearest public highway, shall claim that the adoption of any such resolution or ordinance, or the refusal to issue to him a building permit or prohibition of building or construction by him, shall constitute a taking of his property by the said county,

Receiving
of protests
and hearing
thereof
(cont'd).

or city and county, or city said owner shall have the right within three months after the recording in the office of the appropriate county recorder of the notice hereinabove provided for, to file in the office of said legislative body a protest against the alleged taking of his property and demand that the county, city and county, or city adopting such resolution either vacate the same as to the property of such owner or compensate him therefor, or commence the condemnation thereof within three months from the time of the filing of his written protest and claim. In the event that the said county, city and county, or city shall fail, within three months after the receipt of any such written protest and demand, to either vacate such resolution as to the property of said protesting owner or compensate him for the right to construct any building, fence or other structure or commence proceedings for the condemnation thereof, then such resolution shall automatically be vacated and annulled as to the property of such protesting owner.

In the event that any owner of property lying within any of the lines set forth or described as future street lines in any resolution as herein provided for shall fail within the time herein specified to file a claim in the manner herein provided, such owner shall be conclusively deemed to have waived any such claim, but he shall not be deemed to have waived any title to the property within any such future street line or lines or any interest therein other than the right to erect or construct thereon any building, fence or other structure.

Limitation
of compen-
sation.

SEC. 25. No compensation other than the compensation awarded in the final report of the board of appraisers, appointed by the legislative body, shall at any time be paid to or recovered by any person for the taking of or injury to any building, structure, or other improvement built, within the period fixed in the resolution of the legislative body, upon any land included within the street locations specified on any such plat or map adopted as herein provided.

Regional
planning
commissions.

SEC. 26. Any planning commission or any one hundred citizens, by signed petition, may apply to the governor of the state for the establishment of a region for planning purposes and the appointment of a regional planning commission for such region. The governor shall hold at least one public hearing upon any such application or petition, the time and place of which he shall officially proclaim. If the governor finds that, by reason of urban growth and development not corresponding to existing city corporate limits or by reason of other developments or trends in the growth and distribution of population, commerce and industry or by reason of topographic or other conditions, two or more separate cities, or one or more cities, city and county or counties and neighboring nonmunicipal territories, whether within one or more counties have overlapping and interrelated or common problems of such nature as not to be capable of intelligent, economical and adequate solution by means of the separate planning of each separate

political unit and require, for such solution, a general plan of the physical development of the entire area of such municipalities or territories as a whole and that, consequently, it is to the public interest that a region be established for planning purposes he shall grant the application and shall define the boundaries of such region and appoint a regional planning commission. Such commission shall consist of nine persons. Members shall be appointed for six years except that the respective terms of seven of the members first appointed shall be one year, two years, two years, three years, four years, four years and five years; *provided, however*, that if at the time of his appointment, the appointee is a public officer or in the public service of the state or any of its political subdivisions, and his incumbency as such public officer or servant expires previous to the term for which he is appointed on the regional planning commission, then his term on the commission shall terminate with the expiration of his incumbency as such public officer or servant, unless it be extended by the governor, in which case such extension shall be for the remainder of the term for which he was originally appointed. The members shall serve without compensation, but shall be paid their necessary expenses incurred in the performance of their duties. They may, after a public hearing, be removed by the governor for inefficiency, neglect of duty, or malfeasance in office, and he shall file a written statement of his reasons therefor. Vacancies shall be filled by the governor for the unexpired term.

SEC. 27. Except as otherwise provided in this act, the provisions of this act relative to organization, rules, staff, finances, procedure and miscellaneous powers and duties of municipal planning commissions shall, so far as applicable, apply to regional planning commissions. The amount which a regional planning commission may expend in any year shall be such as may be determined by said regional planning commission, subject to approval by the governor, who shall fix the proportion of such expenditure to be borne by the respective municipalities, counties and other taxing districts and political subdivisions within the region. The appropriating legislative body of each such taxing district or political subdivision within the region are hereby authorized to appropriate their respective shares of such expenditures. The sums so appropriated shall be paid into the state treasury and shall be paid out on certificate of the regional planning commission.

Organization,
expenditures,
etc., of
regional
planning
commissions.

SEC. 28. Any regional planning commission is hereby authorized and empowered to make, adopt, amend, extend and add to a master or regional plan for the physical development of its region. Such plan shall be based on comprehensive studies of the present and future development of the region, with due regard to its relation to neighboring regions and the state as a whole and to neighboring states. Such plan, including maps, charts, diagrams and descriptive matter, shall show

Adoption,
amendment
and additions
to regional
master plans.

the commission's recommendations for the physical development of the region, and may include among other things the general location, extent and character of streets, parks, and other public ways, grounds and open spaces, public buildings, and properties and public utilities (whether publicly or privately owned or operated) which affect the development of the region as a whole or which affect more than one political subdivision of the state within the region; also, the general location of forests, agricultural and open development areas for purposes of conservation, food and water supply, sanitary and drainage facilities or the protection of future urban development; also a zoning plan for the control of the height and area, or bulk, location and use of buildings and premises, and of the density of population. Such master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the region and of public improvements and utilities which do not begin and terminate within the boundaries of any single municipality or which do not relate exclusively to the development of any single municipality, and which will, in accordance with the present and future needs of the region and the state, best promote health, safety, morals, order, convenience, prosperity, the amenities of life and general welfare, as well as efficiency and economy in the process of development.

Certification
of regional
plans.

SEC. 29. The regional planning commission, after adopting the regional plan, shall certify a copy thereof to the governor, to each planning commission within the region, to the council of each municipality not having a planning commission, to the county supervisors of each county wholly or partly included in the region, and to other organized taxing districts or political subdivisions wholly or partly included in the region.

Adoption of
regional plan
by local
commission.

SEC. 30. Such plan may be adopted by any planning commission within the region to which it is certified by the regional planning commission. Such adoption shall be in accordance with the procedure specified in this act for the adoption of plans by planning commissions. When thus adopted, it shall thereupon have the force and effect within such municipality, or county as the case may be, as is provided in this act for plans made and adopted by planning commissions, and shall be deemed as original master plan or an amendment of or addition to the master plan. Before adopting any amendment of the master plan which would constitute a violation of or departure from the regional plan certified to the planning commission by the regional planning commission, the planning commission shall submit such proposed amendment to the regional planning commission, which latter commission shall certify to the planning commission its approval, disapproval or other opinion concerning the proposed amendment.

SEC. 31. After the adoption of the regional plan by the regional planning commission, no street, park or other public way, ground or open space, no public building or other public structure shall be constructed or authorized in non-municipal territory within the region until the location, character and extent thereof shall have been submitted to and approved by the regional planning commission of the region. This prohibition shall not be interpreted as requiring the approval by the regional planning commission of any subdivision falling within the subdivision jurisdiction of a municipal planning commission, as defined in sections 12 and 13 of this act, and duly approved by such municipal planning commission as provided in section 15 of this act. In case of disapproval by such commission, such disapproval may be overruled by the board, commission, body or officer in which or in whom the power to finally determine such location, character and extent is reposed by law, by a vote, in the case of any such board, commission or body, of not less than two-thirds of its membership. A statement of its or his reasons for any such overruling shall be spread upon the minutes or records of the board, commission, body or officer.

Effect of regional plan upon non-municipal territory.

SEC. 32. Chapter 428 of the statutes of 1915 as amended and chapter 735 of the statutes of 1917 and all other acts, or parts of acts in conflict herewith are hereby repealed.

Stats. 1915, p. 708; 1917, p. 1421, and 1921, p. 772, repealed. Constitutionality.

SEC. 33. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed each provision of this act irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases, or provisions be declared unconstitutional.

SEC. 34. Violation of any of the provisions of this act shall upon conviction be punishable as a misdemeanor.

Penalty

CHAPTER 875.

An act to amend section one thousand six hundred nine of the Political Code, relating to persons employed in public school service.

[Approved by the Governor June 2, 1927. In effect August 1, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 1609 of the Political Code is hereby amended to read as follows:

Stats 1921, p. 1664, amended. Powers of school boards.

1609. Boards of school trustees, and city, and city and county boards of education shall have power and it shall be their duty:

First—To employ a principal for each school under their control, and they may employ a district superintendent for one or more schools employing eight teachers or more under

Powers
of school
boards
(cont'd).

their control. In each city school district governed by a city board of education, such board may employ a city superintendent of schools and such deputy or assistant city superintendents as it may deem necessary and fix and ordered paid their compensation unless the same be otherwise prescribed by law. Any deputy city superintendent of schools, or assistant city superintendent of schools, or district superintendent may be elected for a term of four years.

Second—To employ persons in public school service requiring certification qualifications, as provided in part third of this section; also to employ janitors and other employees of the school; to fix and order paid their compensation, unless the same be otherwise prescribed by law; *provided*, that no board shall enter into any contract with such employees, other than persons in positions requiring certification qualifications to extend beyond the close of the next ensuing school year; except that persons in positions requiring certification qualifications may be elected on or after May second for the next ensuing school year, and each person so elected shall be deemed reelected from year to year except as hereinafter specified; *provided*, that any person not under permanent tenure who shall fail to signify his acceptance within twenty days after notice of his election or employment shall have been given him by the clerk or secretary of the governing board of the school district, or shall have been mailed by the clerk or secretary of the governing board by depositing such notice in the United States post office, with postage thereon prepaid, addressed to such person at his last known place of address, shall be deemed to have declined the same. Any board of trustees, or city, or city and county board of education may arrange to pay the persons in positions requiring certification qualifications so employed by them in ten or eleven or twelve equal payments instead of by the school month; *provided*, *however*, that where the board of trustees or city or city and county board of education arranges to pay such persons so employed by them in twelve equal payments for the year, they shall begin such payments on the first day of the calendar month following the opening of schools for the current year. In all cases where school is not opened during the month of July, the board of trustees, or city board or city and county boards of education may withhold such warrant or warrants which may have fallen due prior to the opening of school until such persons so employed by them shall have returned to the employment for which they were engaged by the board of school trustees or the city or city and county board of education and shall have resumed their respective duties, and then such payments shall be continued from month to month on the first day of each calendar month thereafter until said persons shall have been paid the full amount due to them for that fiscal year; *provided*, that a person in a position requiring certification qualifications, who serves less than a full school year is entitled to receive as salary only an amount

that bears the same ratio to the established annual salary for such position as the time he serves bears to the annual school term; *provided*, that whenever the first day of the month falls upon a holiday, payment of salaries shall be made on the following day.

Powers
of school
boards
(cont'd).

Third—(a) To employ, for positions requiring certification qualifications, only persons who hold legal certificates in full force and effect, and on file at the time of such appointment in the office of the county superintendent of schools, to serve as substitutes, probationary or permanent employees, and to give the county superintendent of schools immediate notice in writing of such employment on blanks furnished by the superintendent of public instruction, stating the name and address of each person thus employed.

(b) To fix and prescribe the duties to be performed by all persons in public school service in the school district.

(c) To classify as substitute employees those persons employed in positions requiring certification qualifications from day to day for less than one school year, to fill positions of regularly employed persons absent from service.

(d) To classify as probationary employees, those persons employed in positions requiring certification qualifications for the school year, and who have not been classified as permanent employees as hereinafter provided, such classification to be made at the time of employment, and thereafter in the month of July of each school year.

(e) To classify as permanent employees all persons, except those hereinafter specified, who shall have been successfully employed by the district for two or three complete consecutive school years in positions requiring certification qualifications. Such classification shall be made at the end of either the second or third complete year of such employment at the option of the governing board of the district. No person employed in an administrative or supervisory position requiring certification qualifications shall be classified as a permanent employee other than as a classroom teacher.

(f) To grant leaves of absence.

(g) To accept the resignation of any employee and to fix the time when such resignation shall take effect, which date shall not be later than the close of the school year during which such resignation shall have been received by such board.

(h) To dismiss substitute employees at any time at the pleasure of the board.

(i) To dismiss probationary employees during the school year for cause only, as in the case of permanent employees, except that on or before the tenth day of June in any year the governing board may give notice in writing to a probationary employee that his services will not be required for the ensuing year. Such notice shall be deemed sufficient and complete when delivered in person to such employee by the clerk or secretary of the governing board of the school district or deposited in the United States registered mail with postage

Powers
of school
boards
(cont'd).

prepaid, addressed to such employee at his last known place of address.

(j) To dismiss permanent employees in positions requiring certification qualifications, except as hereinafter provided only for one or more of the following causes, after a fair and impartial public hearing. Causes for dismissal are immoral or unprofessional conduct, incompetence, evident unfitness for service, persistent violation of or refusal to obey the school laws of California, or reasonable rules prescribed for the government of public schools.

Dismissal for cause shall be made only after the following provisions shall have been complied with: The governing board shall give at least ten days' notice in writing to any permanent employee against whom charges shall have been preferred, which notice shall state fully the charges, and the time when and the place where such hearing is to be held.

The governing board shall hold such hearing under reasonable rules which it shall adopt, and the employee against whom the charges shall have been preferred shall have the right to be represented by counsel, and to call witnesses on his own behalf and take their testimony at the hearing and to cross-examine all other witnesses who may testify at such hearing; *provided*, that such hearing shall be confined to charges only.

The board may dismiss any permanent employee after a hearing as in this section provided, upon proof of the charges covering any one or more of the causes for dismissal enumerated in this section, upon the affirmative vote of the majority of the board. No member of the board shall be qualified to vote who has not been present throughout the entire hearing. Such trial shall have been concluded and the decision rendered within ten days after the beginning of said trial.

It is hereby provided, however, that whenever it becomes necessary to decrease the number of permanent employees in a school district on account of the decrease in the number of pupils attending the schools of such district, or on account of the discontinuance of a particular kind of service in such district, the governing board may dismiss such employee at the close of the school year.

If the dismissal of such employee shall become necessary on account of the decrease in the number of pupils attending the schools of the district, such employee so dismissed shall be the last person engaged in the type of work so discontinued. If such service is reestablished within one year from the time of such discontinuance, the employee so dismissed shall have the preferred right to reappointment.

The board shall give any person who shall be dismissed under this proviso a statement of honorable dismissal.

Nothing in this act shall be construed in such manner as to deprive any person of his rights and remedies in a court of competent jurisdiction on a question of law and fact.

Nothing in this act shall be construed so as to repeal or negate any provisions concerning employees of school districts contained in the charter of any city, county, or city and county heretofore or hereafter adopted and approved in conformity with article XI of the constitution of this state.

All employments under the provisions of this section shall be subordinate to the right of the Legislature to amend or repeal this section at any time, and nothing herein contained shall ever be held, deemed or construed to confer upon any person employed pursuant to the provisions hereof a contract which will be impaired by the amendment or repeal of this section.

Fourth—To provide in cities, and in cities and counties, having boards of education, and in other districts employing thirty or more teachers for the payment of the traveling expenses of any representative of the board of education, when performing services directed by said board.

Fifth—If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

CHAPTER 876.

An act to amend section thirty-six of the Civil Code, relating to the disaffirmance of contracts by minors.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 36 of the Civil Code is hereby amended to read as follows:

36. A minor can not disaffirm a contract, otherwise valid, to pay the reasonable value of things necessary for his support, or that of his family, entered into by him when not under the care of a parent or guardian able to provide for him or them.

A minor can not disaffirm a contract otherwise valid to perform or render services as actor, actress, or other dramatic services where such contract has been approved by the superior court of the county where such minor resides or is employed. Such approval may be given on the petition of either party to the contract after such reasonable notice to the other party thereto as may be fixed by said court, with opportunity to such other party to appear and be heard.

Code amdts
1873-74,
p. 183,
amended
When minor
may not
disaffirm.

CHAPTER 877.

An act to repeal section three hundred twenty-one of the Civil Code of the State of California, relating to books of banks which shall be open to inspection.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 321 of the Civil Code of the State of California is hereby repealed.

Code amds.
1875-76,
p. 72,
repealed.

CHAPTER 878.

An act to amend an act entitled "An act to provide for the organization of a railroad commission, to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title fifteen of part four of division first of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended by adding two new sections thereto, to be numbered two and one-half and fifty and one-half, relating to certification of warehousemen.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

SECTION 1. A new section, to be numbered 2½ is hereby added to an act entitled "An act to provide for the organization of a railroad commission to define its powers and duties and the rights, remedies, powers and duties of public utilities and their officers, and the rights and remedies of patrons of public utilities, and to provide penalties for offenses by public utilities, their officers, agents and employees and by other persons and corporations, creating the 'railroad commission fund' and appropriating the moneys therein to carry out the provisions of this act, and repealing title XV of part IV of division I of the Civil Code and all acts and parts of acts inconsistent with the provisions of this act," approved April 23, 1915, as amended, to read as follows:

Stats. 1915,
p. 119,
amended.

"Ware-
houseman"
defined.

Sec. 2½. The term "warehouseman," when used in this act, includes every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any building, or structure, or warehouse, in which merchandise, other than second-hand household goods or effects, and other than merchandise sold but retained in the custody of the vendor, is regularly

stored for the public generally, for compensation, within this state, excepting warehouses conducted by any nonprofit, cooperative association or corporation which is engaged in the handling or marketing of the agricultural products of its members; also excepting warehouses conducted by the agents, individual or corporate, of such associations or corporations, while acting within the limitations imposed by law on the principal of any such agent.

SEC. 2. A new section, to be numbered 50½, is hereby added to said act, to read as follows:

Sec. 50½. No warehouseman shall hereafter begin to operate any business of a warehouseman, as defined in section 2½ of this act, in any incorporated city, or city and county of this state having a population of one hundred fifty thousand or more, without first having obtained from the railroad commission a certificate declaring that public convenience and necessity require or will require the transaction of business by such warehouseman, nor shall any such warehouseman hereafter add to, extend, or otherwise increase his storage or warehouse floor space by more than fifty thousand square feet in any incorporated city, or city and county with a population of one hundred fifty thousand or more, without first having obtained from the railroad commission a certificate declaring that public convenience and necessity require or will require such addition or extension or increase of such storage or warehouse floor space; *provided, however,* that any warehouseman may without securing such certificate, extend or increase his storage or warehouse floor space for the sole and exclusive purpose of storing therein the goods, wares and merchandise owned by the lessor or owner of the building or premises in which the additional or increased storage or warehouse floor space is situated.

No such certificate shall be required by any warehouseman as to storage or warehouse space actually operated in good faith at the time this act becomes effective, under tariffs and schedules of such warehouseman lawfully on file with the railroad commission.

Any right, privilege, franchise or permit held, owned or obtained by any warehouseman may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the railroad commission. The railroad commission shall have power, with or without hearing to issue said certificate as prayed for, or to refuse to issue the same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions, as in its judgment, the public convenience and necessity may require.

The railroad commission may at any time for a good cause suspend and upon notice to the grantee of any certificate and opportunity to be heard revoke, alter or amend any certificate issued under the provisions of this section.

Stats. 1915,
p. 155,
amended

Warehousemen to obtain certificates of convenience and necessity.

When a complaint has been filed with the commission alleging that any warehouseman is operating any storage or warehouse floor space without a certificate of public necessity and convenience, as required by the provisions of this section, the commission shall have the power, with or without notice, to make its order requiring said warehouseman to cease and desist from such operation, until the commission makes and files its decision on said complaint, or until further order of the commission.

CHAPTER 879.

An act to amend section six hundred thirty-six of the Penal Code, relating to the protection of fish and game.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

Stats 1925,
p 662,
amended
Regulation
of use of
lines, nets
and seines.

SECTION 1. Section 636 of the Penal Code is hereby amended to read as follows:

636. 1. Every person who shall use or operate, or who shall assist in using or operating any net, trap, line or other appliance for the purpose of taking or catching fish, mollusks or crustaceans in the State of California at any time, or in any manner, except as otherwise provided in this chapter, is guilty of a misdemeanor.

Gill nets.

2. It shall be lawful to use drift gill nets in fish and game districts five, six, seven, eight, nine, ten, eleven, twelve, twelve "B", thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-two and in tidewater in Klamath river fish and game district, and to use set gill nets in fish and game district seventeen, eighteen, nineteen and twenty "A"; *provided*, that in fish and game districts eleven, twelve, twelve "B" and thirteen the cork line of any gill net shall not be submerged more than twelve feet below the surface of the water, and that the lines attaching the buoys or floats to the cork line of such submerged nets be not more than twelve feet in length and that the points of attachment of said lines on the cork line be not more than ten fathoms apart; *provided, further*, that in fish and game districts eleven, twelve, twelve "B" and thirteen the length of the meshes of any gill net must be either two and one-half inches or less, or five and one-half inches or more; *provided, further*, that in fish and game districts eleven, twelve, twelve "B" and thirteen the meshes of the gill nets shall be approximately the same size and shall not vary in length more than one inch; *provided, further*, that nets are not to be used at any time in fish and game districts seven "A" and twelve "A," and any net found in any boat in said districts seven "A" and twelve "A" shall be prima facie evidence that the owner of said net was using same in said districts; *provided, further*, that gill or trammel nets are not to be used in fish and

game district twelve "B" between September seventeenth and November fourteenth of any year, both dates inclusive, or between June sixteenth and July thirty-first of any year, both dates inclusive; *provided, further*, that any gill or trammel net found in any fishing boat in fish and game district twelve "B" during said closed seasons shall be prima facie evidence that the owner of such net was using same in said fish and game districts; *provided, further*, that in fish and game districts eleven, twelve and thirteen no drift gill net shall be used for taking fish where any part of the net is nearer than three hundred feet to where the surface of the water joins the land; *and provided, further*, that gill nets are not to be used or operated in fish and game district twelve between the first day of June and the thirty-first day of July of any year, both dates inclusive; and no gill net shall be used or operated in fish and game district twelve between the sixteenth day of May and the thirty-first day of May of the same year, both dates inclusive, any of the meshes of which shall measure less than seven and one-half inches in length; *and provided, further*, that no gill nets are to be used or operated in fish and game district twelve between the first day of March and the fifteenth day of May of any year, both dates inclusive, the meshes of which measure between five and five-eighths inches and seven and one-half inches in length. Any line used on gill nets which shall tend to cause the webbing of such gill net to bag or hang slack shall cause such net to lose its identity as a drift gill net and become a trammel net; *provided, further*, that any trammel net found in any boat at any time in fish and game district twelve shall be prima facie evidence that the owner of such net was using same in said fish and game district.

3. It shall be lawful to use trammel nets (also known as two-mesh and three-mesh nets) in fish and game district twelve "B," the minimum meshes of which shall measure not less than five and one-half inches in length; *provided*, that trammel nets or gill nets are not to be used in fish and game district twelve "B" between May sixteenth and June fifteenth, both dates inclusive, any of the meshes of which are, when drawn close together and measured inside the knots, less than seven and one-half inches in length.

Trammel nets
in district
12 "B."

4. It shall be lawful to use trammel nets (also known as two-mesh and three-mesh nets) in fish and game districts ten, eighteen and nineteen, the minimum meshes of which shall measure not less than eight inches in length.

Trammel nets
in districts
10, 18
and 19

5. It shall be lawful to use purse nets and round haul-nets (also known as circle seines or lampara nets) in fish and game districts six, seven, eight, nine, ten, eleven, fifteen, sixteen, seventeen, eighteen, nineteen, twenty "A", twenty-one and twenty-two; *provided*, that purse or round haul-nets are not to be used in any fish and game district for the purpose of taking salmon, steelhead, striped bass, or shad and that any person who has in possession any salmon, steelhead, striped bass, or shad which have been caught with a purse or round

Purse nets
and round
haul-nets.

haul-net is guilty of a misdemeanor; *and provided, further*, that any beach seine, purse or round haul-net or any gill net of less than five and one-half inch mesh, except herring or smelt gill nets in fish and game districts twelve and thirteen or not to exceed two and one-half inch mesh, found in any fishing boat in fish and game districts twelve or twelve "B" and thirteen at any time shall be prima facie evidence that the owner or person in possession of such net or nets was using same in said fish and game districts; *and provided, further*, that every person who in fish and game districts one, two and three has in possession on any boat any gill or trammel net or any beach seine or round haul-net is guilty of a misdemeanor; *and provided, further*, that in fish and game district fifteen, purse or round haul-nets shall be used only for the purpose of taking fish for bait, and that in fish and game district sixteen purse nets or round haul-nets shall be used only for the purpose of taking squids, anchovies and sardines; *and provided, further*, that it shall be unlawful to take barracuda in any fish and game district, with round haul-nets or purse seines, between the sixteenth day of May and the thirty-first day of July, both dates inclusive, or between the sixteenth day of May and the thirty-first day of July, both dates inclusive, to have any barracuda in possession on any purse or round haul-net boat or to have in possession any barracuda which have been caught with a purse seine or with a round haul-net.

Beach-nets.

6. It shall be lawful to use beach-nets (also known as beach seines or haul seines) in fish and game districts five, eight, nine, ten, eleven, eighteen, nineteen, and twenty-two; *provided*, that in fish and game district five the meshes of any such beach-nets shall measure not less than five and one-half inches in length and that in fish and game districts ten, eighteen and nineteen the meshes of the beach-nets shall measure not less than one and one-half inches in length; and beach-nets shall only be used in fish and game district nineteen between the first day of September and the thirty-first day of January of the year following, both dates inclusive, and for the purpose of taking smelt only.

Beach-nets defined.

7. For the purpose of this act, any net hauled from the water to the beach or shore for the purpose of taking fish, or any net adapted so to be used, shall be known as a beach-net.

Fyke-nets.

8. It shall be lawful to use fyke-nets in fish and game districts three, twelve "A" and twelve "B" for the purpose of catching catfish, carp, pike, hardheads and suckers between the fifteenth day of August and the fourteenth day of May of the year following, both dates inclusive; *provided*, that the smallest meshes of any fyke-net so used shall measure not less than two and one-half inches in length; *provided, further*, that nothing in this chapter shall be construed as prohibiting the sale of catfish caught in fish and game districts three, twelve "A" and twelve "B" between the fifteenth day of August and the fourteenth day of May of the year following, both dates inclusive.

9. It shall be lawful to use trawl nets (also known as paranzella nets, beam trawls, or shrimp trawls) in fish and game districts two, six, seven, twelve, thirteen, seventeen and eighteen; *provided*, that the use of any trawl net in fish and game districts two, twelve and thirteen shall be for the purpose of taking shrimp only; *and provided, further*, that it shall be unlawful to use trawl or paranzella nets in water less than twenty-five fathoms in depth in fish and game district seventeen; *and provided, further*, that it shall be unlawful to use trawl nets in any bay in fish and game district number eighteen; *and provided, further*, that it shall be unlawful to have any trawl net also known as drag net, in possession in fish and game districts four, nineteen, twenty, twenty "A" and twenty-one.

Trawl nets.

10. It shall be lawful to use crab nets or crab traps in fish and game districts five, six, seven, eight, nine, ten, eleven, twelve, thirteen, seventeen, eighteen and nineteen, and lobster traps in fish and game districts seventeen, eighteen and nineteen.

Crab nets.

11. It shall be lawful to use shrimp nets (also known as Chinese shrimp or bag nets) in fish and game district thirteen for the purpose of taking shrimp only.

Shrimp nets.

12. It shall be lawful to use dip nets for the purpose of taking fish other than game fish to be used as bait only, in any fish and game district, except fish and game district fourteen; *provided*, that in fish and game district one, one and one-half, two, three and four, such dip nets shall not be baited; *and provided, further*, that any dip net in fish and game districts one, one and one-half, two, three, four, nineteen and twenty, shall not measure more than six feet in its greatest breadth; *and provided, further*, that it shall be unlawful for any person to have in his possession any nets other than such bait dip nets within fish and game district twenty.

Dip nets.

13. It shall be lawful to use troll lines or hand lines in any fish and game district excepting fish and game district fourteen and to use trawl lines in fish and game districts six, seven, ten, seventeen, eighteen and nineteen. It shall also be lawful to use trawl lines (also known as set lines) in any lake in fish and game district two having a surface area of not less than seventy-five square miles, for the purpose of catching catfish only; *provided*, that it shall be unlawful to use minnows or any species of young fish on hooks attached to such trawl line.

Troll lines or hand lines.

14. It shall be lawful to use any spade, shovel, hoe, rake or other appliance operated by hand for the purpose of taking mollusks in fish and game districts one and one-half, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty-one.

Spade, shovel, etc.

15. Any net or line shall be considered a set net or set line that is made fast to the bank or ground or that shall be made fast in any way and shall not be free to drift with the tide or current, and any net so placed that it will catch or impound

Set nets and set lines.

fish within a bight, bay or estuary or against the shore, upon the receding of the tide shall be considered a set net; *provided*, that fyke nets, shrimp nets or crab nets shall not be considered set nets, nor trawl lines be considered set lines. The length of the meshes of any net shall be determined by taking at least four meshes and measuring them between the knots while they are simultaneously drawn closely together.

Recovery of fish in overflowed areas

16. Nothing in this section shall prevent the fish and game commission or any person authorized by them from using any net or other appliance in any fish and game districts for the purpose of recovering fish from overflowed areas or landlocked sloughs or ponds where they have been left isolated by receding streams or flood waters.

Scientific purposes.

17. Nothing in this section shall prohibit the fish and game commission or any person authorized by them from using any net, traps or other appliances in the waters of the state as they may deem necessary for carrying on scientific investigation or for the propagation of fish, mollusks, or crustaceans. Nothing in this section shall prohibit the fish and game commission or any person authorized by them from using nets, traps or other appliances in any fish and game district for experimental purposes.

Penalties.

18. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had, not less than one hundred days nor more than six months or by both such fine and imprisonment; and all fines and forfeitures imposed and collected for any violation of any of the provisions of this section shall be paid into the state treasury, to the credit of the fish and game preservation fund.

CHAPTER 880.

An act to reduce the fire insurance hazards of the business of clothes cleaning establishments, providing for the enforcement thereof by the state fire marshal, providing ways and means for enforcement and providing penalties for violations.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

Words and phrases defined.

SECTION 1. Whenever used in this act the following terms are defined as herein specified, and shall be deemed and construed to have the meaning ascribed to them in this section.

The term "person" means and includes any individual, company, association, copartnership, corporation, organization or manager, contractor, subcontractor or agent.

The term "clothes cleaning establishment" is defined as any building, room or premises in or upon which the business or process of cleaning, dyeing, or renovating clothes, wearing apparel, feathers, or any fabric or textile, or hats, is conducted, maintained, or carried on, and where in the process of such cleaning, dyeing, or renovating is accomplished by a process of immersion and agitation of such clothing, wearing apparel, feathers, hats, fabrics or textile in any volatile or inflammable substance, and where any liquid volatile product or substance in an amount exceeding one gallon in the aggregate of all such volatile or inflammable products is kept, or stored, or where any solid volatile product or products in the aggregate amount are more than eight pounds is kept or stored.

Words and
phrases
defined
(cont'd).

The term "cleaning" is defined as the process of cleaning or renovating clothing, wearing apparel, feathers, hats, fabrics or textiles by means of immersion and agitation in any volatile or inflammable products (as defined in this act).

The term "dry cleaning" is defined the same as "cleaning" (as defined in this act).

The term "cleaner" is any person who engages in the business of "cleaning" (as defined in this act), or who cleanses or renovates clothing, wearing apparel, feathers, hats, fabrics or textiles by a process of "cleaning" (as defined in this act).

The term "dyeing" is defined as the process of coloring clothing, wearing apparel, feathers, hats, fabrics or textiles by means of aniline dyes, mordants, acid and steam.

The term "cleaning and dyeing" is defined as the business of conducting a "clothes cleaning establishment" (as defined in this act).

The term "cleaners and dyers," or "dyers and cleaners" is defined as a person conducting a "clothes cleaning establishment."

The term "spotting and sponging establishment" is defined as any building, room or premises in or upon which the business of spotting or sponging, or cleaning by local application, or pressing and finishing cleaned clothing, wearing apparel, feathers, hats, fabrics or textiles is conducted, maintained or carried on, and where any liquid volatile or inflammable product or products in an amount not exceeding one gallon in the aggregate of all such liquid volatile or inflammable products is kept or stored or where any solid volatile product or products in an amount not exceeding eight pounds is kept or stored.

The term "wash room" is defined as any building or portion thereof, or portion of a premises, wherein the process of "cleaning" (as defined in this act), is carried on or where any volatile product is extracted or removed from clothing, wearing apparel, feathers, hats, fabrics or textiles, after having been cleaned or dyed in such volatile product.

Words and
phrases
defined
(cont'd).

The term "drying room" is any building or portion thereof wherein clothing, wearing apparel, feathers, hats, fabrics or textiles are dried or the odor removed therefrom after having been cleaned or dyed by means of "cleaning" or "dyeing" (as defined in this act).

The term "still, filtering or clarifying room" is defined as any building or portion thereof, or any portion of a premises wherein or upon which any volatile product is clarified, filtered, distilled, redistilled, settled, washed or otherwise cleaned or renovated.

A "dust wheel or tumbler" is defined as any wheel or machinery for the purpose of drying or deodorizing or removing dust or fumes from clothing, wearing apparel, feathers, hats, fabrics or textiles.

The term "hazardous room" is defined as any room located wholly or in part in any clothes cleaning establishment wherein any volatile product (as defined in this act), is kept or stored; or wherein any volatile product is distilled, redistilled, filtered, clarified, settled, extracted, washed, or otherwise cleansed, or renovated; or wherein or upon which any "still, filter, clarifier, extractor, washer or steam tumbler" is installed or maintained; or wherein or upon which any "dust wheel" is installed or maintained and the same is used for drying or deodorizing purposes following the operation of "cleaning or dyeing" (as defined in this act); or wherein any clothes, wearing apparel, feathers, hats, fabrics or textiles are washed, cleaned, dyed, or renovated by means of any volatile product; or wherein any clothing, wearing apparel, feathers, hats, fabrics or textiles are dried or the odor removed therefrom after having been cleaned or dyed by a "cleaning" process (as defined in this act).

A "hazardous building" is defined as any building or structure or portion of a premises containing one or more "hazardous rooms" (as defined in this act).

A "boiler room" is defined as any room in connection with any clothes cleaning establishment, or, spotting and sponging establishment wherein is maintained, kept, or operated any appliances, machinery or apparatus for the generation of steam or the heating of water.

The term "volatile product" is hereby defined as any compound, fluid, liquid, or solid product of petroleum or any explosive, inflammable, or volatile compound, fluid, liquid, solid or substance.

Licenses
and permits.

SEC. 2. Licenses. (a) It shall be unlawful for any person, firm, copartnership, corporation or organization to establish, conduct, maintain or operate a "clothes cleaning establishment"; or to cleanse clothing, wearing apparel, feathers, hats, fabrics or textiles by means of a process herein defined as "cleaning"; or to keep or store therein or upon the premises wherein such "cleaning" process is operated any "volatile product" (as defined in this act), without first

making application to and obtaining from the state fire marshal of the State of California a license so to do. Every such permit or license shall contain the name of the person, firm, copartnership, association, corporation or organization to whom the same is issued, and if such establishment is conducted or maintained under a fictitious firm name, every such license or permit shall contain in addition to such fictitious firm name the name or names of each of the owners of such establishment, and shall specify the location by street and number of the premises in or upon which such establishment is, or is to be, located, the maximum amount of volatile product that is to be or may be stored in or upon such premises and the exact location of the tank or tanks in which any such volatile product is, or is to be, stored.

Licenses
and permits
(cont'd).

(b) Every application for a permit or license to establish, conduct, maintain or operate a "clothes cleaning establishment" shall be accompanied by a blue print in quadruplicate showing the ground plan and arrangement of such establishment, the location of all storage tanks, the distance of such tanks from the nearest building thereto, the location of all piping, equipment, appliance, steam fire extinguishing lines, or fire prevention methods proposed to be installed, and no permit shall be granted unless such ground plan construction, materials and arrangements have been approved by the state fire marshal, or his duly authorized representative.

(c) Said permit or license shall be posted in a conspicuous place in each and every clothes cleaning establishment and shall be shown to any duly authorized representative of the state fire marshal, or any duly authorized representative of any city or county fire department within the State of California whenever the same is requested.

(d) Failure to properly post and show such license or permit shall be deemed a violation of this act.

(e) It shall be unlawful for any person, firm, association, corporation, copartnership, or organization to establish, conduct, maintain or operate any "clothes cleaning establishment," or under or by virtue of a permit issued to or in the name of any other person, firm, copartnership, association, corporation, or organization.

(f) Application for such license shall be made to the state fire marshal at his office within the State of California, and before the granting of such permit or license the state fire marshal, or his duly authorized representatives, shall make a thorough investigation into the fitness of such applicant to conduct a "clothes cleaning establishment." If such investigation reveals that the "clothes cleaning establishment," or the plans, specifications, premises, or character or ability of such applicant to conduct a "clothes cleaning establishment" are not in compliance with the provisions of law or in any manner jeopardizes the public welfare or in any manner in the opinion of the state fire marshal, or his duly authorized

representatives, makes such proposed establishment a menace to the public welfare and safety, the state fire marshal in his discretion is empowered to deny such applicant a permit or license to establish or maintain a "clothes cleaning establishment."

Fee.

(g) Every such licensed person under the provisions of this act to carry on a "clothes cleaning establishment" or business shall pay to the state fire marshal a license fee of forty dollars (\$40) per annum. Such applicant for such license or permit shall deposit at the time of making application for such license or permit the amount of such fee with the state fire marshal, and thereafter on or before the first of January of each and every year shall make application for license and shall pay to the state fire marshal such license fee of forty dollars (\$40). The failure of any established "clothes cleaning establishment" or its owners to pay such license fee to the state fire marshal on or before the first day of January of each and every year of the operation of such "clothes cleaning establishment," shall be prima facie evidence of the violation of this act.

(h) All moneys collected for such license by the state fire marshal as provided herein shall be paid into the state treasury and credited to the contingent fund of the state fire marshal for purposes of enforcing the provisions of this act; and the state fire marshal is authorized and instructed to use such funds for such enforcement purposes.

Fire regulations.

SEC. 3. Powers and Revocation of License. The state fire marshal shall have the power and authority to prescribe rules, regulations and specifications governing construction, equipment, maintenance and operation of "clothes cleaning establishments" deemed necessary to protect life and property against fire menace; *provided, however,* that such regulations in no manner restrict the operations of other statutes regulating such establishments; *and provided further, however,* that any order of the state fire marshal revoking the license of any clothes cleaning establishment is subject to a review by the court and can be set aside only upon the grounds that the state fire marshal has exceeded his powers or has been guilty of fraud in the use of such order. The state fire marshal is further empowered and directed to abate fire nuisances in any "clothes cleaning establishment" pending a hearing upon such nuisance.

Revocation of licenses and permits

In the event that any person, firm, association, copartnership, corporation or organization to whom such license or permit has been issued to establish, conduct, maintain or operate a "clothes cleaning establishment" or to store or to keep any volatile product therein, shall violate or shall cause or permit to be violated any of the provisions of this act regulating such "clothes cleaning establishment," or shall conduct, maintain, or operate, or cause, or permit to be conducted, maintained or operated such "clothes cleaning establishment" in an unlawful or careless manner dangerous to persons or

property, within the discretion of the state fire marshal or his duly authorized representatives, it shall be the duty of said state fire marshal, and said state fire marshal is hereby authorized and directed to revoke the permit or license issued to any such person, firm, association, copartnership, corporation or organization; *provided, however*, that no such permit or license shall be revoked until after a hearing as hereinafter provided has been had by said state fire marshal in the matter of revocation of such permit or license. Notice of such hearing shall be given, in writing and served upon the holder of such permit or license or some representative thereof if such permit or license be issued in the name of more than one person, or their manager or agent, which notice shall state the grounds of complaint against such holder or holders or against such establishment, and shall also state the time and place when and where such hearing shall be held. Such notice shall be served upon the holder or holders of such permit or their representative by delivering the same to such holder, or either of them, or to his or their manager, representative, or agent, or to any person in charge of or employed in such establishment, or by leaving such notice at such establishment, or at the residence of such holder, or either or any of them with some person of suitable age and description. If such notice be not served personally upon the holder, or any or either of them, of such permit, a copy of such notice, in addition to such notice being served as otherwise hereinabove provided, shall be deposited in the United States post office, in a sealed envelope, postage prepaid, addressed to the holder of such permit at the address of such establishment. Such notice shall be served as hereinabove provided at least five (5) days prior to the date of such hearing.

SEC. 4. Penalty. Any person, firm, association, corporation, copartnership or organization violating any of the provisions of this act, or who shall violate or fail to comply with any order or regulation made hereunder, or who shall construct, in violation of any detailed statement or specifications or plans submitted and approved hereunder by the state fire marshal, any establishment or portion thereof herein provided for, or who shall hereafter construct any "dry cleaning establishment" not in compliance with the definition of "fire proof building" set forth in section 10 of chapter 386 of the session laws of 1923, or who shall violate the terms of any license, or permit, issued hereunder, shall severally and for each portion or noncompliance respectively be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars (\$200) or imprisonment in the county jail for a period of not less than thirty (30) days, or by both such fine and imprisonment. If any sentence, clause, or portion of this act should be declared unconstitutional such decision shall not invalidate any remaining portions of this act.

Offenses and penalties.

Each person shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this act is committed, continued or permitted by such person and shall be punishable therefor, as provided by this act.

CHAPTER 881.

An act to amend sections one and eight of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the state and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

Stats. 1923,
p. 21,
amended.

SECTION 1. Section 1 of an act entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of the state and to repeal all acts or parts of acts in conflict with this act," approved April 12, 1923, is hereby amended to read as follows:

Deposit of
state moneys
in approved
banks.

Section 1. All moneys under the control of the state treasurer belonging to or in the custody of the state, shall, so far as possible, be deposited by the state treasurer to the credit of the state in such state or national bank or banks in the state as the treasurer, with the approval of the governor and state controller, shall select for the safekeeping of such deposits, and any sum so deposited shall be deemed to be in the state treasury; *provided*, that the bank or banks in which such money is deposited shall furnish security as hereinafter provided; *and provided, further*, that such depositary bank or banks be selected from those agreeing to pay the highest rate of interest, not less than two per cent per annum, for such deposits, as may be determined by bids to be submitted at such times and in such manner as the treasurer shall direct; *and provided, further*, that such deposit shall not exceed the paid-up capital, exclusive of reserve and surplus, of any depositary bank. Any and all bids may be rejected by the treasurer, with the approval of the governor and state controller, and new bids asked for. The expense of transportation of moneys to and from the state treasury to such depositaries shall be borne by such depositaries and they shall handle, collect and pay all checks, drafts and other exchange without cost to the state. Said deposits, with interest thereon, shall be subject to withdrawal at any time upon the demand of the state treasurer; *provided, however*, that the treasurer may with the consent of the governor and controller deposit any part of such moneys for a definite term and may agree with any depositary bank or banks as to the period of time of any such deposit or deposits, but no such agreement shall provide

for the deposit of any of said moneys for a longer period than one year; *and provided, further*, that the state treasurer is hereby authorized, under such conditions as he with the approval of the governor, may fix, to deposit moneys in any bank or banks outside this state, necessary for the payment of the principal or interest of bonds, made payable outside of this state, at the place or places at which the same are payable.

SEC. 2. Section 8 of said act is hereby amended to read as follows:

Stats. 1923,
p. 24,
amended.

Sec. 8. The state treasurer shall not be responsible for any moneys deposited in a bank or in banks under the provisions of this act, while the same remain there deposited with the consent of the governor and controller; but the treasurer shall be chargeable with the safekeeping, management and disbursement of the notes and bonds and certificates of deposit deposited with him as security for deposits of state moneys, and with the interest thereon, and the proceeds of any sale under the provisions of this act, and the state shall be responsible for the custody and safe return of any securities so deposited.

Responsi-
bility of
treasurer.

CHAPTER 882.

An act to amend Political Code by adding thereto a section to be known as section six hundred thirty-three aa, relating to license to act as life, accident or health insurance agent.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

SECTION 1. A new section is hereby added to the Political Code, to be known as section 633aa, and to read as follows:

New section.

633aa. No person shall, within this state, act as a life, health or accident agent of any life insurance company until such person shall have first obtained a license under the provisions of this section from the insurance commissioner authorizing him so to act. The fee for the issuance of such license shall be the sum of one dollar. Nothing herein contained shall be construed as giving such agent authority to act under the provisions of either sections 633 or 633a of the Political Code, without obtaining a license thereunder, nor shall any licensee under said sections 633 or 633a of the Political Code have authority to act as a life insurance agent under the provisions of this section, without obtaining a license hereunder.

Licensing of
life insurance
agents.

Any person so appointed by the insurance commissioner shall be an agent, within the meaning of this section. The insurance commissioner shall, upon written notice from any life insurance company authorized to transact business in this state, of the appointment of a person to act as its agent, issue to such person a license in such form as may be prescribed by the insurance department; *provided, however*,

Statement

that such proposed licensee shall first file with the insurance commissioner of the State of California a statement in writing by a duly authorized representative of the company or insurer which the agent seeks to represent, setting forth:

(a) The applicant is known to him;

(b) The applicant has had experience or instruction, or shall within thirty days from the issuance of his license, be given the necessary instruction in life insurance.

(c) The nature of any business other than insurance in which the applicant may be engaged and the name under which such business is conducted;

(d) The applicant is of good reputation;

(e) The applicant is worthy of a license; and the said licensee shall make answer under oath to such interrogatories as the insurance commissioner himself or through his deputies shall propound on forms prepared by the commissioner.

Qualifica-
tions of
applicant.

No license shall be issued until the commissioner has satisfied himself upon evidence presented and recorded as to the integrity of the applicant and that said applicant is qualified in the following respects to hold a license:

(1) That the applicant is of good reputation;

(2) That the applicant has had experience or instruction in life insurance, or will be given the necessary instructions as aforesaid within thirty days after the issuance of said license, to the end that the interests of the insuring public and of the insurers may be reasonably served;

(3) That the applicant intends to engage in business as a life insurance agent to do an insurance business with the general public and is not actuated principally in applying for a license by the prospect of insuring the life or health of himself or that of relatives or employers, or of a single person or corporation.

(4) That the applicant has never been refused a license or had a license revoked by any insurance department for reasons that should preclude the granting of the license applied for;

(5) That the applicant intends to carry on in good faith the business of life insurance agent and that said applicant does not seek the appointment for the purpose of avoiding or preventing the operation or enforcement of the insurance laws of this state and that the granting of the license applied for will not be in violation of such laws either in letter or in spirit; *provided*, that no license shall be refused by the insurance commissioner without providing an opportunity to the applicant within thirty days to be heard and produce evidence in support of his application.

Suspension
or revocation
of license.

If it shall be brought to the attention of the insurance commissioner or if written charges be filed with him showing that any agent licensed hereunder has wilfully misstated any material fact in his application or that the purpose of applying for such license was to avoid or prevent the operation or enforcement of any antirebate law or any insurance law of this state, or that such agent licensed hereunder conducts his

business in a dishonest manner or misrepresents the policies or contracts he sells or misrepresents the policies or contracts of other agents or companies or other insurers, or is incapable, or is conducting his business in such a manner as to cause injury to the public or those dealing with him, or if said agent or other person licensed hereunder obtained his license in an unfair manner or by concealment or misrepresentation, then the insurance commissioner shall give notice to such agent licensed hereunder and cite him to appear before the insurance commissioner and show cause why his license as an insurance agent should not be suspended or revoked. If at the hearing of said order to show cause it should appear that said agent or other person licensed hereunder has wilfully misstated any material fact in his application to the insurance commissioner, or that the purpose in applying for such license was to avoid or prevent the operation of any antirebate law or other insurance law of this state, or that such agent or other person licensed hereunder conducts his business in a dishonest manner or misrepresents the policies or contracts of other agents or companies, or other insurers, or is incapable, or is conducting his business in such a manner as to cause injury to the public or those dealing with him, or that said agent or other person licensed hereunder has obtained his license in an unfair manner or by concealment or misrepresentation, then the commissioner shall revoke or suspend for a period to be fixed by the commissioner the license of such agent licensed hereunder and shall notify the agent or other person licensed hereunder and the company or other insurer such agent represents of the revocation or suspension.

If at any time the commissioner revokes or suspends the license theretofore issued to any agent licensed hereunder, or refuses to grant a license, the applicant or the agent or other person licensed hereunder may commence an action against the insurance commissioner for the purpose of reviewing the facts pertinent to the controversy and for the purpose of obtaining relief or cancelling the act of the insurance commissioner. In any such action the court shall have full power to investigate all the facts de novo without regard to the determination previously made by the insurance commissioner.

Review by
superior
court.

All the provisions of the Code of Civil Procedure relating to pleadings, proofs, trials and appeals shall be applicable to such action.

Such action shall be commenced and tried in the superior court of the county in which such agent or other person licensed hereunder resides unless the parties thereto stipulate otherwise.

Unless revoked by the commissioner, or unless the company or other insurer by written notice to the commissioner cancels the authority of the agent or other person licensed hereunder to act, the license or any renewal thereof shall expire on the first day of July next after its issue or renewal. Any license issued after this section takes effect, may in the discretion of

Expiration
and renewal
of licenses.

the insurance commissioner, be renewed for a succeeding year by a renewal certificate without the commissioner requiring the detailed information required by this section.

Acting with-
out license.

Any person who shall act or offer to act or assume to act as a life insurance broker or agent, unless licensed by the insurance commissioner as provided in this section, or after such license granted to him has been suspended or revoked, unless proceedings are pending in the courts to review the act of the commissioner, shall be guilty of a misdemeanor.

Exemptions.

Nothing in this section shall be construed to apply to mutual benefit and life insurance associations organized and operating under sections 452a and 453 of the Civil Code, their solicitors or agents.

CHAPTER 883.

An act to amend section four hundred fifty-three bb of the Civil Code, and to add a new section thereto, to be numbered four hundred fifty-three gg one-half, relating to mortgage insurance.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

Stats. 1915,
p. 1539,
amended.
Words and
phrases
defined.

SECTION 1. Section 453bb of the Civil Code is hereby amended to read as follows:

453bb. The term "mortgage insurance company" shall include every association, corporation, firm or person who shall engage as a business in making and issuing policies of mortgage insurance in this state.

The term "security" wherever used in this chapter, without a different meaning being specified or made apparent, shall be construed to refer to and include within its meaning a note or notes, or bond or bonds, together with the mortgage or deed of trust securing the same which evidence a debt secured by a first lien on a marketable title in fee to real estate, or to real estate with improvements thereon.

Any contract which purports to guarantee or insure against loss on, or to guarantee the payment of, the whole, or any part, of the principal, interest or other sums agreed to be paid under the terms of any security, or other sums secured under the terms of any security, shall be deemed, and is hereby designated, a "policy of mortgage insurance."

A policy of mortgage insurance which evidences the ownership by the insured of an undivided or other partial share or interest, or the right to participate to a specified extent, in a security, or in a group consisting of several securities, and purports to guarantee the payment of such securities, or the payment of such undivided or other partial share or interest therein, or the amount of such participation, may be referred to as, and is hereby designated, a "mortgage participation certificate."

A policy of mortgage insurance, other than a mortgage participation certificate, which covers and refers to the entire indebtedness evidenced by a security, may be referred to as, and is hereby designated, an "entire mortgage guaranty."

SEC. 2. A new section is hereby added to the Civil Code, to be numbered 453gg $\frac{1}{2}$, and to read as follows: New section

453gg $\frac{1}{2}$. Any association, corporation, firm or person, other than a mortgage insurance company, holding a certificate of authority to transact business issued by the insurance commissioner of the State of California, who shall engage, as a business, in the making and/or issuing of policies of mortgage insurance, as herein defined, in California or shall advertise the making and/or issuing of such policies of mortgage insurance in California, or shall publicly offer to make and/or issue such policies of mortgage insurance in California, shall be guilty of a misdemeanor, and any officer, director, agent or other employee of any such association, corporation, firm and/or person who knowingly consents, permits and/or makes any violation of any of the terms or provisions of this section shall be guilty of a misdemeanor. Writing of mortgage insurance by unauthorized persons

CHAPTER 884.

An act to regulate and license the maintenance and operation of commercial hunting clubs and to provide revenue therefrom for fish and game protection and restoration.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Every person, firm, association or corporation in the State of California who maintains any premises, as owner, lessee, or occupant, on which a fee is charged, imposed, assessed, collected or received, for the privilege of hunting thereon, and every person in the State of California, who operates or assists in operating any such premises without first procuring the license or licenses of the class or classes provided in this act is guilty of a misdemeanor. Hunting club licenses required.

SEC. 2. Licenses granting the privilege to maintain a commercial hunting club, and licenses granting the privilege to operate or assist in operating a commercial hunting club shall be issued and delivered, upon application, by the board of fish and game commissioners, which board shall prepare suitable licenses of two forms and have printed or stamped thereon, respectively, the words, "Commercial Hunting Club License No.-----, State of California, expires June 30, 19--" and "Commercial Hunting Club Operator's License No. ---, State of California, expires June 30, 19--," with the separate registration number and appropriate year printed or stamped thereon, and said board shall account for such licenses to the Licenses.

controller of the state every three months, beginning with the first day of July of each year.

Fees

SEC. 3. (a) Commercial hunting club licenses, as herein provided, shall be issued as follows:

First—To any citizen of the United States, upon the payment of twenty-five dollars.

Second—To any person, not a citizen of the United States, upon the payment of one hundred dollars.

(b) Commercial hunting club operator's licenses, as herein provided, shall be issued as follows:

First—To any citizen of the United States, upon the payment of five dollars.

Second—To any person, not a citizen of the United States, upon the payment of twenty-five dollars.

Information
required
from
licensees.

SEC. 4. Every person, firm, association or corporation applying for and receiving a commercial hunting club license, as herein provided, shall furnish to the fish and game commission the names of all persons financially interested in said club and a list of the officers and stockholders if said club is a corporation, and shall furnish a written description of all lands, or lands and water, that are owned or leased or that are to be maintained, wholly or in part, as a commercial hunting club and shall further state whether the fees are to be charged, imposed, assessed or collected daily, weekly, seasonally or otherwise.

Every person applying for and receiving a commercial hunting club operator's license, as herein provided, must first procure a hunting license for the current license year and furnish the number of such hunting license, and a written description of himself by age, height, color of hair and eyes, nationality and residence.

Term and
authority of
license.

SEC. 5. All licenses issued as herein provided shall be valid, from the first day of July of the year in which such license was issued, until the date of expiration written or stamped thereon, and shall authorize the person to whom issued to maintain or to operate, or assist in operating, a commercial hunting club in accordance with the law and under the regulations which the fish and game commission is hereby authorized and directed to prescribe, but no license shall continue in force longer than one year, nor shall such license be issued to any person unless the holder thereof shall agree to exhibit such license, and any game that may be in his possession or under his control, upon demand, to any officer authorized to enforce the fish and game laws of this state, or any peace officer of the state, and shall further agree to comply with all regulations prescribed by the fish and game commission for the maintenance and operation of commercial hunting clubs, said agreement to be contained in said license.

Limitation
on number
and transfer.

SEC. 6. Not more than one license of each class herein provided shall be issued to any one person for the same license year, except upon affidavit that the one previously issued as herein provided has been lost or destroyed, and no

license issued as herein provided shall be transferable or used by any other person than the one to whom it was issued.

SEC. 7. Every person having a license as provided herein must exhibit such license and any game that may be in his possession or under his control, upon demand, to any officer authorized to enforce the fish and game laws of this state, or any peace officer of the state. Exhibition
of license
and game

SEC. 8. For the purpose of this act, any premises on which a fee is charged, imposed, assessed, collected or received, directly or indirectly, for the privilege of hunting thereon, shall be considered a commercial hunting club; any person who, as owner, lessee, tenant or occupant of any premises charges, imposes, assesses, collects or receives, directly or indirectly, any fee for the privilege of hunting thereon, and any person who, for profit, guides or otherwise assists hunters on such premises, shall be deemed to be operating or assisting in operating a commercial hunting club; *provided*, that premises owned or leased by hunting clubs, which are entirely maintained and operated by the regular members of such clubs, shall not be included under the provisions of this act if no fees are charged, or assessed to, imposed upon or collected or received from, guests for the privilege of hunting thereon, and the caretakers of such premises, or other employees, shall not be deemed to be operating or assisting in operating a commercial hunting club. Clubs and
operators
requiring
licenses.

SEC. 9. Any license issued as herein provided may be revoked by the court having jurisdiction, or by the fish and game commission, when and if the holder thereof shall have been convicted in any court in this state for a violation of the fish and game laws, and no new license shall be issued to such person during the same license year. Revocation
of license.

SEC. 10. Every person who makes any false statement as to any of the facts required by this act, for the purpose of obtaining a license, and every person violating any of the provisions of this act, or any regulation prescribed thereunder, shall be guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars or by imprisonment in the county jail in the county in which the conviction shall be had, not less than twenty-five days nor more than one hundred and fifty days, or by both such fine and imprisonment and shall forfeit such license or licenses as may have been obtained, and no new license shall be issued to such person for the remainder of the license year. Penalties.

SEC. 11. All moneys collected from the sale of licenses as provided in this act and all fines and forfeitures imposed and collected for the violation of any of the provisions thereof, shall be paid into the state treasury to the credit of the fish and game preservation fund. Disposition
of money
collected.

CHAPTER 885.

An act to license and regulate the business of private detectives and detective agencies, and to repeal the act entitled "An act to license and regulate the business of private detectives and detective agencies," approved June 7, 1915.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

Detective
licenses
required.

SECTION 1. License for Private Detectives and Detective Agencies. No person, firm, partnership, association or corporation shall engage in the business of private detective for hire or reward or advertise such business to be that of detective or of conducting a detective agency, except as hereinafter provided in section 10 without having first obtained a license so to do from the board of prison directors of the State of California in the manner hereinafter provided. Nor shall any person, firm, partnership, association or corporation, except as hereinafter provided in section 10, accept employment for hire or reward, or hire and reward, to furnish or supply information as to the personal character or actions of any person or firm, or as to the character or kind of the business or occupation of any person, firm or corporation, or own or conduct a bureau or agency for the above mentioned purposes without having first obtained a license so to do from the state board of prison directors in the manner hereinafter provided. Violation of the provisions of this section is hereby declared to be a misdemeanor, punishable by fine not to exceed five hundred dollars or by imprisonment not to exceed one year in the county jail or by both such fine and imprisonment.

"Private
detective"
defined.

SEC. 2. "Private Detective" Defined. Any person, firm, partnership, association or corporation who shall engage in the business or shall accept employment for hire, fee or reward, or hire and reward; to furnish or supply information as to the personal character or actions of any person or firm or as to the character or kind of the business or occupation of any person, firm or corporation or own or conduct a bureau or agency for the above mentioned purposes or who shall furnish uniformed police, guards or watchmen (other than private watchmen regularly employed), shall be termed and considered a "private detective" for the purposes of this act.

Application
for license.

SEC. 3. Application for License. Any person, firm, partnership, association or corporation desiring to conduct the business of private detective or detective agency, and any person, firm, partnership, association or corporation desiring to conduct the business of furnishing or supplying information as to the personal actions or character of any person or

firm, or as to the character or kind of the business or occupation of any person, firm, or corporation, or desiring to own, conduct, manage or maintain a bureau or agency for the above mentioned purposes, (except as hereinafter provided in section 10) shall present to the board of prison directors of the State of California and file in their office a written application duly signed and verified as follows:

Application
for license
(cont'd).

(a) If the applicant is a person the application shall be signed and verified by such person and if the applicant is a firm or partnership the application shall be signed and verified by each individual composing or intending to compose such firm or partnership. The application shall state the full name, age, residence, present and previous occupations of each person or individual signing same, that he is a citizen of the United States and shall also specify the name of the city, town or village, stating the street and number, if the premises have a street and number and otherwise such apt description as will reasonably indicate the location thereof, where the principal place of business of the bureau or agency is to be located for which the license is desired and such further facts as may be required by the state board of prison directors to show the good character, competency and integrity of each person, or individual so signing such application. Such application shall be duly signed and verified by the applicant and shall be approved by not less than five reputable freeholders of the county where such applicant resides or where it is proposed to conduct such business, each of whom shall certify that he has personally known the said person or individual for a period of at least five years prior to the filing of such application, that he has read such application and believes each of the statements made therein to be true. That such person is honest, of good character and competent, and not related or connected to the person so certifying by blood or marriage. The certificate of approval shall be signed by such reputable freeholders and duly acknowledged by them before an officer authorized to take acknowledgments of deeds. The state board of prison directors shall make such additional investigation as they deem necessary. All provisions of this section applying to corporations shall also apply to joint stock associations, except that each joint stock association shall file a duly certified copy of its certificate of organization in the place of the certified copy of incorporation required in the case of a corporation.

(b) If the applicant is a corporation the application shall be signed and verified by the president, secretary and treasurer thereof and shall specify the name of the corporation, the date and place of its incorporation, the location of its principal place of business and the name of the city, town or village, stating the street and number if the premises have a street and number and otherwise such apt description as will reasonably indicate the location thereof where is to be located the bureau or agency, for which the license is desired,

amount so collected or taken in shall be paid into the state treasury and be credited to a fund to be known as the board of prison directors' private detective agency contingent fund, which fund is hereby created. Such fund shall be used by the said board to pay all expenses necessarily incurred in carrying out the provisions of this act. Payments made out of said fund shall be upon written order of the chairman of said board which shall contain an itemized statement of the purpose or purposes for which such expenditure or expenditures was or were made. Said order shall be forwarded directly to the state controller who shall draw his warrant against the state treasury for such sum as may be specified therein; *provided, however*, that nothing contained herein shall be construed to require the auditing of any such order by the state board of control.

SEC. 5. Information Not to be Divulged. No employee of any person, firm, partnership, association or corporation licensed under this act shall divulge to anyone other than his employer or client or as his employer or client shall direct (except as he may be required by law so to do) any information acquired by him during such employment in respect of any of the work to which he shall have been assigned by such employer or client. Nor shall any such employee wilfully make a false report to his employer or client in respect of any such work. Violation of the provisions of this section is hereby declared to be a misdemeanor punishable by fine not to exceed five hundred dollars or by imprisonment, not to exceed one year, in the county jail, or by both such fine and imprisonment.

Information
not to be
divulged.

SEC. 6. Complaints Against Detective Agencies or Employees. Any person, firm or corporation filing charges against a detective agency or employee thereof must present same to the state board of prison directors in the form of sworn affidavits which shall be corroborated or supported by witnesses. Upon receipt of such charges properly substantiated the state board of prison directors shall set a date of hearing and notice shall be given in writing and served upon the person accused at least thirty days prior to the date of such hearing. Such notice shall state the grounds of the complaint against the accused, the person or persons filing same and shall also state the time when and the place where such hearing shall be had. Such notice shall be served on the person accused by personally delivering to such person said notice, or by leaving same at the place of business of the accused with some person of suitable age and discretion; or, in the discretion of the state board of prison directors, by forwarding such notice by registered mail to the last known address of the person accused in such charges. The state board of prison directors shall have full power to subpoena witnesses at any such hearing and compel attendance of such witnesses. Failure for a period of ten days to furnish such sworn affidavits and corroboration thereof by any person, firm or

Complaints

corporation filing such charges shall constitute presumptive evidence that such person, firm or corporation has failed in respect to the matter so required and shall be sufficient grounds for a dismissal of such charges against the accused.

Revocation
of licenses.

SEC. 7. Grounds for Revocation of License. Conviction of a felony or any offense involving moral turpitude or violation of any of the provisions of this act, or for any other cause which the said board deems serious enough to justify the taking of administrative action, shall be grounds for revocation or suspension of the license issued pursuant to this act, and upon proof of any such offense or cause the state board of prison directors hearing such charges may revoke or suspend the license of such offender; *provided*, that said board is hereby empowered to revoke any license already granted only upon a public hearing, notice of which shall be given by placing a letter in the registered mail at least a month before such hearing directed to the last known address of the person against whom such action is to be taken, designating an appropriate time and place for the same, at which any interested party may appear and show cause why such action should or should not be taken; *provided, further*, if the said board revokes or suspends any license heretofore issued the said licensee may file a petition for a writ of review in a court of competent jurisdiction for the purpose of reviewing the act and the findings of said board. Upon demand of either the accused or the accuser and deposit of necessary per diem charges of a stenographer employed for that purpose, all testimony adduced upon a hearing for revocation of license shall be taken down in shorthand and transcribed at the request and expense of either party demanding the same.

Enforcement
of act.

SEC. 8. Authority for Appointment of Enforcement Officers. The state board of prison directors shall appoint a person or persons to be regularly employed who shall have the authority of peace officers whose duty it shall be to investigate all alleged violations of this act and prosecute violators thereof and the state board of prison directors are hereby authorized and directed to expend annually any necessary moneys received as license fees in the employment of such agents and the defraying of expenses incurred in the performance of their duties.

Authority
of licensee.

SEC. 9. Authority of Licensee. A license obtained from the state board of prison directors by any person, firm, partnership, association, or corporation, mentioned in section 1 of this act, shall be sufficient to give the said person, firm, partnership, association or corporation obtaining said license, or any employee of any such person, firm, partnership, association or corporation, the authority to act under said license as private detective in any county, city and county, city or town in this state.

Exemptions.

SEC. 10. Application of Act. Nothing in this act shall apply to any detective or officer belonging to the police force of the state, or of any county, city and county, city or

town thereof, appointed or elected by due authority of law, or to any person in the employ of any police force, or of any police department of this state, or in any county, city and county, city or town thereof, while engaged in the performance of their official duties. Nor to any person, firm or corporation engaged in the business of obtaining and furnishing information as to the financial rating of persons, firms or corporations, nor to any charitable philanthropic society or association duly incorporated under the laws of this state and which is organized and maintained for the public good and not for private profit.

SEC. 11. The act entitled "An act to license and regulate the business of private detectives and detective agencies," approved June 7, 1915, is hereby repealed. This act shall also supersede and take the place of any rule, regulation or ordinance of any county, city and county, city or town in the State of California conflicting herewith.

Stats. 1915,
p. 1253,
repealed.

CHAPTER 886.

An act to add a new section to the Political Code to be numbered section four thousand two hundred seventy-six b relating to the compensation and expenses of the county surveyor in counties of the forty-seventh class.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

SECTION 1. A new section to be numbered section 4276b is hereby added to the Political Code to read as follows:

New section.

4276b. In counties of the forty-seventh class the county surveyor shall receive the sum of twenty dollars per day for all work performed for the county from and after the day on which this act becomes effective up to and including the thirty-first day of December, 1927. On and after January 1, 1928, said county surveyor shall receive the sum of ten dollars per day for all work performed for the county. The said county surveyor shall also receive all necessary expenses and transportation on work performed for the county in the field.

Counties of
47th class:
surveyor.

CHAPTER 887.

An act authorizing the state department of education, with the approval of the state board of control, to grant to the California highway commission certain lands belonging to the State of California situated in Siskiyou county.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

SECTION 1. The state department of education, with the approval of the state board of control, is hereby authorized to

Grant of
Siskiyou land
to highway
commission.

Grant of
Siskiyou land
to highway
commission
(cont'd).

grant to the California highway commission and the said commission is hereby authorized to accept the following described land or parts thereof:

All that part of the southwest quarter (SW $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of section 9, township 40 north, range 4 west, Mount Diablo base and meridian, bounded and described as follows:

Beginning at a point on the westerly boundary line of the existing right of way of the Central Pacific railroad 100 feet westerly, measured normally from the engineer's station 8200+49.8 B. C. of said Central Pacific railroad, from which point the southwesterly corner of said southwest quarter (SW $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of section 9, bears north 87 degrees 50 minutes west, a distance of 582.11 feet; thence from said point of beginning along said westerly right of way line of the Central Pacific railroad, from a tangent which bears north 11 degrees 41 minutes east along a series of compound curves, concave to the left and of varying radii as follows:

- (a) Radius 2191.88 feet, arc distance 28.69 feet
- (b) Radius 1046.01 feet, arc distance 27.38 feet
- (c) Radius 664.08 feet, arc distance 26.07 feet
- (d) Radius 473.14 feet, arc distance 742.97 feet
- (e) Radius 664.08 feet, arc distance 26.07 feet
- (f) Radius 1046.01 feet, arc distance 27.38 feet
- (g) Radius 2191.88 feet, arc distance 28.69 feet

to a point on said westerly right of way line of the Central Pacific railroad, 100 feet southerly, measured normally, from engineer's station 8211+29.8 of said Central Pacific railroad from which point the southwesterly corner of said southwest quarter (SW $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of section 9 bears south 9 degrees 55 minutes west, a distance of 602.75 feet; thence continuing from said point on the westerly right of way line of the Central Pacific railroad south 50 degrees 02 minutes 30 seconds east 398.76 feet; thence south 25 degrees 35 minutes 30 seconds east 398.76 feet to the point of beginning.

Containing 1.75 acres, more or less, all being lands situated in Siskiyou county, and forming a part of that property of the State of California known as the Mount Shasta Summer School.

CHAPTER 888.

An act to be known as the "Pure milk law of California," to prevent the sale of impure and unwholesome milk; to provide for milk scoring contests; to classify and grade milk; to provide rules and regulations therefor, and to empower cities, counties and groups of cities and counties to establish milk inspection service; to authorize the department of agriculture of the State of California to approve milk

inspection service; to provide for the payment of a fee to defray the expenses of such approved milk inspection service; to provide for the examination, testing, branding and exclusion of tuberculous cattle; to prescribe penalties for violation of the provisions hereof; to repeal an act known as the "Pure milk law," approved June 15, 1923, as amended, and all acts or parts of acts inconsistent with the provisions of this act.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known as the "Pure milk law Short title of California."

SEC. 2. (a) Unless specifically stated otherwise, the term "Milk." "milk" as used in this act shall be construed to mean the milk of cows as defined in the general dairy law of California, and as distinguished from the milk of goats, sheep or other animals.

(b) Market milk is milk which is supplied to the consumer Market milk in the natural fluid state, or prepared for human consumption without being converted into any other form or product, as distinguished from manufacturing milk. Except as provided in section 3 (c) of this act, market milk shall contain not less than three and three-tenths per cent of milk fat as a minimum. For the purposes of this act the term "market milk" shall be construed to include "market cream," except where specifically stated otherwise.

(c) It shall be unlawful for any person, firm, corporation Sale of raw market milk. or association, to sell or exchange or offer for sale or exchange for human consumption, except in bulk to the wholesale trade, any raw market milk from cows that have not passed a tuberculin test applied annually by a qualified veterinarian in the full time employ of the department of agriculture of the State of California, or a veterinarian acceptable to and designated by said department. If reacting animals are found they must be removed from the herd immediately, by the owner, must thereafter be kept separate and apart from any and all cows whose milk is produced for human consumption in the raw state, and the non-reacting animals remaining in the herd must be again tested in six months by the department. If pasteurized, all portions of such market milk shall be uniformly heated to a temperature of at least one hundred forty degrees, but not higher than one hundred forty-five degrees Fahrenheit, and held at such temperature for at least thirty minutes, and immediately thereafter cooled to a temperature of fifty degrees Fahrenheit or below and so maintained until delivered to the consumer; *provided*, that exceptions to this required process for pasteurization may be made upon receipt of a special written permit from the department of agriculture of the State of California.

Every pasteurization plant shall be equipped with a sufficient number of self-registering devices to accurately record the temperature to which and the length of time for which the pasteurized product has been heated. Such records shall be kept for two months and shall be available for inspection by any authorized inspector, agent or other employee of any health department, any approved milk inspection service, or the department of agriculture of the State of California. Repasteurized milk shall not be sold for market milk.

Bottling
of milk

(d) Pasteurized market milk shall be bottled only in the plant where it is pasteurized. Raw market milk and pasteurized market milk shall not be bottled in the same plant; except in those plants where milk is received exclusively from cows that have passed an official tuberculin test as required for raw market milk by the provisions of section 2 (c) of this act; or except in those plants where an official representative of any approved milk inspection service is maintained during the period of handling, processing or bottling any such market milk; *provided, however*, that the provisions of this paragraph shall not apply to market cream.

Serving milk
in bottles.

(e) When served by any hotel, boarding house, restaurant, saloon, lunch counter or other place of public entertainment market milk shall be served in the original bottle, the cap of which shall not be removed, except in the presence of the consumer or patron; *provided, however*, that this provision shall not apply to market cream.

Goat's milk.

(f) All the provisions of section 2 (e) shall also apply to goat's milk.

It shall be unlawful for any person, firm, corporation or association, to sell or exchange or offer or expose for sale or exchange for human consumption, as and for cow's milk, any cow's milk to which goat's milk has been added or, as and for goat's milk, any goat's milk to which cow's milk has been added.

Labeling
of milk.

(g) The class or grade of all market milk sold, except in bulk to distributors, and the name and address of the producer or distributor (who shall be responsible for the quality of the contents and correct labeling as required by this act) shall at all times appear plainly and in a conspicuous place on, or be securely attached to, every cap, bottle, can or other container.

Market milk which is not subject to grading and grade designations, shall be labeled with the words "Market Milk," which label shall also state whether such milk is raw or pasteurized, in capital letters not less than one-eighth inch in height and one-sixteenth inch in width. Graded market milk shall be labeled with the name of the grade, which label shall also state whether such milk is raw or pasteurized, in capital letters not less than one-eighth inch in height and one-sixteenth inch in width.

No distinguishing names, pictures, symbols, marks, words or other representations, intended to signify or describe the

quality of market milk or cream, except those specified in this act, shall appear on any milk bottle, milk bottle cap, milk can, or other milk container; *provided*, that the use of registered trademarks or other trade symbols, which do not pertain to the quality of the product in any manner, shall not be deemed to be a violation of the provisions of this act; *and provided, further*, that nothing herein contained shall be construed to prohibit the use of the names of breeds of dairy cattle, breed trademarks or other designations adopted by a national or state breed association approved by the department of agriculture of the State of California, when such breed names, trademarks or designations are placed only on an inner cap, or embossed or engraved in the glass of the bottle; or to prohibit the use of the expression, "from nonreacting tuberculin tested cows"; *and provided, further*, that nothing herein contained shall be construed to prohibit the dating of milk bottle caps as otherwise provided in section 3 (c) of this act or under the rules of an approved milk inspection service, or under local ordinances.

It shall be unlawful for any person, firm, corporation, or association selling or handling market milk, except the original bottler thereof, to have in his or its possession, or under his or its control, any milk bottle cap or label, except the caps and/or labels that are affixed to the filled containers at the time of delivery to said seller or handler. It shall be unlawful for any person, firm, corporation or association, selling or handling market milk to remove any cap or label from any milk container and attach said cap or label to another milk container. It shall be unlawful to sell or offer for sale or have on hand for sale any milk bottle caps which are not packed by the manufacturer in a single column in unopened, dustproof tubular packages.

SEC. 3. (a) Where an approved milk inspection service is maintained as provided in section 4 of this act, market milk shall be graded and designated as follows: "certified milk," "guaranteed milk," "grade A milk," "grade B milk." Market cream if graded shall conform to all of the standards set for market milk of the same grade except that maximum bacterial count for market cream shall be not more than three times as great as that for the corresponding grade of milk.

(b) Certified milk, is market milk which conforms to the rules, regulations, methods and standards for the production and distribution of certified milk adopted by the American Association of Medical Milk Commissions and must bear the certification of a milk commission appointed by a county medical association, organized under and approved by the medical society of the State of California, and must otherwise conform to the requirement of the so-called certified milk act, approved April 25, 1913. (Stats. 1913, p. 83.)

(c) Guaranteed milk, is market milk which shall conform to the following requirements as a minimum: If raw, the health of the cows shall be determined by physical examination

Grades of
market milk
and cream.

Certified
milk.

Guaranteed
milk.

Guaranteed
milk
(cont'd).

at least once each month by an official representative of an approved milk inspection service and by a tuberculin test as required by section 2 (c) of this act. It shall be produced on dairies which score not less than ninety per cent on the dairy farm score card adopted by the department of agriculture of the State of California. It shall be bottled on the premises where produced and must be delivered in containers having the pouring lip completely protected from contamination and shall be cooled immediately after being drawn from the cow to fifty degrees Fahrenheit or less, and so maintained until delivered to the consumer, when it shall contain not more than fifteen thousand bacteria per milliliter, and not less than three and one-half per cent of milk fat. It must be sold to the consumer within thirty hours after production and shall be labeled to indicate the date of sale to the consumer. All persons who come in contact with the raw guaranteed milk must exercise scrupulous cleanliness and must not be afflicted with any communicable disease or in a condition to disseminate the germs of typhoid fever, tuberculosis, diphtheria or other communicable disease liable to be conveyed by the milk. The absence of such germs in all such persons shall be determined by bacteriological and physical examination by a health department maintaining an approved milk inspection service, or other person or laboratory approved in writing by the department of agriculture of the State of California, conducted at the time of employment and every six months thereafter in a manner approved by the said department of agriculture.

If pasteurized, guaranteed milk shall conform with all the provisions for raw guaranteed milk, except with respect to bottling at the ranch where produced, and except it shall contain not more than three thousand bacteria per milliliter at the time of delivery to the consumer.

Grade A
milk.

(d) Grade A milk is market milk which shall conform to the following requirements as a minimum:

If raw, the health of the cows shall be determined by physical examination at least once in two months by an official representative of an approved milk inspection service and by a tuberculin test as required by section 2 (c) of this act. It shall be produced on dairies that score not less than eighty per cent on the dairy farm score card adopted by the department of agriculture of the State of California; *provided, however*, that dairies where no two cows freshen within four consecutive months and which are found by any milk inspection service to comply fully with the remaining provisions of this act are hereby exempted from such scoring requirements and from the use of labels prescribed in section 2 (g) hereof. It shall contain not more than fifty thousand bacteria per milliliter at the time of delivery to the consumer. All persons who come in contact with raw grade A milk must exercise scrupulous cleanliness and must not be afflicted with any communicable disease or in a condition to disseminate

the germs of typhoid fever, tuberculosis, diphtheria or other communicable diseases liable to be conveyed by milk. Absence of such germs may be determined by bacteriological and physical examination, to the satisfaction of an approved milk inspection service.

If pasteurized, the health of the cows shall be determined by physical examination at least once in six months, by an official representative of an approved milk inspection service. It shall be produced on dairies that score not less than seventy per cent on the dairy farm score card adopted by the department of agriculture of the State of California. It shall contain not more than one hundred fifty thousand bacteria per milliliter before pasteurization and not more than fifteen thousand bacteria per milliliter at the time of delivery to the consumer:

(f) Grade B milk is market milk which shall conform to the following requirements as a minimum: Grade B
milk.

The health of the cows shall be determined by physical examination at least once in six months by an official representative of an approved milk inspection service. It shall be produced on dairies that score not less than sixty per cent on the dairy farm score card adopted by the department of agriculture of the State of California. It shall always be pasteurized and shall contain not more than one million bacteria per milliliter before pasteurization and not more than fifty thousand bacteria per milliliter at the time of delivery to the consumer. Grade B milk shall be sold only in cans to the wholesale trade to be used for cooking and baking purposes; *provided, however*, that this latter provision shall not apply to Grade B cream.

SEC. 4. (a) Counties or groups of counties, cities or groups of cities, or groups of cities and counties, are hereby authorized to maintain in connection with their respective health departments a milk inspection service and laboratory, conformable to the provisions of this act and the rules and regulations promulgated by the director of agriculture of the State of California for the enforcement of this act as provided in section 4 (d). Such counties, cities, or cities and counties may contract one with the other for the maintenance by one of them of such milk inspection service and laboratory within the limits of the other and pay a pro rata of the cost thereof from license fees collected for that purpose or from other moneys available for such purposes. It shall be lawful for any county, city, or city and county to levy and collect a license tax from those who come under the provisions of this act and to pay the same or provide that the same be paid directly to any other county, city, or city and county performing the inspection service under the act as authorized herein. Upon approval in writing of such milk inspection service by the department of agriculture of the State of California, any such milk inspection service is authorized to grade market milk as produced or sold under its jurisdiction and to require Milk inspec-
tion service.

the use of the respective grade designations as prescribed in section 3 of this act.

Application
to state for
service.

(b) Any person, firm, corporation or association, or any group of persons, firms, corporations or associations engaged in the sale or distribution of market milk where an approved milk inspection service, in connection with a local health department, is not maintained may make application in writing to the department of agriculture of the State of California requesting the establishment of an approved milk inspection service, authorized to grade the market milk sold or distributed by them in conformity with all of the provisions of this act, and the rules and regulations for its enforcement and to require the use of respective grade designations prescribed in section 3 of this act. Upon receipt of such application by the department of agriculture of the State of California the director of agriculture of the State of California through his duly authorized agents shall cause an investigation pertaining to the merits of such application, to be made. If, from the results of such investigation, it shall appear necessary and desirable that such approved milk inspection service be established, the applicant or applicants shall be provided with a form of contract, whereby said applicant or applicants shall agree to accept and to comply with the provisions of this act and the rules and regulations for its enforcements, and to pay a fee sufficient to defray the salaries and other expenses in connection with the maintenance of an approved milk inspection service which amount is to be designated by the director of agriculture, and which shall be payable three months in advance during the first week of January, April, July and October of each year. When such agreement shall be signed by the applicant or applicants it shall be validated by the signature of the director of agriculture who shall at the same time issue a proclamation establishing a milk inspection service and granting the privileges requested in the application as hereinabove set forth.

Duties of
inspection
service.

(c) It shall be the duty of the department of agriculture of the State of California either directly or indirectly through its authorized agents or those of an approved local milk service, to inspect dairies and milk plants, to examine and test cows, to exclude reacting animals from the herds, to mark by branding on the jaw with the capital letter "T" three inches in height and two inches in width any cattle which under the provisions of this act have been tested with tuberculin and found to react to the test, to conduct and/or supervise milk scoring or other contests when deemed advisable, and to enforce all the other provisions of this act.

Authority
of director

(d) The director of agriculture of the State of California is hereby authorized to approve local milk inspection services and to make such rules and regulations as may be necessary from time to time to enforce any provision of this act.

(e) Any milk delivered by the producer thereof, to be sold as any grade of market milk, defined in section 3 of this act, shall not be degraded or excluded from the market when a score of the dairy on which said milk is produced is below the specified minimum legal requirement unless a copy of said score shall be promptly given to the proprietor or operator of the dairy and the purchaser of the milk produced by said dairy, and until after a period of sixty hours subsequent to a rescore, made after a period of ten days following the previous scoring, shows the score of said dairy to be again below the specified minimum legal requirement, and a copy of such rescore promptly given to the proprietor or operator of said dairy and the purchaser of the milk produced by said dairy. If, during the said sixty hour period following this said rescoring, a protest is filed with the head of the milk inspection service under whose jurisdiction the milk of such dairy is sold, the milk produced on said dairy shall not be degraded or excluded from the market until after a third score has been made by the said duly authorized representative of said milk inspection service jointly with a duly authorized representative of the department of agriculture of the State of California who shall concur in said rescore.

When dairy score is below minimum.

(f) It shall be the duty of the district attorney of each and every county of this state, upon application of the said department of agriculture of the State of California or the authorized representatives of any milk inspection service in his county to attend to the prosecution in the name of the people of any action brought for the violation of any of the provisions of this act within his county.

District attorneys to prosecute.

SEC. 5. (a) It shall be unlawful for any person, firm, corporation or association, to sell or exchange any milk as and for or under the designation, label or other representation of guaranteed, grade A or grade B milk, except under the supervision of a milk inspection service approved by the department of agriculture of the State of California; *provided*, that a person, firm, corporation or association, which is authorized to sell market milk within the jurisdiction of a milk inspection service may sell market milk from the same supply, of the same quality, in similar containers, and under the same label in territory outside the jurisdiction of any milk inspection service, if local ordinances are not thereby violated, and also in territory within the jurisdiction of any other milk inspection service, if the consent of said other milk inspection service has been previously obtained. It shall be unlawful for any person, firm, corporation or association, to sell, or exchange, or offer or expose for sale or exchange, in any city, county or city and county or any combination of cities and counties in which a milk inspection service, approved by the department of agriculture of the State of California has been established any market milk other than graded milk as provided in this act. For the purpose of this act the term "approved milk inspection service" shall be construed to mean

Unlawful sales.

a milk inspection service maintained in connection with a county or city, or group or combination of counties and cities which inspection service shall be approved in writing by the department of agriculture of the State of California as provided in section 4 (a) and section 4 (b) of this act; or a milk inspection service established by proclamation of the director of agriculture as provided in section 4 (b) of this act.

Penalties.

(b) Any person, firm, corporation or association, who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and such imprisonment.

Constitutionality.

SEC. 6. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Stats 1923,
p. 839,
and 1925,
p. 299,
repealed.

SEC. 7. An act known as the "Pure milk law of California," approved June 15, 1923, as amended, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 889.

An act to amend section one hundred ninety of the Penal Code, relating to murder in the second degree.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

Stats. 1921,
p. 98,
amended.
Punishment
for murder.

SECTION 1. Section 190 of the Penal Code is hereby amended to read as follows:

190. Every person guilty of murder in the first degree shall suffer death, or confinement in the state prison for life, at the discretion of the jury trying the same; or, upon the plea of guilty, the court shall determine the same; and every person guilty of murder in the second degree is punishable by imprisonment in the state prison from five years to life; *provided, however,* this section is to apply to all persons now serving sentence in a state prison for murder of the second degree and the sentence of such persons may be modified or reduced to conform to this section; *provided, however,* that the death penalty shall not be imposed or inflicted upon any person for murder committed before such person shall have reached the age of eighteen years; *provided, further,* that the burden of proof as to the age of said person shall be upon the defendant.

CHAPTER 890.

An act to amend section nine a thirteen of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, relating to the salary of the county librarian in the counties of the thirteenth class.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 9a13 of an act entitled "An act to provide for the establishment and maintenance of county free libraries in the State of California and repealing an act entitled 'An act to provide county library systems,' approved April 12, 1909, and all acts and parts of acts in conflict with this act," approved February 25, 1911, as amended, is hereby amended to read as follows:

Stats. 1921,
p. 603,
amended

Sec. 9a13. In counties of the thirteenth class the salary of the county librarian shall be two thousand seven hundred dollars per annum.

Counties of
13th class:
librarian

CHAPTER 891.

An act to amend section one thousand five hundred ninety-nine of the Code of Civil Procedure, relating to encumbering, leasing or selling real property of the estates of decedents or of persons under guardianship.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 1599 of the Code of Civil Procedure is hereby amended to read as follows:

Stats 1905,
p. 77,
amended

1599. At the time and place appointed for the hearing, or at such other time to which the same may be postponed upon satisfactory proof by affidavit or otherwise that notice of the hearing has been duly and regularly given the court shall proceed to hear the said petition, and all persons interested in the estate may appear and contest such petition, by filing their objections in writing, and the court may examine, on oath, the petitioner and all who may be produced before him for that purpose.

Interested
parties may
contest.

CHAPTER 892.

An act to amend section four thousand two hundred seventy-six of the Political Code, relating to the salaries and fees of officials in counties of the forty-seventh class.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

Stats. 1921,
p. 774,
amended.
Counties of
47th class
officers and
employees.

SECTION 1. Section 4276 of the Political Code is hereby amended to read as follows:

4276. In counties of the forty-seventh class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

Clerk.

1. The county clerk one thousand eight hundred dollars per annum; *provided*, that in counties of this class, there shall be one deputy clerk who shall be appointed by the county clerk, whose salary shall be one thousand five hundred dollars per annum, and one deputy county clerk to serve in each year, which deputy shall be employed only during that portion of the year requiring extra work, and who shall receive a salary of not to exceed five dollars per day, and not to exceed five hundred dollars in any one calendar year; which salaries shall be paid by said county in the same manner and out of the same funds as the salary of the county clerk.

Sheriff

2. The sheriff, five thousand dollars per annum and mileage for services of any and all processes required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty, and for services of all processes issued from all courts outside of his county; the sheriff to pay all salaries of his deputies, except a chief deputy sheriff who shall receive the sum of one hundred twenty-five dollars per month out of the same fund from which the sheriff is paid.

Recorder.

3. The recorder, one thousand eight hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law. He shall have one deputy at a salary of one thousand five hundred dollars per annum, and one deputy as required for extra work at a salary of not to exceed five dollars per day and not to exceed five hundred dollars in any one calendar year, which salaries shall be paid by said county in the same manner and out of the same fund as the salary of the county recorder.

Auditor.

4. The auditor, one thousand eight hundred dollars per annum. The county auditor shall be allowed one deputy county auditor to be appointed by him, whose salary shall be one thousand five hundred dollars per annum.

Treasurer.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, one thousand eight hundred dollars Collector.
per annum.

7. The assessor, two thousand one hundred dollars per Assessor.
annum; he shall have one deputy assessor to be appointed by
him, whose salary shall be one hundred twenty-five dollars per
month; and one deputy for three months in each year during
the assessing period at a salary of one hundred twenty-five
dollars per month and his actual necessary traveling expenses,
which salary shall be paid in the same manner and out of the
same fund as the salary of the county assessor.

8. The district attorney, two thousand one hundred dollars Attorney.
per annum, and an assistant to the district attorney at a salary
of one thousand five hundred dollars per annum to be paid
in the same manner and out of the same fund as the district
attorney is paid.

9. The coroner, such fees as are now or may be hereafter Coroner.
allowed by law.

10. The public administrator, such fees as are now or may Adminis-
trator.
be hereafter allowed by law.

11. The superintendent of schools, one thousand eight hun- Supt. of
schools,
dred dollars per annum and all necessary traveling expenses
when visiting the schools of the county.

12. The surveyor, such fees as are now or may be hereafter Surveyor.
allowed by law.

13. The county librarian, one thousand eight hundred dol- Librarian
lars per annum.

14. Justices of the peace in townships having a population Justices
of two thousand five hundred or over shall receive fifty dollars
per month; and justices of the peace in townships having a
population under two thousand five hundred shall receive
twenty-five dollars per month, which said salary shall be in full
compensation for all services rendered by said justices of the
peace in both civil and criminal cases, and all such fees as are
allowed by law in civil cases shall be paid by said justices of
the peace into the county treasury, as the fees of county officers
are paid in.

15. Constables in counties of this class shall receive such Constables.
fees as are now or may hereafter be allowed by law; *provided,*
however, that in counties of this class each constable shall be
allowed the sum of four dollars per day for each day that he
is actually required to care for a prisoner in his custody or when
in actual attendance during a trial or proceeding in the jus-
tices' court of his township; *and, provided, further,* that con-
stables in townships having a population of two thousand five
hundred or over shall receive a salary of fifty dollars per
month, and constables in townships having a population of less
than two thousand five hundred shall receive a salary of
twenty-five dollars per month, which salaries shall be paid in
the same manner and out of the same fund as the salaries of
other county officers are paid.

16. Each member of the board of supervisors one thousand Supervisors.
two hundred dollars per annum; thirty cents per mile one way

in attending the meetings of the board, and three dollars per day when actually serving as road commissioner, not to exceed three hundred dollars per annum.

Reporter.

17. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in criminal cases in said court, before the grand jury, for preliminary examinations, and for coroners' inquests, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid, and shall receive as compensation for taking notes, when required, in civil cases a per diem of ten dollars, to be paid by the litigants as the court may direct; and for transcription of said notes, when required, the sum of fifteen cents per folio for the original and five cents per folio for each copy thereof; said compensation for transcription in criminal cases and coroner's inquests to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or by both or all parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat.

Population
of townships

18. Population of townships. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

CHAPTER 893.

An act to amend section two thousand three hundred twenty-two x thirteen of the Political Code, relating to salary and expenses of the county horticultural commissioner in counties of the thirteenth class.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

Stats 1925,
p. 202,
amended.
Counties of
13th class
horticultural
commis-
sioner.

SECTION 1. Section 2322x13 of the Political Code is hereby amended to read as follows:

2322x13. In counties of the thirteenth class, the commissioner shall receive a compensation of two thousand four hundred dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the commissioner the following inspectors and clerks to be appointed by said commissioner, which positions are hereby created and the salaries are hereby fixed as follows, to wit:

(a) Eight inspectors at a salary of five dollars and a half per diem each during the time actually employed, but the aggregate amount which may be expended in any year for all such inspectors shall not exceed six thousand five hundred dollars.

(b) The commissioner is also authorized and empowered to appoint not to exceed one clerk, at a salary of fifty dollars per month during the time actually employed, but the aggregate amount which may be expended in any year for such clerk shall not exceed six hundred dollars.

CHAPTER 894.

An act to amend section four thousand two hundred fifty-eight of the Political Code, relating to the salaries of county officers in counties of the twenty-ninth class.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 4258 of the Political Code is hereby amended to read as follows:

4258. In counties of the twenty-ninth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, fees and expenses, to wit:

1. The county clerk, two thousand seven hundred dollars per annum, and one deputy at a salary of one thousand six hundred twenty dollars per annum, and one deputy at a salary of one thousand three hundred twenty dollars per annum. The salary of said deputies to be payable monthly in the same manner as the salaries of the other county officers are paid; *provided, further, however,* that in each year in which a new and complete registration of voters is required by law the county clerk may appoint an additional deputy or deputies whose compensation in the aggregate shall not exceed four hundred dollars in any one year; *and provided, further,* that the county clerk shall file with the county auditor a certified statement showing in detail the amount and persons to whom said compensation is paid. Such salaries of such deputies shall be paid out of the same fund as the salaries of the other county officers are paid.

2. The sheriff, three thousand dollars per annum and all fees for the service of process issued without this county. One bailiff at a salary of eighty dollars per month. One deputy at a salary of two thousand dollars per annum, one deputy at a salary of one thousand three hundred fifty dollars per annum; one deputy at a salary of one thousand six hundred eighty dollars per annum, which offices are hereby created. The salary of said deputies payable monthly in the same manner as the salaries of the other county officers are paid.

3. The recorder, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per annum, which office is hereby created, one copyist at a salary of one thousand two hundred dollars

Stats 1925,
p. 81,
amended
Counties of
29th class
officers and
employees

Clerk

Sheriff

Recorder.

per annum, and one copyist for three months of each year at a salary of one hundred dollars per month. The salaries of said deputy and copyist payable monthly in the same manner as the salaries of other county officers are paid.

Auditor.

4. The auditor, two thousand four hundred dollars per annum and one deputy at a salary of one thousand five hundred sixty dollars per annum, and one deputy for two months of each year at a salary of one hundred dollars per month, the salary of said deputies payable monthly in the same manner as the salaries of other county officers are paid.

Treasurer.

5. The treasurer, two thousand four hundred dollars per annum; *provided, however*, the treasurer shall retain all fees now or which may hereafter be legally collected by his office, and that said sum or sums of money so collected as fees shall not be considered or construed as an increase of compensation.

Collector.

6. The tax collector, two thousand four hundred dollars per annum. He shall have one deputy at a salary of one thousand five hundred dollars per year and two deputies for four months of each year at a salary of one hundred dollars per month each, which offices are hereby created, the salary of said deputies payable monthly in the same manner as the salaries of other county officers are paid.

Assessor.

7. The assessor, two thousand four hundred dollars per annum; one chief deputy assessor, at a salary of one hundred thirty-five dollars per month; one deputy assessor at a salary of one hundred dollars per month for seven months in each year, from January first to August first; one copyist, for five months in each year, from March first to August first, at a salary of one hundred dollars per month, the salaries of said chief deputy assessor, deputy assessor and copyist payable in the same manner and at the same time as the salaries of the other county officers are paid.

The assessor shall appoint such field deputies as he may require; *provided*, that the compensation of such additional deputies shall not exceed in all the sum of three thousand dollars in any one year; *and provided*, that said field deputies shall file monthly with the assessor and county auditor a verified statement showing in detail the amount of time consumed in actual assessment work; the salaries of said field deputies shall be paid by the county monthly, in the same manner and at the same time as the salaries of the other county officers are paid. Said salary of the assessor shall be in full for all services rendered by him, and he shall pay all fees received into the county treasury.

Attorney.

8. The district attorney, two thousand seven hundred dollars per annum; one deputy at a salary of one thousand five hundred dollars per annum and one stenographer at an annual salary of one thousand two hundred dollars, which office is hereby created. It is hereby found as a fact that the salaries provided for in this subdivision do not work an increase in compensation and the same shall apply immediately to incumbents.

9. The coroner, such fees as are now or may be hereafter Coroner.
provided by law.

10. The public administrator, such fees as are now or may Adminis-
trator
be hereafter provided by law.

11. The superintendent of schools, two thousand two hun- Supt of
schools.
dred dollars per annum, and one deputy at a salary of one thousand five hundred dollars per annum, payable monthly in the same manner as the salaries of other county officers are paid; *provided*, that in counties of this class the county superintendent of schools shall receive and retain for his own use the sum of five dollars per diem for each and every day he attends the meetings of the county board of education, and shall also be allowed his actual and necessary traveling expenses in visiting the schools of the county.

12. The surveyor, ten dollars per day and actual reasonable Surveyor.
and necessary expenses when engaged in the field or in the office in the discharge of his official duties in the county.

13. Supervisors, each the sum of one thousand two hun- Supervisors.
dred dollars per annum in full for all services performed by them as supervisors and as members of the board of equalization and road commissioners and in any and every capacity, and also all actual and necessary traveling expenses in the performance of all such duties.

14. Justices of the peace shall receive the following monthly Justices.
salaries to be paid each month and in the same manner and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them in all cases; in townships having a population of seven thousand or more, one thousand eight hundred dollars per year; in townships having a population of less than seven thousand and more than three thousand, eighty dollars per month; in townships having a population less than three thousand and more than seven hundred fifty, fifty dollars per month; in townships having a population of less than seven hundred fifty, ten dollars per month.

15. Constables shall receive the following monthly salaries Constables.
to be paid each month and in the same manner and out of the same funds as the county officers are paid, which shall be in full for all services rendered by them in all cases; in townships having a population of seven thousand or more, one thousand eight hundred dollars per year; in townships having a population of less than seven thousand and more than three thousand, eighty dollars per month; in townships having a population of less than three thousand and over seven hundred fifty, fifty dollars per month; in townships having a population of less than seven hundred fifty, ten dollars per month. Constables shall also be allowed mileage of eight cents per mile each way for necessary mileage traveled within the county, in the performance of their official duties, both civil and criminal.

16. Grand jurors and trial jurors in the superior court shall Jurors.
receive for each day's attendance per day the sum of three

dollars. In justices' courts in civil and criminal cases, the jurors sworn to try the case shall receive for each day's attendance per day the sum of two dollars. All jurors shall receive for each mile actually and necessarily traveled from his residence to the place of service the sum of fifteen cents per mile; *provided*, that in justice courts mileage shall be allowed only to those sworn to try the case.

Librarian

17. The county librarian shall receive one thousand eight hundred dollars per annum.

CHAPTER 895.

An act to amend sections one and ten of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals and requiring reports to be filed with the fish and game commission," approved May 18, 1917, as amended.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

Stats. 1919,
p. 389,
amended.

SECTION 1. Section 1 of an act entitled "An act to provide for the protection of fur-bearing mammals, defining fur-bearing mammals, providing for a license for hunting or trapping such fur-bearing mammals, and requiring reports to be filed with the fish and game commission," approved May 18, 1917, as amended, is hereby amended to read as follows:

Killing
fur-bearing
mammal.

Section 1. Every person who, between the last day of February and the fifteenth day of November of any year, traps, hunts, takes or kills any fur-bearing mammal is guilty of a misdemeanor.

Stats 1917,
p. 654,
amended.

SEC. 2. Section 10 of said act is hereby amended to read as follows:

What are
fur-bearing
mammals

Sec. 10. For the purpose of this act, the following shall be considered fur-bearing mammals: black and brown bear, ring-tailed cat, coon, pine marten, fisher, wolverine, mink, skunk, river otter, grey, cross, silver and red fox, kitfox, beaver and muskrat; nothing in this act shall apply to or in any manner restrict the killing or destroying or capturing of bears in fish and game districts one, one and one-half, two and two and one-half, until the first day of July, 1930.

CHAPTER 896.

An act to amend section six hundred twenty-eight b of the Penal Code, relating to protection of black bass.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

SECTION 1. Section 628b of the Penal Code is hereby amended to read as follows: Stats 1925,
p. 151,
amended

628b. Every person who at any time, except with hook and line and in the manner commonly known as angling, takes, catches or kills any black bass, Sacramento perch, crappie, calico bass or any variety of sunfish, or has in his possession more than fifteen black bass or twenty-five Sacramento perch, crappie, calico bass or any variety of sunfish during one calendar day, or who takes, catches, kills or has in his possession any black bass, less than nine inches in length, or who buys, sells, offers or exposes for sale any black bass, Sacramento perch, crappie, calico bass or any variety of sunfish; every person who in any fish and game district, between the first day of December and the thirtieth day of April of the year following, both dates inclusive takes, catches, kills, or has in his possession any black bass, Sacramento perch, crappie, calico bass or any variety of sunfish is guilty of a misdemeanor; *provided*, that in fish and game district four and three-quarters, black bass may be taken in the manner and amount provided elsewhere in this section at any time of the year. Protection
of bass,
perch, sun-
fish, etc.

Nothing in this section shall prohibit the taking of black bass at any time in any lake exceeding seventy-five square miles in area, within the boundaries of fish and game district number two; *provided*, that no person may take, kill, catch or destroy more than ten black bass in such lake or lakes in any one calendar day, or have in possession more than ten black bass taken from such lake or lakes in one calendar day. District
No 2

Provided, further, nothing in this section shall prohibit the taking of black bass, Sacramento perch, crappie, or calico bass, at any time in any lake exceeding seventy-five square miles in area, within the boundaries of fish and game district number two; *provided*, that no person may take, kill, catch or destroy more than ten black bass, Sacramento perch, crappie, or calico bass in any such lake or lakes in any one calendar day, or have in his possession more than ten black bass, Sacramento perch, crappie, or calico bass taken from any such lake or lakes in one calendar day.

Provided, further, nothing in this section shall prohibit the possession within the boundaries of fish and game district number two of black bass taken in such lake or lakes during the open season for such lake or lakes.

Catfish.

Every person who at any time, has in his possession for sale, or sells, or offers for sale, any catfish, between the first day of April and the fourteenth day of September, inclusive, of any year, or who at any time has in his possession for sale, or sells, or offers for sale, any dressed catfish, which shall measure less than seven inches in length, exclusive of any part of the head, or who at any time has in his possession for sale, or sells, or offers for sale, any undressed catfish less than nine inches in length, or who retains any catfish in live cars or boats that do not measure nine inches in length, or who at any time, within a period of five years, kills or has in his possession any sturgeon, is guilty of a misdemeanor.

Nothing in this section, or elsewhere in this code, shall prohibit the state fish and game commission, or persons authorized by it from taking at all times such fish as they may deem necessary for scientific purposes, or for purposes of propagation.

CHAPTER 897.

An act to amend section two thousand three hundred twenty-two x twenty-seven of the Political Code, relating to the salary and expenses of the horticultural commissioner, his deputies, and employees, in counties of the twenty-seventh class.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

Stats. 1925,
p. 207,
amended.
Counties of
27th class:
horticultural
commis-
sioner.

SECTION 1. Section 2322x27 of the Political Code is hereby amended to read as follows:

2322x27. In counties of the twenty-seventh class, the commissioner shall receive a salary of three thousand dollars per annum; *provided*, that in counties of this class, there shall be and there is hereby allowed to the commissioner the following deputies, inspectors and stenographer, to be appointed by said commissioner, which positions are hereby created, and the salaries are hereby fixed as follows:

(a) One deputy commissioner who shall receive a salary of two thousand four hundred dollars per annum.

(b) Four inspectors who shall receive a salary of one thousand eight hundred dollars each per annum and their traveling expenses fixed at the sum of three and one-half dollars each per day while engaged in the performance of their respective duties.

(c) Six inspectors who shall receive a salary of one hundred fifty dollars each per month during the time actually employed, but the aggregate amount which may be expended in any one year for inspectors provided for in this subdivision shall not exceed the sum of ten thousand eight hundred dollars. Each of said inspectors shall also receive their traveling expenses fixed at the sum of three and one-half dollars per day while engaged in the performance of their respective duties.

(d) One stenographer who shall receive a salary of one thousand eight hundred dollars per annum and such other stenographic assistants as the commissioner may deem necessary; *provided*, that the aggregate amount which may be expended in any one year for all stenographers shall not exceed one thousand eight hundred and seventy-five dollars.

(e) One inspector to be employed for a period not to exceed three months during any one year and who shall receive a salary not to exceed one hundred and fifty dollars per month and his traveling expenses, fixed at the sum of three dollars and fifty cents per day while engaged in the performance of his duties.

CHAPTER 898.

An act to add a new section to the Political Code to be numbered four thousand two hundred fifty-six b, relating to the compensation and expenses of county surveyors, their deputies, assistants and employees, in counties of the twenty-seventh class.

[Approved by the Governor June 3, 1927. In effect August 2, 1927.]

The people of the State of California do enact as follows:

SECTION 1. A new section to be numbered 4256b is hereby New section added to the Political Code to read as follows:

4256b. In counties of the twenty-seventh class the surveyor Counties of 27th class. surveyor. shall receive two thousand seven hundred dollars for the balance of the calendar year of 1927, and shall be allowed one deputy at a salary of one thousand eight hundred dollars and a clerk at a salary of one thousand three hundred fifty dollars for the same period. The surveyor shall also be paid the actual and necessary expenses of transportation of himself, his deputy and surveying crews, and subsistence of himself and deputy, all while in the field.

He shall be allowed two engineers at a wage of eight dollars per diem, and four chainmen at a wage of four dollars per diem, each, when actually and necessarily engaged in assisting the surveyor or in the discharge of his duties.

The county shall also provide for the use of the surveyor, a suitable office, office furniture, field and office equipment, lights and care of said office, office and record books, and other necessary materials for the performance of his duties.

After the thirty-first day of December, 1927, the surveyor shall receive ten dollars per day for all work performed for the county. He shall have one deputy who shall be paid eight dollars per day for all work performed for the county, and one clerk at a salary of one thousand eight hundred dollars per annum, said deputy and clerk to be appointed by the surveyor and hold office at his pleasure.

Counties of
27th class.
surveyor
(cont'd).

The surveyor shall also be paid the actual and necessary expenses of transportation of himself, his deputy and surveying crews, and subsistence of himself and deputy, all while in the field.

In addition the surveyor shall be allowed from time to time to employ such engineers, inspectors and draftsmen at a wage of eight dollars per diem, and such rodmen and chainmen at a wage of four dollars per diem to help in the duties of his office; *provided, however*, that the total compensation for said engineers and employees (not including compensation for surveyor, deputy surveyor and clerk) shall not exceed the sum of eight thousand dollars for any one year.

The salaries and expenses of surveyor, deputy surveyor, clerk and the salaries and expenses of field or office help shall be paid out of the county general fund, upon proper claims presented therefor to the board of supervisors.

CONCURRENT AND JOINT RESOLUTIONS
AND
CONSTITUTIONAL AMENDMENTS

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

CHAPTER 1.

Senate Concurrent Resolution No. 1—Relative to inaugural ceremonies.

[Filed with Secretary of State January 13, 1927.]

Resolved by the Senate, the Assembly concurring, That a committee of three members of the Senate be appointed to confer with a committee of four from the Assembly to make arrangements for the inaugural ceremonies, said committee to be appointed by the president of the Senate and the speaker of the Assembly, respectively, and to have full power to act in the premises. Any expenses to be paid equally by the Senate and Assembly out of their several contingent funds, and not to exceed in the aggregate the sum of five hundred dollars.

CHAPTER 2.

Senate Concurrent Resolution No. 3—Providing for the appointment of a joint committee to investigate the advisability of installing electric voting machines in the two houses of the Legislature.

[Filed with Secretary of State January 13, 1927.]

WHEREAS, A great deal of the time of the Legislature is consumed in taking the vote of the members by the present method of viva voce; and

WHEREAS, The installation of electric voting machines in the houses of the legislatures of certain other states has proven both economical and efficient;

Resolved by the Senate and the Assembly, jointly, That a committee of one member of the Senate be appointed to confer with a committee of two from the Assembly to investigate the feasibility and advisability and cost of installing electric voting machines in the two houses of the Legislature; said committees to be appointed by the president of the Senate and the speaker of the Assembly, respectively; and to have full power to act and report in the premises.

Electric
voting
machines for
Legislature.

CHAPTER 3.

Assembly Concurrent Resolution No. 1—Relative to canvassing vote for Governor and Lieutenant Governor.

[Filed with Secretary of State January 13, 1927.]

Canvass of
vote for
governor

Resolved by the Assembly, the Senate concurring, That the Senate and Assembly meet in joint session in the Assembly chamber at eleven o'clock on the forenoon of Tuesday, January 4, 1927, for the purpose of being present when the speaker of the Assembly shall open and publish the returns of the election for governor and lieutenant governor, as provided and required by article V, section 4, of the constitution of the State of California.

CHAPTER 4.

Assembly Joint Resolution No. 1—Relating to the appointment of a committee to negotiate with committees from the states of Arizona and Nevada for the purpose of settling the respective rights of California, Arizona and Nevada in and to the waters of the Colorado river system.

[Filed with Secretary of State January 13, 1927.]

Colorado
river
committee

WHEREAS, Pursuant to an act of congress and acts of the various states hereinafter mentioned, representatives of the United States of America and of the states of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, met at Santa Fe, New Mexico, and did on the twenty-fourth day of November, 1922, enter into and execute a compact, known as the Colorado river compact, which compact was subject to ratification as therein provided; and

WHEREAS, For the purpose of said compact and the allocation of the waters of the Colorado river system therein described, the aforesaid states were grouped into what is therein defined as the upper basin and the lower basin, which lower basin includes the states of Arizona, California and Nevada; and

WHEREAS, In and by said compact there was allocated to said lower basin certain portions of the waters of said Colorado river system; and

WHEREAS, It is desirable to have the respective rights of the states in said lower basin, in and to the use of said waters of said Colorado river system, so allocated to said lower basin, determined, fixed and defined; and

WHEREAS, A committee appointed pursuant to Senate Joint Resolution No. 28 of the forty-sixth Legislature has been in extended conferences and negotiations with representatives of the states of Arizona and Nevada, but has not as yet succeeded in arriving at an agreement with said states; and

WHEREAS, It is desirable that a committee be provided to represent the Legislature and the State of California to carry on said negotiations with representatives of said states of Arizona and Nevada; now therefore, be it

Colorado
river
committee
(cont'd).

Resolved by the Assembly and Senate of the State of California, jointly, That a committee of three be appointed by the governor, to represent the Legislature and the state, which committee shall have authority, and it shall be its duty, to confer and negotiate with duly authorized committees representing the states of Arizona and Nevada respecting the claims and rights of said states of said lower basin, in and to the waters of said Colorado river system; and be it further

Resolved, That said committee be and it is hereby authorized to enter into an agreement, in behalf of the State of California, with the said states of Arizona and Nevada, or with either of them, fixing and determining the rights of said lower basin states, or either or any of them, in and to the use of the waters of the Colorado river system and shall report to the present session of the Legislature, from time to time, respecting its labors and the agreement, if any be reached, in respect to the use of such waters, together with its recommendations in regard thereto; *provided, however,* that any agreement entered into by said committee shall not be binding or obligatory upon the State of California, unless and until such agreement shall have been ratified and approved by the legislatures of the states entering into such agreement and by the congress of the United States; and be it further

Resolved, That the members of said committee shall serve without compensation, but each shall be allowed his traveling, hotel expenses and necessary incidental expenses, and said committee shall be authorized to employ such clerical assistance as shall be necessary. The sum of one thousand dollars is hereby set aside from the contingent fund of the Senate, and a like sum from the contingent fund of the Assembly, and made available for the purpose of defraying the expenses, if any, of such committee and committeemen, which expenses shall be paid equally from such contingent funds of the Senate and Assembly, and the state controller is hereby authorized and directed to draw his warrant in favor of the members of said committee for such expenditures as may be certified to him from time to time by said committee, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 5.

Senate Concurrent Resolution No. 2—Approving five certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at

a general election held therein on the second day of November, one thousand nine hundred twenty-six.

[Filed with Secretary of State January 13, 1927.]

San Francisco city and county charter amendments.

WHEREAS, The city and county of San Francisco, State of California, contains a population of over five hundred thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred, and is now organized and acting under a freeholders' charter adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred ninety-eight, and approved by the legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred ninety-nine (Statutes of 1899, page 241); and

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco, eleven certain amendments to the charter of said city and county of San Francisco by the submission of eleven proposals, numbered from twenty-nine to thirty-nine inclusive, entitled as follows, to wit:

CHARTER AMENDMENT No. 29.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 9 of Article XII thereof, relating to the limitation of the amount of bonded indebtedness.

CHARTER AMENDMENT No. 30.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Article I of the Charter of said City and County by adding thereto a new section to be numbered Section 7, relating to the acquisition of land within or without the city for the purpose of an air port.

CHARTER AMENDMENT No. 31.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Chapter IV of Article III of the Charter of said City and County, relative to the payment of claims.

CHARTER AMENDMENT No. 32.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 1 of Chapter I of Article IV, relating to salary of the Mayor, and by amending Section 2 of Chapter

I of Article II, relating to the salary of the members of the Board of Supervisors.

San Francisco city and county charter amendments (cont'd).

CHARTER AMENDMENT No. 33.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Article I, to be numbered Section 8 thereof, relative to the acceptance of land occupied by the Palace of Fine Arts.

CHARTER AMENDMENT No. 34.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Article XVII of the Charter of said City and County by adding thereto a new section to be numbered Section 9, relating to retirement of certain teachers retired under the State law.

CHARTER AMENDMENT No. 35.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 1 of Chapter III, Section 1 of Chapter V, Section 2 of Chapter V, Subdivision 9, of Section 1 of Chapter III of Article VII, relating to the School Department.

CHARTER AMENDMENT No. 36.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision A of Section 11 of Article XIII, relating to the Civil Service of the employees of the Playground Commission.

CHARTER AMENDMENT No. 37.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Article XVI, to be numbered Section 39, relating to appointments to and removals from office.

CHARTER AMENDMENT No. 38.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Chapter II of Article II, relating to the wage-fixing powers.

CHARTER AMENDMENT No. 39.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by

San Francisco city and county charter amendments (cont'd).

adding a new article thereto to be designated Article XVIII, relating to Hospital Service for Employees of Municipal Public Utilities.

WHEREAS, Said eleven proposals aforementioned containing said proposed amendments to said charter were in accordance with the provisions of section eight of article eleven of the constitution of the State of California, published for one day after their order of submission in the "San Francisco Bulletin," a daily newspaper of general circulation in the city and county of San Francisco and the official newspaper of said city and county; that said proposals were printed in convenient pamphlet form and until the date fixed for the election hereinafter described an advertisement was published in a paper of general circulation in the city and county of San Francisco, the "San Francisco Bulletin," that such copies could be had on application therefor to the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county, ordered placed upon the ballot at a general election to be held in the city and county of San Francisco on the second day of November, one thousand nine hundred and twenty-six, the said eleven several proposals to amend the charter of the city and county of San Francisco; and

WHEREAS, Said general election was held in said city and county of San Francisco on the second day of November, one thousand nine hundred and twenty-six, which day was more than forty days and less than sixty days after said proposed charter amendments had been published for one day in the "San Francisco Bulletin," newspaper, said general election having been held within six months next preceding a regular session of the legislature; and

WHEREAS, On the eighth day of November, one thousand nine hundred and twenty-six, and thereafter at meetings duly convened in accordance with law, the board of election commissioners of said city and county duly and regularly canvassed the returns of said general election, and duly declared the results thereof, said board being by law authorized to conduct, manage and control the holding of said elections and all matters pertaining to such elections in said city and county; and

WHEREAS, Thereafter, to wit on the twenty-ninth day of November, one thousand nine hundred and twenty-six, the said board of election commissioners duly filed in the clerk's office of the board of supervisors "official statement of votes cast at the general election held in the city and county of San Francisco, State of California, on Tuesday, the second day of November, A.D. 1926, for charter amendments;" and

WHEREAS, At said general election so held on the second day of November, one thousand nine hundred and twenty-six, five of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit: Charter amendments numbered twenty-nine,

thirty, thirty-one, thirty-three and thirty-four, and that all the other amendments received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said five charter amendments so ratified by the electors of the city and county of San Francisco, are now submitted to the legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of section eight of article eleven of the constitution of the State of California, and are in words and figures, as follows, to wit:

CHARTER AMENDMENT No. 29.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 9 of Article XII thereof, relating to the limitation of the amount of bonded indebtedness.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at the general election to be held on the 2d day of November, 1926, a proposal to amend the Charter of said City and County, as follows:

That Section 9 of Article XII be amended so as to read as follows:

Section 9. No indebtedness shall be incurred for the acquisition of any public utilities under the provisions of this Article, which, together with the existing bonded indebtedness of the City and County, shall exceed at any one time twelve per centum of the assessed value of all real and personal property in the City and County subject to taxation for City and County purposes; provided, however, that any existing bonded indebtedness created by the sale of any of the water bonds which were authorized by vote of the people on the 14th day of January, 1910, and of the water bonds which were authorized by vote of the people on the 7th day of October, 1924, together with any bonded indebtedness which may hereafter arise from the sale of bonds hereafter to be authorized for water supply purposes exclusively, including the acquisition of a water distribution system, shall be exclusive of the bonded indebtedness of the City and County limited by this section; and any bonded indebtedness heretofore created under the provisions of Section 29a of Article XVI of the Charter in aid of the exposition to celebrate the completion of the Panama Canal, which particular exposition bonds were excluded from the bond limits prescribed by said Section 9 by an amendment of the section ratified by the people in November, 1910, and approved by the Legislature February 17, 1911, shall continue to be exclusive of the bonded indebtedness of the City and County limited by this section.

Ordered submitted by the Board of Supervisors, San Francisco, September 20, 1926.

CHARTER AMENDMENT No. 30.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Article I of the Charter of said City and County by adding thereto a new section to be numbered Section 7, relating to the acquisition of land within or without the city for the purpose of an air port.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at the general election to be held on the 2d day of November, 1926, a proposal to amend said Charter as follows:

That a new section be added to Article I to be numbered Section 7 to read as follows:

Provision for
air port.

Section 7. The City and County of San Francisco may purchase, hold or lease property within or outside of the boundaries of the City and County suitable and convenient for an air port, terminal or landing place for air craft, provide for the equipment and maintenance of the same and may cooperate with other governmental agencies in the acquisition, management or control thereof.

Ordered submitted by the Board of Supervisors, San Francisco, September 20, 1926.

CHARTER AMENDMENT No. 31.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Chapter IV of Article III of the Charter of said City and County, relative to the payment of claims.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at the general election to be held on the 2nd day of November, 1926, a proposal to amend said Charter as follows:

That Chapter IV of Article III be amended so as to read as follows:

CHAPTER IV.

Payment of Claims.

Payment
of claims.

Section 1. The salaries and compensation of all officers, including policemen, firemen and employees of all classes, and all teachers in the public schools and others employed at fixed wages, shall be payable semimonthly. Any demand upon the treasury accruing under this Charter shall not be paid, but shall be forever barred by limitation of time, unless the same be presented for payment, properly audited, within one month after such demand became due and payable; or if it be a demand which must be passed and approved by the Supervisors or Board of Education, or by any other board, then within one month after the first regular meeting of the proper board held next after the demand accrued; or, unless the Supervisors shall, within six months after the demand

accrued as aforesaid, on a careful examination of the facts, resolve that the same is in all respects just and legal and the presentation of it, as above required, was not in the power either of the original party interested or his agent or the present holder, in which case they may by ordinance revive such claim, but it shall be barred in the same manner unless presented for payment within twenty days thereafter. No valid demand arising subsequent to the claim which may be revived as aforesaid shall be rendered invalid by reason of such revival exhausting the fund out of which subsequent claims might otherwise be paid. Such revived claim shall take rank as of the day of its revival.

Ordered submitted by the Board of Supervisors, San Francisco, September 20, 1926.

CHARTER AMENDMENT No. 33.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding a new section to Article I, to be numbered Section 8 thereof, relative to the acceptance of land occupied by the Palace of Fine Arts.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at the general election to be held on the 2d day of November, 1926, a proposal to amend said Charter as follows:

That a new section be added to Article I of the Charter, to be numbered Section 8 and to read as follows:

Section 8. The City and County of San Francisco may accept and receive from the Secretary of War, pursuant to the provisions of an act of Congress of March 4, 1925, a deed to the following described property, to-wit:

Deed from
U. S. in
exchange
for right
of way.

Commencing at a point on the westerly line of Lyon street, distant thereon five and seventeen one-hundredths feet southerly from the northerly line of Bay street if extended and produced westerly, and running thence northerly along the westerly line of Lyon street one thousand one hundred and ninety-six and eighty one-hundredths feet; thence south-westerly on a curve to the left of six hundred and twelve feet radius, central angle one hundred and fifty-five degrees forty-seven minutes and fifty seconds, tangent to a line deflected one hundred and two degrees six minutes and five seconds to the left from the preceding course a distance of one thousand six hundred and sixty-four and thirteen one-hundredths feet to the westerly line of Lyon street and the point of commencement; containing nine and ninety-three one-hundredths acres, more or less.

In consideration of the granting to the City and County of San Francisco of the above-described property, the Board of Supervisors of said City and County is hereby given permission and the right and said Board is hereby directed

by proper ordinance to grant to the United States the right to construct, maintain and operate in perpetuity a spur track over and along the following described streets and property in the City and County of San Francisco, State of California.

Along Beach street from the east line of Laguna street to the west line of Webster street; along Webster street from the south line of Beach street to the north line of Tonquin street; along Tonquin street from the east line of Webster street to the west line of Lyon street, and to include the privilege of a switch into the Army Supply Depot, Fort Mason, from a point on Beach street approximately 70 feet west of the west line of Laguna street, as shown on blue print filed December 2, 1915.

Ordered submitted by the Board of Supervisors, San Francisco, September 20, 1926.

CHARTER AMENDMENT No. 34.

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Article XVII of the Charter of said City and County by adding thereto a new section to be numbered Section 9, relating to retirement of certain teachers retired under the State law.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said City and County at the general election to be held on the 2d day of November, 1926, a proposal to amend said Charter as follows:

That a new section be added to Article XVII to be numbered Section 9 to read as follows:

Teachers retired under 1913 law.

Section 9. All teachers who were retired from service in the public schools of San Francisco, under the provisions of the law of 1913, establishing the California Public School Teachers' Retirement Salary Fund, and who are not now drawing a pension under the provisions of Article XVII, Section 8, of this Charter, shall be entitled to and shall receive a retirement allowance, to be calculated on the same basis as that established in the said section for determining the retirement allowances provided for in said section.

Ordered submitted by the Board of Supervisors, San Francisco, September 20, 1926.

Certificate.

State of California }
City and County of San Francisco } ss.

This is to certify that we, James Rolph, Jr., mayor of the city and county of San Francisco, and J. S. Dunnigan, clerk of the board of supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the charter of the said city and county of San Francisco with the original proposals, submitting the same to the electors of

said city and county at a general election held on Tuesday, the second day of November, one thousand nine hundred twenty-six, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the city and county of San Francisco, this thirty-first day of December, 1926.

JAMES ROLPH,

Mayor of the City and County of San Francisco.

[SEAL]

J. S. DUNNIGAN,

Clerk of the Board of Supervisors of the City and County of San Francisco.

Now Therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the city and county of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are, and each of them is hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the city and county of San Francisco. Approval by
Legislature.

CHAPTER 6.

Senate Joint Resolution No. 1—Relating to the development of the Colorado river and authorizing the appointment of a committee to forward the legislation providing for such development.

[Filed with Secretary of State January 13, 1927.]

WHEREAS, There is now pending in the congress of the United States a measure, known as the Swing-Johnson bill, providing for the immediate development of the Colorado river, by the construction, by the United States, of a high dam at Boulder Canyon and an all American canal; and Commission
to assist in
forwarding
of Swing-
Johnson bill.

WHEREAS, The State of California is vitally interested in such development and the legislation authorizing it; and

WHEREAS, The public interest demands that the State of California aid and assist in every appropriate way, in forwarding the adoption by congress of such legislation; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Swing-Johnson bill now pending in

the congress of the United States be endorsed, and its prompt enactment urged; and he it further

Resolved, That the governor of the State of California be and he is hereby authorized to designate a commission, consisting of three citizens of this state, to aid and assist our representatives in congress in forwarding said legislation.

CHAPTER 7.

Senate Concurrent Resolution No. 5—Approving amendments and additions to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twenty-first day of December, one thousand nine hundred twenty-six.

[Filed with Secretary of State January 17, 1927.]

Oakland
city charter
amendments.

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of certain amendments and additions hereinafter set forth to the charter of the city of Oakland, a municipal corporation in the county of Alameda, State of California, as set out in the certificate of the mayor and the city clerk of said city of Oakland as follows to wit:

State of California,	} ss.
County of Alameda,	
City of Oakland.	

We, the undersigned, John L. Davie, mayor of the city of Oakland, State of California, and Eugene K. Sturgis, city clerk of said city, do hereby certify and declare as follows:

That the city of Oakland a municipal corporation in the county of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing, and acting under a freeholder's charter, adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by concurrent resolution filed with the secretary of state on the fifteenth day of February, 1911 (statutes of 1911, p. 1551).

That in pursuance of section 8 of article XI of the constitution of the State of California, on its own motion, the council of the city of Oakland, being the legislative body of said city, by and in pursuance of Resolution No. 37909 N. S. passed by the said council on the fourth day of November, 1926, and by and in pursuance of Resolution No. 38036 N. S. passed by

said council on the nineteenth day of November, 1926, duly submitted to the qualified electors of said city of Oakland certain proposals for the amendments and additions of the charter of said city, to be voted on by said qualified electors, at the special municipal election held in said city on the twenty-first day of December, 1926, which said proposals were and are in words and figures following, to wit:

To add a new article to be known as "Article XXV" consisting of Sections 206 to 231, inclusive, be added to the Charter of the City of Oakland, to read as follows, to wit:

ARTICLE XXV

ESTABLISHMENT OF A PORT DEPARTMENT

Sec. 206. To promote and more definitely insure the comprehensive and adequate development of the Port of Oakland through continuity of control, management and operation, there is hereby established a department of the City of Oakland known as the "Port Department."

Establishment of port department.

BOARD OF PORT COMMISSIONERS

Sec. 207. The exclusive control and management of the Department is hereby vested in the Board of Port Commissioners, which shall be composed of five (5) members, who shall be appointed by the Commissioner of Public Works, subject to the approval of the Council.

Port commissioners.

No person shall be appointed as a member of the Board who is not at the time of his appointment, and has not been continuously for three (3) years immediately preceding, a bona fide resident of the City of Oakland.

The members of the Board shall serve without salary or compensation.

ORGANIZATION: TERMS OF OFFICE

Sec. 208. Within ten (10) days after the ratification of this amendment by the legislature, the Commissioner of Public Works shall appoint five (5) persons as members of the first Board, subject to the approval of the Council. The members so appointed shall immediately organize by the election of a President, Vice President and Secretary, and make provision for stated meetings, and shall determine, from time to time, when and where the Board shall hold its meetings, which shall be open to the public.

Organization of board.

Said persons shall, thereupon, also cast lots for their respective terms,

One of whom shall serve until July 10, 1929,

Two of whom shall serve until July 10, 1931, and

Two of whom shall serve until July 10, 1933.

At the expiration of the term of each of said persons so appointed, their successors shall be appointed by the Commissioner of Public Works, subject to the approval of the Council, for a full term of six (6) years, *except* in the case of a vacancy, in which event the appointment shall be for the unexpired term.

Terms.

REMOVAL

Removal
of com-
missioners.

Sec. 209. Any member of the Board may be removed from office by the affirmative vote of four members of the Council in the same manner and subject to the same conditions as the Council may remove the members of any of the boards provided for in this charter.

ORDINANCES AND RESOLUTIONS

Ordinances
and
resolutions.

Sec. 210. All action taken by the Board of Port Commissioners shall be by resolution, except as hereinafter set forth in this article. Any member of the Board may require a record of the vote on any resolution to be made in its minutes. The Board shall keep a minute book wherein shall be recorded the proceedings taken at its meetings and it shall keep a record and index of all of its resolutions and ordinances.

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three (3) members of the board.

To constitute an ordinance a bill must, before final action thereon, be passed to print and published with the ayes and noes at least once in the official newspaper of the City of Oakland. Between the first and final readings at least five (5) days shall elapse. The enacting clause of all ordinances passed by the Board shall be substantially in these words:

Be it ordained by the Board of Port Commissioners of the City of Oakland as follows:

All ordinances shall be signed by the president or vice president of the Board and attested by the secretary.

A certified copy of each ordinance adopted by the Board shall be forthwith filed with the City Clerk, and the City Clerk shall keep a record and index thereof which shall at all times be open to public inspection.

ORDINANCES REQUIRED IN CERTAIN CASES

When
ordinances
required.

Sec. 211. All proceedings for the acquisition of real property by purchase, condemnation, or otherwise, or the granting of any lease longer than one (1) year, the fixing, regulating, and altering schedules of rates, dockage, wharfage, tolls, and charges for all public-owned docks, piers, wharves, slips and other facilities, and for services rendered by the Port Department, and the adoption of all general rules and regulations of the Board, excepting administrative regulations of a temporary nature, shall be taken by ordinance.

POWERS AND DUTIES OF THE BOARD

Powers
and duties
of board.

Sec. 212. The Board of Port Commissioners shall have the complete and exclusive power, and it shall be its duty for and on behalf of the City of Oakland:

(1) To sue and defend in the name of the City of Oakland in all actions and proceedings wherein there is involved any matters within the jurisdiction of the Board.

(2) To make provision for the needs of commerce, shipping, and navigation of the port, to promote, develop, construct, reconstruct, alter, repair, maintain, equip and operate all waterfront properties including piers, wharves, sea walls, docks, basins, channels, slips, landings, warehouses, floating and other plants or works, dredge, and reclaim land, construct, equip and operate terminal trackage with sidings and turnouts and railroad connections between docks, piers and other port structures, and connect the same with mainline tracks, and to establish, equip and operate all other facilities or aids incident to the development, protection and operation of the port, as may be deemed proper and desirable in its judgment, and it may modify its plans from time to time as the requirements of commerce, shipping and navigation may demand, and as part of such development and operation to provide for tugs, dredges, fireboats, barges, cold storage plants, and all other publicly owned facilities or appliances incident to the operation of the port, of such number and character, and in such places as the board may deem feasible and proper.

Powers
and duties
of board
(cont'd).

(3) To take charge of, control, and supervise the Port of Oakland, including all the waterfront properties, and lands adjacent thereto, or under water, structures thereon, and approaches thereto, storage facilities, and other utilities, and all rights and interests belonging thereto, which are now or may hereafter be owned or possessed by the City of Oakland, including all salt or marsh or tide lands and structures thereon granted to the City of Oakland in trust by the State of California for the promotion and accommodation of commerce and navigation.

(4) To have control and jurisdiction of that part of the City of Oakland, hereinafter defined as the "Port Area," and enforce therein general rules and regulations, to the extent that may be necessary or requisite for port purposes and harbor development, and in carrying out the powers elsewhere vested in the board.

Provided, however, that with the approval of the Council the Board may relinquish to the Council control of portions of the said area, and likewise, upon request of the Board, the City Council may, by ordinance, enlarge the Port Area.

(5) To require owners of water terminal properties and facilities within the port to keep the same in proper condition and repair and to maintain them with especial reference to the reduction of fire hazard or nuisances, and it shall have the right to inspect such terminal facilities at reasonable times.

(6) To exercise all the powers pertaining to the waterfront, wharves, dredging machines, or the port and its operation and maintenance, which have been heretofore conferred upon the City and the City Council by Subdivisions 5 and 7 of Section 49 of this Charter.

Powers
and duties
of Board
(cont'd).

(7) To regulate the berthing, anchoring, towing, loading, unloading and mooring of vessels within the port.

(8) To handle, store and recondition all commodities; to sell or otherwise dispose of personal property within its possession or ownership, and, generally, to perform all services customary, necessary or expedient in connection with the development and operation of the port.

(9) To issue receipts, negotiable or otherwise, for property or merchandise, in its charge or possession.

(10) To fix all rates, dockage, rentals, tolls, wharfage, and charges, for the use and occupation of the public facilities or appliances of the port, and for services rendered by the Port Department, and to provide for the collection thereof.

(11) To use, for loading and unloading cargo, with the right to collect tolls, dockage and other terminal charges thereon, such portions of the streets of the City of Oakland ending or fronting upon the water areas of the harbor of said City, as may be used for said purposes.

(12) To build piers, wharves, docks, bulkheads, slips or other structures, across and upon such streets, provided only that access be provided to the public at the shoreward end thereof.

(13) To lend its aid to secure the improvement of navigable tidal waters within or adjacent to the port, where, in its opinion, such improvements are economically justifiable, and in the general carrying out of its powers to co-operate with neighboring cities, other ports, the State of California, or the United States Government, and appear before state, federal and other public legislative and administrative authorities.

(14) To manage the business of the port and promote the maritime and commercial interests by proper advertisement of its advantages, and by the solicitation of business, within or without the port, within other states or in foreign countries, through such employees and agencies as it may deem expedient.

(15) To acquire in the name of the City of Oakland by purchase, condemnation, gift, lease, or otherwise take over and hold all lands, property, property rights, leases, or easements, and personal property of every kind, necessary or convenient for the development and operation of the port, or for the carrying out of the powers herein granted to the Board.

Whenever the Board determines that any lands owned by the City within its jurisdiction have become unnecessary for port purposes or harbor development, it may, by ordinance, transfer such lands to the control of the City Council, free from all restrictions.

(16) To purchase materials and supplies without advertising for bids in an amount not exceeding One Thousand Dollars (\$1,000.00).

(17) To enter into contracts, agreements, leases, or stipulations, germane to the scope of its powers and duties.

(18) To let all work by contract, or order it done by day labor, as the Board may determine. Powers
and duties
of board
(cont'd).

(19) To have and exercise the right of eminent domain within the "Port Area," on behalf of and in the name of the City of Oakland, for port purposes, harbor development or the carrying out of any of the powers granted to said Board, and to exclusively find and determine by ordinance adopted by a two-thirds vote of all of its members the public interest and necessity thereof.

(20) To appoint a Port Attorney, whose duty it shall be to pass upon the form and legality of all contracts within the jurisdiction of the Board, give legal advice to the Board on official matters, defend and (subject to direction from the Board) prosecute or compromise all actions at law or in equity and special proceedings for or against the City, or any officers thereof in his official capacity, pertaining to matters within the jurisdiction of the Board. The Board shall fix and provide for his compensation.

(21) To employ and appoint a Port Manager, and such other officers, employees and agents as may be necessary in the efficient and economical carrying out of its functions and to prescribe and fix their duties, authority and compensation, and to require such officers, employees and agents to give a bond in such an amount as the Board may require for the faithful discharge of their duties. All offices and places of employment in the permanent service of the Board shall be created by ordinance duly passed.

(22) To provide and equip offices.

(23) To expend all funds necessary to the carrying out of the powers and duties herein expressed.

(24) To adopt and enforce such ordinances, orders, regulations and practices as are necessary for the proper administration and discharge of its duties and powers, or for the management and government of the port, and its facilities.

(25) To prescribe fines, forfeitures and penalties for the violation of any provision of this article, or of any ordinance, but no penalty shall exceed Five Hundred Dollars (\$500.00) or six months' imprisonment, or both.

(26) To have and exercise on behalf of the City of Oakland all the rights, powers and duties in respect to the subject matters herein provided for, that are now or which may hereafter be vested in the City, or any of its departments or officers, or which may be provided for by general law.

(27) To do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the City, or any of the provisions of this Article, and to exercise all powers not in conflict with the Constitution of the State, or with this Charter, germane to the scope of its powers, purposes and duties.

BUILDING PERMITS

Building
permits.

Sec. 213. No person or persons shall construct, extend, alter, improve, erect, remodel or repair any pier, slip, basin, wharf, dock or other harbor structure, or any building or structure within the "Port Area" without first applying for and securing from the Board a permit so to do, in accordance with the rules and regulations adopted by it. In approving or denying the right to said permit, the Board shall consider the application therefor, the character, nature and size and location of the proposed improvement, and exercise a reasonable and sound discretion in the premises.

Such permit shall be in addition to any permit which may be required by law from the Building Inspector of the City of Oakland.

LEASES

Leases.

Sec. 214. The Board shall not make or enter into any lease of any properties belonging to or possessed by the City of Oakland within the "Port Area," except in accord with the manner and subject to the provisions of Section 51, Subdivision 41 of this Charter, and all powers and duties therein imposed upon the Council are hereby conferred and imposed upon the Board and provided further that all leases made shall be subject to the referendum provisions of this Charter.

CONTRACTS

Contracts.

Sec. 215. (1) All contracts, except where the expenditure involved does not exceed the sum of One Thousand Dollars (\$1,000.00), shall be made and entered into upon competitive bidding in the manner and form as provided in Article XIX of this Charter, and all powers and duties therein conferred or imposed upon the City Council or the City Attorney are, in relation to all matters connected with the port, hereby conferred and imposed respectively upon the Board and its attorney. Plans and specifications at the time of publication of notice inviting such bidding must be on file in the office of the Board, subject to public inspection.

(2) The requirements as to competitive bidding need not be complied with where, in the opinion of the Board, an extreme emergency exists where delay of such letting might cause serious loss or injury to the City of Oakland.

SUPERVISION OF LEASES, ETC.

Supervision
of leases,
etc

Sec. 216. The Board shall take over and control all leases, permits, easements and privileges, but not franchises, granted by the City within the "Port Area," and receive the income therefrom, and it shall be its duty to see that all provisions thereof are faithfully observed, and it may cause to be instituted such actions or proceedings in the name of the City of Oakland as may be necessary to revoke, cancel, or annul them when they have become forfeitable in whole or in part, or are illegal, or void, or voidable.

RESTRICTIONS OF POWERS OF COUNCIL

Sec. 217. No franchise shall be granted, no property shall be acquired or sold, no street shall be opened, altered, closed or abandoned, and no sewer, street, or other public improvement shall be located or constructed in the "Port Area," by the City of Oakland, or the Council thereof, without the approval of the Board. Restrictions on council.

PUBLIC STREETS

Sec. 218. Whenever the Board shall determine that it is necessary to open, close, improve, alter or vacate a public street or part of a street, or easement within the "Port Area," certified copy of the resolution so determining such necessity shall be filed by the Board in the office of the City Clerk, whereupon the Commissioner of Streets and the City Council shall initiate and carry to completion the proceedings necessary to affect said proposal. Public streets

CIVIL SERVICE

Sec. 219. All permanent places of employment in and under the Board shall be included within the Classified Civil Service of the City of Oakland, and subject to the provisions of Article XIII of this Charter, except the Port Manager and his two principal assistants, the Secretary of the Board, the Port Attorney and legal assistants, the Chief Wharfinger, field and traffic representatives and all persons intermittently employed in handling cargo and freight. Civil service.

ANNUAL BUDGET

Sec. 220. The Board shall annually, on or before the third Monday of July, carefully prepare a budget setting forth the estimated receipts of the port, and from other sources, for the ensuing year, and the sums of money necessarily required for the administration of the department, and for maintenance, operation, construction and development of the port and its facilities for the ensuing year, and stating the amount necessary to be raised by tax levy for said purposes. Said budget, when so prepared, shall be certified by the President and Secretary of the Board, and a certified copy thereof shall, on or before said date, be filed with the City Clerk, one with the Commissioner of Revenue and Finance, and one with the Auditor. Annual budget.

TAX LEVY FUNDS

Sec. 221. The act of filing such budget, as provided for in the foregoing section, shall constitute an appropriation to the Board of the total amount so specified therein as necessary to be raised by tax levy, and such amount shall become a part of the annual budget of the Council, and shall be deemed included in the proceeds derived from any tax which the Council, in accordance with Section 118 of the Charter, may levy. Tax levy funds.

Provided, however, there is reserved to the Council the right to reduce the amount of such appropriation by adopting an ordinance therefor at any time prior to the introduction of its ordinance fixing the annual rate of taxation, stating specifically therein its reasons for making such reduction. Such amount so fixed by the Council shall thereupon be included in its annual budget and tax levy in lieu of the amount fixed by the Board.

It shall be the duty of the Auditor to credit to the Board the amount so appropriated, and the Treasurer shall keep all such funds separate from other funds in his possession. The Auditor shall, in accordance with Section 122 of this Charter, draw and sign warrants upon such funds when allowed by the Board, and the Board shall have the exclusive management and disbursement of the same.

The Council may also, from time to time, make further appropriations to the Board of such amounts as may, in its judgment, be necessary or proper.

REPAYMENT OF SURPLUS FUNDS

Transfers
to general
fund.

Sec. 222. All moneys once apportioned or appropriated to the Board, and all income from the operation of the port and its facilities, or all net income from leases or other sources, shall remain in its control until expended, provided the Board may from time to time pay over to the General Funds of the City profits from the operation of the port, and any surplus funds which, in its judgment, may not be needed for port purposes.

BOND INDEBTEDNESS

Bond funds
and addi-
tional bonds.

Sec. 223. The proceeds from the sale of bonds now authorized or which shall hereafter be authorized for port purposes, shall be under the control of and expended by the Board, and shall be expended for the objects and purposes for which the indebtedness was incurred. Whenever it is desired to incur additional bonded indebtedness for any object or purpose consistent with its general powers, the Board shall prepare tentative plans and estimates and submit its recommendations in writing to the City Council.

MONEYS ON HAND

Moneys
on hand.

Sec. 224. All moneys in the Harbor Maintenance and Improvement Fund at the time of the adoption of this Charter Amendment and all other revenues and funds in the possession of the City set aside for port purposes, shall immediately be under the jurisdiction and control of the Board.

DUTIES OF TREASURER

Duties of
treasurer.

Sec. 225. All moneys under the control of the Board shall be immediately paid over to the Treasurer of the City of Oakland, who shall have the care and custody of said funds, and

shall keep separate accounts thereof, and pay out the same, as provided in this Charter.

REVOLVING FUND

Sec. 226. The Board shall have authority to set up by ordinance a sufficient contingent or revolving fund from which the Port Manager shall be entitled to draw warrants directly upon the Treasurer for the prompt payment of transient laborers, and the Treasurer shall upon presentation of same, pay such warrants. Statements of such payments shall be filed with the Board at its regular meetings and shall be approved by the Board and endorsed by the President and Secretary thereof, and audited as in the case of ordinary claims.

ADDITIONAL POWERS

Sec. 227. The City Council, subject to the approval of the Board, may by ordinance confer upon and delegate to the Board, from time to time, such additional powers and duties which may be vested in it, and which it may deem necessary or convenient to carry out the general purposes of such Board.

LIBERAL CONSTRUCTION

Sec. 228. If any section, clause, word, or provision of this amendment shall be held unconstitutional, the other sections, clauses, words, or provisions of this amendment shall not be affected thereby. All the provisions of this article shall be liberally construed.

Sec. 229. The provisions of this article shall supersede and control all other provisions of the Charter in conflict therewith. To all other extents, the powers, duties, and functions heretofore vested in the Council, or any of the officials, boards, or departments of the City, shall be unimpaired.

PORT AREA

Sec. 230. The "Port Area" referred to in this Article is described as follows:

COMMENCING at the intersection of the northerly boundary line of the City of Oakland, Alameda County, with the San Francisco City and County boundary line, said point being located in San Francisco Bay, approximately 6800 feet North 17° west from the northwest corner of the Key System Franchise as granted by Ordinance No, 3099 of the City of Oakland; thence easterly along the northerly boundary line of the City of Oakland to its intersection with the westerly line of the Southern Pacific Co.'s 100-foot main line right-of-way; thence southerly along the westerly line of the Southern Pacific main line right-of-way to its intersection with the northerly line of 34th Street; thence westerly along the northerly line

Port area
(cont'd).

of 34th Street to its intersection with the northerly production of the agreed low tide line of 1852 as fixed by Ordinance 3099 of the City of Oakland; thence southerly along the agreed low tide line of 1852 and the northerly production thereof to its intersection with the southerly line of Seventh Street; which line is also the northern boundary line of Southern Pacific Company franchise as described in Ordinance No. 3197 of the City of Oakland; thence easterly along the southerly line of Seventh Street to its intersection with the agreed low tide line of 1852, as fixed by section 3 of Ordinance No. 3197 of the City of Oakland; thence southerly along the agreed low tide line of 1852 as fixed by section 3 of Ordinance No. 3197 of the City of Oakland a distance of 966 feet to a point; thence easterly at right angles to the last named course a distance of 1800 feet to a point; thence southerly at right angles to the last mentioned course a distance of 2445 feet to an intersection with the northern boundary of that certain piece or parcel of land quit-claimed to the Western Pacific Railway Co. by the Southern Pacific Company by deed filed April 19, 1911, and recorded in volume 1870 at page 470, Alameda County Records; thence easterly along said northerly boundary line of the Western Pacific Company's property, and its easterly production to a point which is distant at right angles 1000 feet northerly from the northerly pierhead line of San Antonio Estuary as now established by the War Department of the United States; thence northeasterly along a line parallel to and distant at right angles 1000 feet northerly from the existing northerly pierhead line of San Antonio Estuary to its intersection with the southerly production of the center line of Adeline Street; thence easterly to the intersection of the easterly line of Myrtle Street produced with the northerly line of the property of the City of Oakland generally known as the "Quay Wall" property; thence easterly along the said northerly line of the Quay Wall property to the center line of Clay St. produced; thence northerly along the center line of Clay St. produced to the southerly line of First St.; thence easterly along the southerly line of First St. to the eastern terminus of same; thence continuing easterly along the southerly line of the 100-foot right-of-way as claimed by the Southern Pacific Co. (Central Pacific) to a point distant 550 feet easterly from the easterly line of Fallon Street produced southerly; thence northerly on a line 550 feet easterly from the easterly line of Fallon Street and the southerly production of same and parallel thereto to the southerly line of Eighth Street; thence easterly along the southerly line of Eighth Street to its intersection with the westerly line of Third Avenue; thence southerly along the westerly line of Third Avenue to its intersection with the southerly line of East Seventh Street; thence easterly along the southerly line of East Seventh Street to its intersection with the westerly line of Fifth Avenue extension as described in Ordinance 3197;

thence southerly along the westerly line of Fifth Avenue ^{Port area} extension to its intersection with the southerly line of the ^{(cont'd).} 100-foot right-of-way as claimed by the Southern Pacific Co. (Central Pacific); thence easterly, along the southerly line of the 100-foot right-of-way as claimed by the Southern Pacific Co. (Central Pacific) to its intersection with the center line of the main line track of the Union Belt Railway, said point being approximately eighty (80) feet easterly from the easterly line of Nineteenth Avenue; thence southerly and southeasterly along the center line of the main line track of the Union Belt Railway to its intersection with the center line of Boehmer Street produced westwardly; thence southeasterly on a straight line to the southeasterly corner of 29th Avenue and Glascock St.; thence southeasterly along the southwesterly line of Glascock Street and its production southwesterly to an intersection with the southerly line of Alameda Avenue; thence easterly along the southerly line of Alameda Avenue to its intersection with the northwesterly production of the southwesterly line of Commerce Street; thence southeasterly along the northwesterly production of the southwesterly line of Commerce Street and along the southwesterly line of same to its southeasterly terminus; thence southeasterly and easterly along the southerly and easterly boundary line of a 50-foot right-of-way formerly owned by San Francisco-Oakland Terminal Railways to its intersection with the westerly line of Fiftieth Avenue; thence easterly along a straight line to the intersection of the easterly line of Fifty-fourth Avenue and the southwesterly line of the 100-foot right-of-way of the Southern Pacific Co. (Central Pacific); thence southeasterly along said southwesterly right-of-way line of the Southern Pacific Co. to its intersection with the northerly extension of the westerly line of Road No. 3 as shown on recorded Map of the Lands in Partition in the suit of WM. P. TOLER et al. vs. JOSE C. PERALTA, Administrator, et al; thence southerly along said northerly extension of said westerly line of Road No. 3 and along the said westerly line of same to its southerly terminus; thence continuing along the southerly production of said westerly line of said Road No. 3 to its intersection with the easterly boundary line of the City of Oakland in Section 28 T. 2 S. R. 3 W. Mt. Diablo Meridian; thence southwesterly along said easterly boundary line of the City of Oakland to a point in the boundary line between tide land lot 7 in Section 33, and tide land lot 26 in Section 28 T. 2 S. R. 3 W. Mt. Diablo Meridian, as said lots are shown on Map No. 2 of Salt Marsh and Tide Lands situate in the County of Alameda, State of California, prepared by order of the Board of Tide Land Commissioners dated 1871; thence continuing along the southerly and westerly boundary line of the City of Oakland to its intersection with the northerly boundary line of Tide Lot No. 1 in Section 19 and Tide Lot 8 in Section 20 T. 2 S. R. 3 W. Mt. Diablo Meridian, and as shown on above described

map No. 2 of Salt Marsh and Tide Lands, said point of intersection being also on the boundary line of the City of Alameda; thence northerly and westerly along the boundary line between the City of Oakland and the City of Alameda as it now exists or as it may hereafter be established throughout its entire length in San Leandro Bay, the Tidal Canal, San Antonio Estuary and San Francisco Bay, to its intersection with the boundary line of the City and County of San Francisco; thence northerly along the boundary line between the City of Oakland and the City and County of San Francisco to the point of beginning of this boundary description.

Effective
and effect.

Sec. 231. For the purpose of appointing the members of and organizing the Board, the Amendment shall take effect immediately upon its ratification by the legislature; for all other purposes it shall take effect thirty (30) days thereafter. All lawful ordinances, resolutions, regulations, employments, duties and obligations pertaining to any of the matters included in this Article shall, however, continue in force until the same may be duly amended, repealed or abolished.

To add a new section to said Charter to be known as Section 124½ to read as follows:

Assessment
and collec-
tion of
taxes by
county.

Section 124½. The Council shall have power to provide, by ordinance, for the transfer to and the assumption and performance by officers, boards or commissioners of Alameda County of any or all of the functions of the City relating to the assessment of property for taxation, the equalization and correction of such assessment, the collection, payment and enforcement of taxes, assessments or penalties levied for municipal purposes, including delinquent taxes or assessments, the sale of property for the non-payment of municipal taxes, assessments or penalties levied thereon, and the redemption thereof, and any or all of the powers, duties or functions of any officer, board or commission of said City relating to any or all of the matters aforesaid. Such transfer is hereby authorized to be made in the manner required by law. During the time any such ordinance is in effect the mode and manner of assessing property for purposes of municipal taxation, of equalizing assessments, and of levying and collecting taxes for municipal purposes, the nature of the lien therefor, the manner and method of enforcing the same and of the redemption of property sold for non-payment of taxes, and all proceedings relating to said matters, or to such transfer or any detail thereof, shall be fixed and established by such ordinances as may be adopted by the Council, and so far as applicable shall be substantially the same as may be provided by law for such matters in relation to county taxes in Alameda County. In the event of the assumption and performance as aforesaid by officers, boards or commissions of Alameda County of any of the aforesaid functions, powers or duties, the specific powers, duties or functions of any officer, board or commission of the city which have been so transferred shall cease, and said officer, board or commissioner of the city shall not continue in the

discharge of any remaining powers, duties or functions of any such officer, board or commission, except as may otherwise be provided by ordinance. In the event all of the powers, duties or functions of any officer, board or commission are transferred by ordinance as authorized herein, the office held by any such officer, or the positions held by the members of any such board or commission shall be deemed vacated and abolished while such ordinance is in effect, and during such time such office or such positions shall not be filled by election or appointment nor shall any salary attach thereto. Upon the repeal of any ordinance authorizing the transfer to and the assumption and performance by any officer, board or commission of said County of any or all of such functions of said City, or such powers, duties or functions of any officer, board or commission thereof, the provisions of this charter as they then exist relating to the discharge of such functions, powers or duties shall revive and again be in full force and effect.

The Council shall have power to provide for the payment of compensation by the City to the County of Alameda for the services to be performed by any of the officers, boards or commissions of said County by reason of any transfer of powers, duties or functions as herein provided.

To amend Section 33 of said Charter to read as follows:

RETIREMENT OF AGED AND DISABLED CITY EMPLOYEES

Section 33. (1) The City Council, by ordinance, by a four-fifths vote, and under the conditions set forth herein, shall establish a retirement system and provide death benefits for persons employed by the City of Oakland who are not eligible for membership in any other city pension system; provided, that the system herein provided for shall not apply to elective officers or to members of boards or commissions appointed by the Mayor, by a Commissioner, or by the City Council.

Retirement
of aged and
disabled city
employees

The Council, subject to the provisions of Subdivision (7) of Section 33 of this Charter, may also by similar vote amend the system so adopted.

The words "employees" or "persons employed," wherever used in this section, shall include persons generally classed as "officers" or "officials."

BOARD OF ADMINISTRATION

(2) A Board of Administration of said retirement system is hereby created consisting of the Commissioner of Revenue and Finance, the Auditor, three (3) members elected from the active membership of the retirement system, a resident representative of a life insurance company, and an officer of a local bank.

Board of
adminis-
tration

Within sixty days after this Amendment is approved by the State Legislature the Mayor shall appoint the resident representative of a life insurance company and the officer of

a local bank hereinbefore referred to, and within the same period the City Council shall appoint three city employees to represent the active members of the retirement system pending the establishment of such system by the City Council.

The Commissioner of Revenue and Finance and the Auditor shall be members of the Board ex-officio. Members of the Board other than ex-officio members shall, on the adoption of a retirement system by the Council, so classify themselves by lot that one term shall expire each year.

All members shall serve without compensation.

WHO MAY BE RETIRED

Who may
be retired.

(3) The retirement system established under this Section shall provide for voluntary retirement at age sixty-two after not less than ten years of continuous service, and it may provide for voluntary retirement at any time after an aggregate of thirty years' service. It shall also provide for retirement for disability after ten years of continuous service and before age sixty-two, and for death benefits for members of the system.

Retirement shall be compulsory at age seventy, regardless of length of service.

PLAN TO BE CONTRIBUTORY

Plan to be
contributory.

(4) The retirement system shall be conducted on the contributory plan. Employees who are members of the system shall contribute monthly from their salaries at the rates of contribution determined by the actuary and approved by the Board of Administration as hereinafter provided.

The City shall also contribute at the rates so established on behalf of each respective employee.

Employees may also elect to make contributions at rates in excess of those so established and may thereby receive retirement allowances in addition to those normally provided, but the exercise of this privilege by a member shall not place on the City any additional financial obligation.

WITHDRAWALS

Withdrawals.

(5) Should any member discontinue to be an employee of the City, except by death or retirement, he shall be paid, under such rules as may be established by ordinance of the Council, all of his accumulated contributions, together with interest thereon at rates to be set by the Council upon the recommendation of the Board of Administration.

The Council may also, by ordinance, define the rights of former employees or of former members of the retirement system upon their re-entry into the City service.

PLAN TO BE COMPULSORY

Plan applies
to all
employees.

(6) The system shall be applied to employees, officers, or officials, not excluded by the provisions of this Amendment, of all such departments, section, or classes as the Council shall determine, and all persons in the employ of the City in such

departments, sections, or classes after the system is adopted shall be members of the system; provided, that persons employed in the office of the City Engineer prior to July 1, 1911, shall be classified as City employees during the period of such employment, for the purposes of membership in the retirement system.

The Council may, however, provide that employees, officers, or officials of the aforementioned departments, sections, or classes who shall enter the service of the City after the system is adopted shall serve a period of six (6) months before becoming members of the system.

CONTRIBUTIONS TO BE BASED ON ACTUARIAL TABLES

(7) It shall be the duty of the first Board of Administration created under this Section to recommend a retirement system to the Council and to secure from a competent actuary a report of the cost of establishing the same.

Contributions to be based on actuarial tables

The mortality, service, experience, or other tables calculated by the said actuary and the valuations determined by him and approved by the Board shall be conclusive and final. Any system adopted by the Council shall be based thereon, and no changes shall be made in the system by the Council until the cost of such changes has been estimated by a competent actuary and the changes themselves have been approved by the Board of Administration.

The Board of Administration shall cause the tables on which the system is based to be reviewed at the end of every five-year period by a competent actuary and shall recommend to the Council any changes in the system that the Board may deem necessary as the result of such actuarial review.

LIABILITY FOR PRIOR SERVICE

(8) The system adopted hereunder shall include provision for an annual contribution by the City at least sufficient to meet the liability falling due in the current year for benefits to which members of the system are entitled by virtue of service rendered prior to the time the system becomes effective.

Liability for prior service.

Said annual contribution for prior service shall be in addition to the contributions for current service required by Subdivision (4) of this Section.

ADMINISTRATION OF THE PLAN

(9) The Board of Administration shall elect one of their number President and shall appoint a Secretary. They may also employ such additional actuarial, clerical, or other assistance as the Council may provide. All regular and permanent employees of the Board, with the exception of the actuaries, shall be appointed under the provisions of Article XIII of this Charter.

Administration of plan.

The Board shall make all necessary rules and regulations, not inconsistent with this Charter and the ordinances establishing the retirement system, and it shall be the sole judge, under such general ordinances as may be adopted by the Council, as to the conditions under which persons may be admitted to benefits of any sort under the system.

The Board shall also have exclusive control of the administration and investment of such funds as may be established under the system; provided, that the Auditor shall refuse to allow any warrant drawn for the payment of a benefit if in his opinion such benefit has been granted in contravention of this Section or of any ordinance passed under the authority granted herein; and provided further, that the City Treasurer shall be custodian of the funds under the direction of the Board of Administration as aforesaid.

ADDITIONAL ORDINANCES AUTHORIZED

Additional
ordinances.

(10) The Council shall enact any and all ordinances necessary, in addition to the ordinance authorized in the first subdivision of this Section, and they shall annually appropriate to the Board of Administration such amount as may be necessary for the proper operation of the afore-mentioned retirement system.

The Board of Administration shall have exclusive management and disbursement of the funds so appropriated.

Certificate.

That said proposed amendments and additions were and each of them was published and advertised as required by law in the official newspaper of said city, to wit: The Oakland Post-Enquirer.

That pursuant to section 4 of the charter of the city of Oakland, a special municipal election was duly held in said city on Tuesday the twenty-first day of December, 1926, at which said election the foregoing proposed amendments and additions to the charter of said city were duly submitted to the qualified electors of said city for their ratification pursuant to the resolutions hereinbefore mentioned.

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification of, and did ratify each and all of the proposed amendments and additions to the charter of the city of Oakland hereinabove set forth.

That the city council of the city of Oakland at a meeting held on the twenty-second day of December, 1926, at the time and in the manner required by law, duly canvassed the returns of said election, and duly found, determined and declared that a majority of said qualified electors voting thereon had voted for and ratified each and all of said proposed amendments and additions to said charter hereinabove set forth.

In witness whereof we have hereunto set our hands and caused the seal of said city to be affixed this fourth day of January, 1926.

[SEAL]

JOHN L. DAVIE,
Mayor of the City of Oakland.

EUGENE K. STURGES,
City Clerk of the City of Oakland.

and

WHEREAS, The said proposed amendments and additions so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Approval by
Legislature.

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting therefor and concurring therein), That said amendments and additions to the charter of the city of Oakland as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are and each of them is hereby approved as a whole without amendment or alteration for and as amendments and additions to, and as a part of the charter of the city of Oakland.

CHAPTER 8.

Senate Concurrent Resolution No. 6—Approving five amendments to charter of the city of Pasadena, a municipal corporation in the county of Los Angeles, State of California, voted for and ratified by the electors of said city at the special municipal election, held therein, on the second day of November, one thousand nine hundred twenty-six.

[Filed with Secretary of State January 17, 1927.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of five amendments hereinafter set forth to the charter of the city of Pasadena, a municipal corporation in the county of Los Angeles, State of California, as set out in the certificate of the chairman of the board of directors and city clerk of the said city of Pasadena, as follows, to wit:

Pasadena
city charter
amendments.

State of California }
County of Los Angeles } ss
City of Pasadena }

We, the undersigned F. B. Cole, chairman of the board of directors of the city of Pasadena, State of California, and Bessie Chamberlain, city clerk of said city, do hereby certify and declare as follows:

That the city of Pasadena, a municipal corporation of the county of Los Angeles, State of California, now is and at

all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the twenty-fourth day of January, 1901, and now is organized, existing and acting under a freeholder's charter adopted under and by virtue of section 8 of article XI of the constitution of the State of California.

That in accordance with the provisions of section 8 of article XI of the constitution of the State of California, on its own motion, the board of directors of the city of Pasadena, being the legislative body thereof, duly submitted to the qualified electors of the said city of Pasadena, certain proposals for the amendment of the charter of said city to be voted upon by said qualified electors at the special municipal election held in said city on the second day of November, 1926, which said proposals were and each of them was in words and figures as follows, to wit:

PROPOSED AMENDMENT TO ARTICLE 19.

ARTICLE 19.

ELECTIONS

Elections.

SECTION 1. Elections to be held in the City shall be either primary, general or special. At a general election which shall be held on the first Thursday in April 1927, seven members of the Board of Directors, each of whom shall be a qualified elector of one of the seven districts fixed as herein provided, shall be elected by the City at large. General elections shall be held biennially on the first Thursday in April of every odd numbered year after 1927, at which the vacancies in the Board of Directors, as provided in this Charter shall be filled.

Election districts.

SECTION 2. The members of the Board of Directors shall be elected by the qualified electors of the City as follows:

The Board of Directors in office at the time of the approval of this Charter by the Legislature shall, not less than 30 days before the primary nominating election to be held on the third Thursday preceding the general election in April, 1927, divide the City into seven districts. The districts so formed shall comprise as nearly as practicable equal number of voters as determined by the total number of votes cast for Governor in said districts at the last preceding state election at which a Governor was elected, and to be composed of contiguous and compact territory and bounded by natural boundaries or street lines; provided, however, that in laying out such districts no precinct at the time fixed by the Board of Supervisors of Los Angeles County shall be divided, and further provided that in the event that subsequent to the laying out of such districts said Board of Supervisors shall, at least 60 days before a city primary election, reprecinct the City with the result that any precinct shall be divided by the district lines, the board of Directors of the City shall, not less than 30 days prior to any primary or general election,

modify districts theretofore fixed to an extent sufficient to prevent the division of any precinct by a district line.

Any territory hereafter annexed to or consolidated with the City of Pasadena shall at the time of such annexation or consolidation be added to an adjacent district or districts by the Board of Directors by ordinance, provided, however, that if any territory annexed at any one time shall contain qualified voters in excess of 2500, as determined by the registration books of the County of Los Angeles at the time of such annexation, the Board of Directors shall within 30 days after said annexation redistrict the City in the manner as prescribed in this section.

During January, 1931, and in January of each fourth year thereafter the Board of Directors shall by ordinance redistrict the City into seven districts in the same manner as prescribed in this section, and such districts shall be used for all elections of members of the Board of Directors subsequent to such date until new districts are established as herein provided.

SECTION 3. Candidates to be voted for at any general municipal election shall be nominated at a primary nominating election, and no names shall be printed upon the ballot for such general election other than those selected in the manner hereinafter prescribed. Primary election.

Section 3 (a) The primary nominating election shall be held on the third Thursday preceding such general election, unless said Thursday shall fall on a legal holiday, in which case such election shall be held on the next succeeding day. The officers of election who shall be appointed for the primary nominating election shall be, so far as possible, appointed as the officers of such general election, and such general election shall be held at the same places, so far as possible, and the polls shall be opened and closed at the same hours as may be provided for the primary nominating election. Date and conduct of primary.

SECTION 3 (b) Any person desiring to become a candidate for office of member of the Board of Directors, to be filled at such general election, shall on or before the tenth day prior to the primary election file with the City Clerk a statement of such candidacy in substantially the following form: "State of California, County of Los Angeles, City of Pasadena—ss. Statements and petitions of candidates.

I-----being duly sworn, say that I reside at -----Street in the City of Pasadena, County of Los Angeles, State of California; that I am a candidate for nomination for the office of member of Board of Directors from the-----district to be voted upon at the primary election to be held on the-----Thursday of-----, 19---, and am legally qualified to fill said office, and I here-

Statements and petitions of candidates (cont'd).

by request that my name be printed upon the primary ballots for nomination at such primary election for such office.

Signed_____

Subscribed and sworn to before me
this_____day of_____, 19__.

And shall at the same time file therewith a petition of at least twenty-five qualified voters of such district, requesting such candidacy. Each petition shall be verified by one or more persons who are qualified voters of such district, as to the qualifications and residence, with street number of each of the persons so signing the said petition; and the said petition shall be in substantially the following form:

PETITION ACCOMPANYING NOMINATING STATEMENT.

The undersigned, duly qualified electors residing in the _____District of the City of Pasadena, residing at the places set opposite our respective names, do hereby request that the name of_____ (name of candidate) be placed on the ballot as a candidate for nomination for member of the Board of Directors from the_____District of said City at the primary election of_____, 19__.

We further state that we know him to be a qualified elector of said City residing within said District, and a man of good moral character, and qualified, in our judgment, for the duties of such office.

Names of Qualified Electors	Number	Street
_____	_____	_____

The electors signing any petition for the nomination of any person to the office of member of the Board of Directors, shall be residents of the district from which such person seeks to be elected as member of the Board of Directors. The names of no electors not residents of such district shall be counted in determining the sufficiency of any such petitions.

Immediately upon the expiration of the time of filing the statements and petitions for candidates, the City Clerk shall cause to be published at least once in a daily newspaper, published and circulated in the City, the names of the offices to be filled and of the persons as they are to appear upon the primary ballots.

Primary election ballots.

SECTION 3 (c) The City Clerk shall cause ballots to be printed and numbered and bound. Each ballot shall contain the list of candidates and the respective offices as published with the following caption:

PRIMARY NOMINATING ELECTION.

(City of Pasadena)

(Insert date thereof)

To vote, stamp a cross opposite the name of the candidate except when the name of the candidate is written in by voter.

For the purpose of the primary and general election held hereunder, the office of the member of Board of Directors

from each district shall be deemed to be a separate office, and shall appear upon the ballot in numerical sequence and the names of the candidates of each office shall be arranged on the ballot at the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or the support of any candidate.

SECTION 3 (d) Each ballot shall contain a blank space underneath the printed names of each office wherein the voter can write the name of any candidate whose name is not printed on the ballot, and for whom he may wish to vote. Blank spaces

SECTION 3 (e) The two candidates receiving the highest number of votes for the office of member of the Board of Directors from each district at the primary nominating election shall be the candidates and the only candidates for such office whose names shall be printed upon the ballots to be used at the general municipal election. Two highest.

SECTION 3 (f) The ballots at such general election shall be in the same general form as for such primary nominating election so far as applicable, and without any indication as to the party affiliation, source of candidacy, or support of any candidate. General election ballots.

SECTION 3 (g) The provisions of the general law of the State governing municipal elections, where the same are held separate from the general State elections, except as otherwise herein provided, shall govern in the holding of said elections. State election law

SECTION 3 (h) No election, either general or special, shall be set aside for any error, irregularity or defect in the proceedings, leading up to said election or in said election when the provisions of law governing the same are substantially complied with and where a fair expression of the will of the electorate is secured. Validity of elections.

SECTION 4. The conduct and carrying on of all city elections shall be under the control of the Board of Directors who shall, by ordinance, provide for the holding of all municipal elections, and may district and subdivide the municipality into municipal election precincts for the holding of municipal elections, and change and after such precincts and redistrict the municipality for such elections as often as occasion may require. Unless the boundaries of the precincts shall be changed, as herein provided, they shall remain as fixed for the election of State and County officers at the last general election preceding the city election. Sample ballots and instructions to voters may be sent out to the registered electors entitled to vote at any municipal election but the sending of such ballots and instructions shall not be necessary, and no notice of any such election other than the publication of the ordinance calling the same shall be necessary. Conduct of elections.

SECTION 5. At all general city elections each of the election officers shall receive for his services the sum of \$6.00 unless the Board of Directors, by ordinance, shall provide a Compensation of election officers.

less amount, and at all special city elections each of the election officers shall receive for his services the sum of \$5.00 unless the Board of Directors, by ordinance, shall provide a less amount.

State
election laws.

SECTION 6. The provisions of the general laws of the State governing elections for State and County officers, not inconsistent with the provisions of this Charter, shall govern city elections in matters for which no provision is made in this Charter, and the Board of Directors and City Clerk respectively shall exercise the powers and perform the duties conferred or imposed by such laws on Boards of Supervisors and County Clerks concerning elections.

Who entitled
to vote.

SECTION 7. Every person who resides within the exterior boundaries of any of the municipal election precincts of the city at the time of the holding of any municipal election, and who was a qualified elector at the general State election immediately preceding such municipal election, and who, at the time of the holding of such general State election, was upon the Great Register of the County of Los Angeles as a qualified elector of any one of the precincts which comprise such municipal election precinct, shall be entitled to vote at such municipal election without other or additional registration.

Others entit-
led to vote

SECTION 8. All other persons claiming the right to vote at such municipal election must be registered upon the Great Register of the County of Los Angeles as an elector of and within one of the precincts comprising the municipal election precinct wherein he claims the right to vote, at least thirty days prior to such municipal election, and must reside within the exterior boundaries of such municipal election precinct at the time of the holding of such municipal election.

Election
returns.

SECTION 9. The election returns from each municipal election precinct shall be filed with the City Clerk, who shall immediately place them in the safe or vault in the City Clerk's office, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the Board of Directors. After having been canvassed, they shall be sealed up and kept by the City Clerk for six months, and no person shall have access to them, except on the order of a Court of General Jurisdiction.

Canvass
of returns.

SECTION 10. On the first Monday after the election and at their usual time and place of meeting, the Board of Directors shall meet and canvass the returns and declare the result.

Certificates
of election.

SECTION 11. After the result of an election is declared, or when an appointment is made, the City Clerk under his hand and official seal shall issue a certificate therefor and serve the same by depositing such certificate, with the postage prepaid, in the United States Post Office in Pasadena, addressed to the person elected or appointed, and such person must, within ten days after receiving such certificate, file his official bond, if a bond is required of him by this Charter

or the ordinances of the City, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

PROPOSED AMENDMENT TO ARTICLE 22.

ARTICLE 22.

SECTION 1. The City shall be governed by a Board of ^{Board of} seven Directors elected as herein provided and by a City Manager appointed by said Board. ^{Directors.}

Said Board of Directors shall be first elected at the general city election in April, 1927, and the members thereof shall take office at noon on the first Monday in May next following, whereupon the term of the City Manager and all Directors governing the City at the time of the adoption of this amendment shall terminate. The members of the Board of Directors first elected shall so classify themselves by lot that four shall hold office for four years and three for two years, and until their respective successors are elected and qualify. Their respective successors shall hold office for four years and until their successors are elected and qualify. Said Directors shall be nominated and elected as elsewhere provided in this Charter. If any vacancy occurs in the Board of Directors, the remaining members of the Board shall appoint a qualified elector resident in the unrepresented district to fill such vacancy during the balance of the unexpired term.

SECTION 2. From and after the first Monday in May, 1927, each member of the Board of Directors shall receive the ^{Compen-} sum of Ten Dollars (\$10.00) for each meeting of the Board ^{sation} which he shall attend, provided that no member of the Board shall receive compensation in excess of Fifty Dollars (\$50.00) in any one calendar month.

SECTION 3. Each member of the Board of Directors shall ^{Voting} have the right to vote on all questions coming before the Board. Four members of the Board of Directors shall constitute a quorum and the affirmative vote of four members of said Board shall be necessary, and shall be sufficient, to adopt any ordinance, resolution or motion, or to pass any measure, unless a greater number is specifically required. Whenever more than a majority vote of the legislative body of the City is required to adopt any measure, then the affirmative vote of five members of the Board of Directors shall be necessary to adopt such measure. Upon every vote the yeas and nays shall be called and recorded. The Board of Directors shall elect from its membership a Chairman and a Vice Chairman. Every ordinance and resolution adopted by the Board of Directors shall be signed by the Chairman, or, in his absence, by the Vice Chairman, or shall be signed by four members of the Board of Directors.

SECTION 4. The Board of Directors shall have and possess all legislative, administrative, judicial and executive ^{General} powers, functions and duties heretofore had, vested in or ^{powers and} ^{duties.}

possessed by the Board of Directors, the Mayor, the City Council, the Board of Commissioners, the Board of Water Commissioners, the Board of Health and the Board of Library Trustees, except such powers as are herein delegated to the City Manager. Said Board of Directors and the members thereof shall be the successors of the officers, bodies and Boards respectively herein in this section specified. The Board of Directors may apportion and assign the several executive and administrative powers, functions and duties of the City among separate departments. The performance of administrative and executive acts may be delegated by the Board of Directors to any department or departments created, or to any officer or officers appointed by the Board of Directors, or to any Director or Directors. Nothing herein contained shall be construed to authorize the Board of Directors to diminish the powers herein vested in the City Manager, or to prevent the Board of Directors from delegating to the City Manager powers and duties in addition to those herein delegated to him.

City
manager.

SECTION 5. The Board of Directors shall appoint a City Manager and fix his compensation, provided that such officer shall be appointed and his compensation fixed only at regular meetings of the Board of Directors and upon the affirmative vote of not less than five members of the Board. The affirmative vote of not less than five members of the Board of Directors shall also be required to remove the City Manager from office.

Powers and
duties of city
manager.

SECTION 6. The administrative and executive functions, powers and duties hereinafter set out are hereby delegated to and vested in the City Manager. He shall have the power and it shall be his duty—

(a) to coordinate and administer the various functions of the City for the purpose of eliminating duplication of system and labor, and to secure the maximum efficiency in the performance of municipal functions.

(b) To see that the provisions of this charter and all laws and ordinances of the City are enforced.

(c) Except as otherwise herein provided to appoint all officers and employees of the City and to discipline or remove any officer or employee, provided, however, that no appointment or removal of the City Clerk shall be effective until approved by the Board of Directors, and further provided that the City Attorney, his deputies and assistants, and the Police Judge, shall be appointed and may be removed by the Board of Directors.

(d) To exercise supervision and control over all departments, divisions and offices created by the Charter, or by ordinance of the City, excepting, however, the Law Department, the Police Judge's Department and the administration of the Public Library system.

(e) Except when his removal is under discussion, to attend all meetings of the Board of Directors, but shall have no power to vote as a member thereof.

(f) To recommend to the Board of Directors for adoption such measures and ordinances as he shall deem necessary or expedient.

(g) To see that all terms and conditions imposed in favor of the City or its inhabitants in any contract or in any public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereto to call the same to the attention of the City Attorney, whose duty it shall be to take such steps as are necessary to protect and enforce such terms and conditions.

(h) To prepare and publish notices inviting bids in all instances in which such notices are required by Article 10 of this Charter. All such bids shall be filed in the office of the City Clerk. The City Manager shall fix a time for the receipt of bids and a time for the opening thereof. The City Manager may delegate the opening of bids to the City Clerk, provided, however, that the opening shall be set and conducted at a place and time at which the public and representatives of bidders may be present if any thereof so desire. The City Manager shall fully tabulate the results of such bidding and report the tabulation thereof to the Board of Directors together with his recommendation thereon.

(i) To prepare and submit to the Board of Directors the annual budget.

(j) To keep the Board of Directors at all times fully advised as to the financial conditions and needs of the City.

(k) To approve as to surety or reject all bonds filed pursuant to the requirements of Articles 4 or 10 of the Charter or any law of the State relating to street improvements or public works or construction, or any ordinance of the City.

It shall be competent for the Board of Directors to instruct the City Manager in all matters of policy, and any action, determination or omission of the City Manager shall be subject to review by the Board of Directors, but no such action, determination or omission shall be overruled or modified by a vote of less than five members of the Board of Directors.

Anything to the contrary herein notwithstanding, the Board of Directors shall have the power to create and establish the Library Board to manage the Public Library system of said City, and to define the powers and duties of the members of said Board.

It shall be competent for the Board of Directors, by a vote of five members thereof, to appoint an assistant to the City Manager. Subject to the City Manager, the Assistant City Manager may exercise all of the powers and duties of the City Manager with the same force and effect as though such powers and duties were exercised by the City Manager. In the absence or disability of the City Manager, any Assistant City Manager duly appointed shall act in his place and stead. In the absence of the City Manager and the Assistant City Manager, if any, the Chairman of the Board of

Assistant
manager.

Acting
manager.

Directors shall exercise the powers and perform the duties of the City Manager, and in the event that in the judgment of the Board of Directors the performance of the duties of City Manager shall encroach upon the time of the Chairman of the Board to an extent justifying compensation in addition to that received by him as member of the Board, the Board of Directors may provide additional compensation for such services, provided that the rate of compensation to the Chairman of the Board for such service shall in no event exceed the rate of compensation at the time fixed for the City Manager.

General
control of
offices and
officers.

SECTION 7. Subject to inconsistent provisions of this Article, the Board of Directors shall have the power of fixing the qualifications, compensation, powers and duties of officers and employees. Until different provision is made, the offices in existence at the time of the adoption of this amendment, excepting the offices of City Manager and members of the Board of Directors superseded hereby, shall continue, but the Board of Directors may at any time abolish or consolidate such offices or change the compensation, qualifications, powers and duties of the incumbents thereof, and provide for other offices, departments, boards and employees.

Construction
and effect
of article.

SECTION 8. This Article shall be liberally construed to carry out the purposes hereof, and there shall be no presumption that it is not intended to change or supersede other provisions of the Charter at variance or inconsistent herewith. Nothing contained in this Article, however, shall affect the Department of Education provided for in Article 16. So far as this Article is inconsistent with other provisions of this Charter such other provisions shall be deemed to have been superseded hereby to the extent of such inconsistency. This Article shall go into effect for all election purposes on the day of its ratification by the Legislature, and for all other purposes on the first Monday in May, 1927, upon the qualification of the members of the Board of Directors first elected hereunder.

PROPOSED AMENDMENT TO ARTICLE 16.

ARTICLE 16.

BOARD OF EDUCATION.

Board of
education.

SECTION 1. The control, management and administration of the public schools of the City of Pasadena and the territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, is hereby vested in a Board of Education consisting of five (5) members to be elected from the school district at large, and the said Board is hereby vested with all the powers and charged with all the duties provided by the laws of the State for city boards of education.

Terms and
elections.

SECTION 2. The members of this Board shall hold office for the term of four years, and until their successors are elected and duly qualified. They shall be elected on the first Friday in June following each regular municipal election;

two members being elected in June, 1927, three in June, 1929, and thereafter two and three members shall be alternately elected. The officers of the election for members of the Board of Education shall receive the same amount as is paid to election officers by the County of Los Angeles as compensation for their services.

In the preparation of ballots for the election of members of the Board of Education there shall be printed, stamped or written the name of each candidate for such office who has officially announced himself ten days prior to the date of the election by filing or having filed with the Secretary of the Board of Education a written statement signed by him that he is a candidate for the office of member of the Board of Education.

In all other matters the election for members of the Board of Education shall be governed by the general law of the State regulating elections for Trustees in school districts.

SECTION 3. The members of the Board of Education shall enter upon the discharge of their duties on the first Monday in July after their election, and the Board shall meet upon said day and annually thereafter and organize by electing one of their number President, whose term of office shall be one year. They shall hold regular meetings at least once each month, at such time and place as may be determined by their rules. Special meetings may be called by the President or by written request of any three members. No business shall be transacted at such special meeting that has not been distinctly stated in the call. A majority of the members shall constitute a quorum, but an affirmative vote of at least three members shall be necessary to pass an order or elect teachers. The sessions of the Board shall be public, and its minutes open to inspection. The Board may determine the rules of its proceedings, and the ayes and noes shall be taken and recorded when demanded by any member, and entered on the records of the Board. Any vacancy occurring on the Board shall be filled by the remaining members of the Board, and if there be no members, then by the Board of Directors.

Organization
and meetings
of board.

SECTION 4. Each member of the Board of Education shall be paid from the school fund the sum of Ten Dollars (\$10.00) for each and every meeting of the Board attended by him as compensation for all services rendered by him; provided, however, that there shall not be paid to any member for any one calendar month a sum greater than Fifty Dollars (\$50.00).

Compensation.

SECTION 5. The Board of Education shall, at the first meeting in each school year, or at such other time as shall be fixed by resolution of the Board, appoint a secretary, who may or may not be one of their own number, and shall prescribe the duties and fix the salary of such secretary.

Secretary.

SECTION 6. In all matters not specifically provided for in this Article, the Board shall be governed by the provisions of the general law relating to such matters.

State laws
to govern.

PROPOSED AMENDMENT TO ARTICLE 1, SECTION 3,
SUBDIVISION 15TH.

ARTICLE 1, SECTION 3, SUBDIVISION 15TH

Levy and
collection
of taxes.

Fifteenth: To levy and collect taxes, or to provide for the levy and collection of taxes by officers of the county, or otherwise, upon municipal property for all municipal purposes; provided, that the taxes levied for any one year for all municipal purposes other than for the payment of principal or interest on any bonds of the said City, or for school purposes, shall not, except as hereinafter provided, exceed One Dollar and ----- Cents on each hundred dollars' worth of taxable property in the said City, as shown by the assessment roll. And to levy and collect, or cause to be levied and collected, assessments upon property to pay for the acquiring, grading, re-grading, laying out, opening, widening, extending and improving of rights of way, streets, alleys, sidewalks, crossings, and other highways and public squares and places, for the construction of sewer, water, storm water, gas and other pipes, mains and conduits therein; for the planting, maintenance and care of trees and shrubbery therein, for the removal of grass, weeds or obstructions therefrom, and for the removal from lands or lots of weeds, rubbish or other material.

Provided, however, that this amendment shall not become effective for the purpose of raising the tax limit to One Dollar and ----- Cents from the limit of One Dollar as provided in the Charter in force on September 21, 1926, unless prior to the approval of this amendment by the Legislature of the State of California, initiative ordinances, petitions for which are now on file in the office of the City Clerk of said City, providing for increases in salaries payable to members of the Police Department and the Fire Department of said City, shall be duly adopted at a special election at which said initiative ordinances may be submitted in accordance with law.

PROPOSED AMENDMENT TO ARTICLE 12,
SECTION 12.

ARTICLE 12, SECTION 12.

Fixing rate
and levying
tax.

SECTION 12. The Board of Directors shall, on or before the first Monday of September in each year, by ordinance, fix the rate of taxes to be levied, and levy the tax upon all property, both real and personal, in the City necessary to raise sufficient revenue to carry on the various departments of the municipal government for the current fiscal year; provided, that the rate of taxes so levied shall not exceed, in any one year, One Dollar and ----- Cents for each One Hundred Dollars of taxable property in the City of Pasadena, as shown upon the assessment roll, exclusive of what may be necessary for the payment of the principal and interest of the bonded indebtedness of the City or for school purposes.

Provided, however, that this amendment shall not become effective for the purpose of raising the tax limit to One Dollar and----- Cents from the limit of One Dollar as provided in the Charter in force on September 21, 1926, unless prior to the approval of this amendment by the Legislature of the State of California, initiative ordinances, petitions for which are now on file in the office of the City Clerk of said City, providing for increases in salaries payable to members of the Police Department and the Fire Department of said City, shall be duly adopted at a special election at which said initiative ordinances may be submitted in accordance with law.

* * * * *

That three of said proposed amendments were and each of them was on the 22nd day of September, 1926, and two of said proposed amendments were and each of them was on the 23rd day of September, 1926, published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, in the Pasadena Evening Post, a daily newspaper of general circulation published in the said City of Pasadena, and the official newspaper of said City. Certificate.

That copies of said proposed amendments were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described, and as required by law, an advertisement was published in said Pasadena Evening Post, that such copies could be had upon application therefor at the office of the City Clerk of the City of Pasadena.

That such copies could be had upon application therefor at the office of said City Clerk until the date fixed for the election hereinafter described.

That in accordance with the provisions of the Charter of the said City of Pasadena and an ordinance of the legislative body thereof, there was held in the said City of Pasadena, on the 2nd day of November, 1926, a special municipal election, and that pursuant to ordinance the said proposed Charter Amendments, and each of them, were severally submitted to the qualified electors of said City for their ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each of the said proposed amendments to the Charter of the said City herein above set out.

That the results of said election were duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers of said City that a majority of the qualified electors of said City voting thereon had voted for and ratified each of said proposed amendments.

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Pasadena to be affixed hereto this 30th day of November, 1926.

F. B. COLE,

Chairman of the Board of Directors
of the City of Pasadena.

[SEAL]

BESSIE CHAMBERLAIN,

Clerk of the City of Pasadena

Approval by
Legislature.

AND WHEREAS, The said proposed amendments so ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said amendments to the charter of the city of Pasadena as proposed to, and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said city of Pasadena.

CHAPTER 9.

Senate Concurrent Resolution No. 8—Approving eleven certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the electors of said city of Los Angeles at a special municipal election held therein on the second day of November, 1926.

[Filed with Secretary of State January 17, 1927.]

Los Angeles
city charter
amendments

WHEREAS, The city of Los Angeles, in the county of Los Angeles, State of California, contains a population of over five hundred seventy-six thousand inhabitants and has been, ever since the year 1925, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section 8, article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the sixth day of May, 1924, and approved by the legislature of the State of California, by concurrent resolution filed with the secretary of state on the twenty-sixth day of January, 1925 (statutes of 1925, page 1024); and

WHEREAS, The legislative body of said city, namely: the council of said city, did, pursuant to section 8 of article XI of the constitution of the State of California, by resolution adopted September 20, 1926, duly propose to the qualified

electors of said city of Los Angeles sixteen amendments to the charter of said city, designated as proposed charter amendments Nos. 1-A, 2-A, 3-A, 4-A, 5-A, 6-A, 7-A, 8-A, 9-A, 10-A, 11-A, 12-A, 13-A, 14-A, 15-A and 16-A, and ordered that said amendments be submitted to said qualified electors of said city at a special municipal election to be held in said city on the second day of November, 1926, which date was fixed in said resolution as the date for holding said special municipal election; and

Los Angeles
city charter
amendments
(cont'd).

WHEREAS, Said sixteen proposed charter amendments were, and each of them was, on September 21, 1926, duly published in The Los Angeles Daily Journal, a daily newspaper of general circulation in said city of Los Angeles and the newspaper designated by said council for that purpose; and said sixteen proposed charter amendments were printed in convenient pamphlet form, and from September 21, 1926, to November 2, 1926, both inclusive, a notice was published in The Los Angeles Daily Journal, a daily newspaper of general circulation in said city, that such copies could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, The said council of said city did by ordinance designated as ordinance No. 56203, which was duly adopted on October 18, 1926, order the holding of a special municipal election in said city of Los Angeles on the second day of November, 1926, which said date was not less than forty days and not more than sixty days after the completion of the publication of said sixteen proposed amendments aforesaid, which said ordinance was approved by the mayor of said city on October 18, 1926, and was published five times prior to the time for the holding of said election, to wit: on October 19, 20, 21, 22 and 23, 1926, in The Los Angeles Daily Journal, a daily newspaper printed and published in said city; and said council of said city did by said ordinance No. 56203 order said special municipal election consolidated with the general state election to be held in said city on the second day of November, 1926; and

WHEREAS, Said special municipal election was held in said city of Los Angeles on the second day of November, 1926, which day was not less than forty days and not more than sixty days after said sixteen proposed amendments to said charter had been published once in The Los Angeles Daily Journal; which said election was held during the six months next preceding a regular session of the legislature of the State of California; and

WHEREAS, Thereafter, the board of supervisors of said county of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of said election, and did, on November 22, 1926, duly certify to the council of said city of Los Angeles the result of the canvass of said returns of said special municipal election; and the council of said

city did, by resolution adopted on November 24, 1926, duly declare the result of said special municipal election as determined from the canvass of the returns thereof; and

WHEREAS, At said special municipal election held on said second day of November, 1926, eleven of said proposed amendments were ratified by a majority of the electors of said city voting thereon, to wit: charter amendments Nos. 1-A, 2-A, 3-A, 4-A, 5-A, 6-A, 7-A, 8-A, 12-A, 15-A and 16-A, and that all other amendments received less than a majority of the votes of the qualified electors voting thereon and were not ratified; and

WHEREAS, The said eleven charter amendments so ratified by the electors of the city of Los Angeles are now submitted to the legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California, and are in words and figures as follows, to wit:

CHARTER AMENDMENT No. 1-A

That Section 6 of the Charter be amended to read as follows:

Elective
officers.

Sec. 6. (1) The following officers of the city shall be elected by the electors of the City of Los Angeles, at large;

Mayor,
City Attorney,
Controller,

The members of the Board of Education.

(2) The members of the Council shall be elected by districts, as follows:

(a) The Council in office at the time of the approval of this charter by the Legislature, shall, not less than sixty (60) days before the primary nominating election to be held on the first Tuesday in May, 1925, divide the city into fifteen (15) districts. Districts so formed shall comprise as nearly as practicable equal numbers of voters, as determined by the total number of votes cast in said districts at the last preceding general state election, and be composed of contiguous and compact territory and bounded by natural boundaries or street lines. Any territory hereafter annexed to or consolidated with the City of Los Angeles shall, immediately following such annexation or consolidation, be added to an adjacent district or districts by the Council by ordinance.

At the general election in June, 1925, one councilman shall be elected by each of the districts so constituted.

(b) On or before the first day of February, 1929, and each four years thereafter, the Council shall by ordinance re-district the city into fifteen districts in the same manner as prescribed in this section, and such districts shall be used for all elections of councilmen subsequent to such date until new districts are established.

(c) The electors signing any petition for the nomination of any person to the office of member of the Council, or for

the recall of any member of the Council, shall be residents of the district from which such person seeks to be elected as member of the Council, or in case of a recall petition, of the district from which such member was elected. The names of no electors not residents of the district shall be counted in determining the sufficiency of any such petitions.

That Section 29 of the Charter be amended to read as follows:

Sec. 29. Every ordinance which shall have been passed by the Council shall, before it becomes effective, be signed by the City Clerk or other person authorized by the Council to sign the same on its behalf, and be presented to the Mayor for his approval and for his signature if he approves it; if not, he shall endorse thereon the date of presentation to him and shall return it to the City Clerk with his objections in writing. The City Clerk shall endorse thereon the date of its return to him, and shall at the first meeting of the Council thereafter present the same, with the objections of the Mayor, to that body. Thereupon the Council shall proceed to reconsider the passage of the ordinance. Upon such reconsideration it shall in all cases require the votes of two-thirds of the whole Council to pass such ordinance over the veto of the Mayor, but where two-thirds vote or more is required for the original ordinance, a three-fourths vote shall be required to pass it over the veto of the Mayor.

Approval and
reconsideration
of
ordinances.

That Section 72 of the Charter be amended to read as follows:

Sec. 72. The terms of the commissioners referred to in Section 71 shall be five (5) years, except as otherwise provided in Section 73 and Section 73½, beginning with the first day of July of the respective years.

Terms of
commis-
sioners

No person shall be appointed a commissioner who is not a qualified elector of the City of Los Angeles.

That a new section to be known as Section 73½ be added to the Charter to read as follows:

Sec. 73½. The members of the Boards of Commissioners of the Department of Building and Safety, of the Department of Health and the Department of Municipal Art, respectively, shall, on or before the first day of June, 1927, so classify their terms of office by lot that the term of office of two members shall expire on June 30, 1927, and the terms of office of the other three members shall expire one, two and three years, respectively, from and after the thirtieth day of June, 1927.

Classification
and
expiration
of terms.

That Section 145 of the Charter be amended to read as follows:

Sec. 145. All money received or collected from or arising out of the use or operation of any harbor or port improvement, work, appliance, facility or utility, or water craft, owned, controlled or operated by the City of Los Angeles in or upon or pertaining to the water front or navigable waters

Harbor
revenue fund

of said city; all tolls, charges and rentals collected by the Harbor Department, and all compensations or fees required to be paid for franchises or licenses, or otherwise by law or ordinance or order, to the city for the operation of any public service utility upon lands and waters under the control and management of the Harbor Department, shall be deposited in the City Treasury to the credit of a fund to be known as the Harbor Revenue Fund, and shall be kept separate and apart from other moneys of the city. None of the money in or belonging to the Harbor Revenue Fund shall be appropriated or used for any purpose except the following purposes:

Use of fund.

(1) For the necessary expenses of conducting the Harbor Department, including the operation and maintenance of all harbor or port improvements, works, utilities, appliances, facilities and water craft, owned, controlled or operated by the city for the promotion and accommodation of commerce, navigation and fishery, or used in connection therewith;

(2) For the acquisition, construction, completion and maintenance of harbor and port improvements, works, utilities, appliances, facilities, and water craft, for the promotion and accommodation of commerce, navigation and fishery, or used in connection therewith; and for extraordinary improvements and betterments to lands and property under the control, supervision and management of the department, including the purchase or condemnation of necessary lands and other property and property rights;

(3) For the payment of the principal, or interest, or both, of harbor improvement bonds;

(4) To return and pay into the general fund of the city, from any surplus money in said Harbor Revenue Fund, any sums paid by the city from funds raised by taxation for the payment of the principal or interest of any municipal bonds issued by the city for or on account of the harbor improvement works to which such revenue fund pertains;

(5) For defraying the expenses of any pension system applicable to the employees of the department, that shall be established by the city.

That Section 245 of the Charter be amended to read as follows:

Other provisions applicable.

Sec. 245. No provision of this charter not included in this Article XXIV shall apply to the Department of Trusts; provided, however, that for the financial support of said department, funds may be provided therefor in the annual budget or by special appropriation, and as to the providing of such funds, the provisions of this charter relative to budget and appropriations shall apply.

That Section 292 of the Charter be amended to read as follows:

Statements for and against incumbent.

Sec. 292. Any incumbent of an office whose removal is sought under the provisions of this article, may file with the City Clerk, at least twenty days prior to such recall election,

printed copies of a statement of not more than two thousand words in length, justifying his course in office; and the person filing such recall petition, or the person or organization on whose behalf a recall petition was filed, shall have the right to present to the City Clerk, within the same limit of time, printed copies of a statement in support of such recall of not exceeding two thousand words in length. Any statement filed under this section shall be printed in such form and upon such character of paper suitable for mailing as the City Clerk shall prescribe.

The City Clerk shall enclose one copy of any such statement so filed with him with the sample ballot mailed to each voter, provided he has been furnished with printed copies of such statement equal to five per cent in excess of the total number of qualified electors of the city, or of the district in case the election is in a district.

That Section 351 of the Charter be amended to read as follows:

Sec. 351. Each board, officer or employee shall have authority, in the manner provided in this charter, to expend and make contracts involving the expenditure of one-twelfth of any appropriated item apportioned by the general city budget or by a special departmental budget to such board, officer or employee, during each month of the fiscal year, and no more, unless otherwise specified in said budget or unless specially authorized so to do by the Council or by the board adopting the departmental budget involved; provided, that if during any month less than one-twelfth of any appropriated item so apportioned shall be expended, the amount unexpended may be expended in any subsequent month of the fiscal year without such special authorization.

Expenditure
of appro-
priations.

That Section 352 of the Charter be amended to read as follows:

Sec. 352. On or before the last day of August of each year, the Council shall adopt an ordinance levying upon the assessed valuation of the property of the city, in accordance with the provisions of this charter, a rate of taxation upon each one hundred dollars (\$100.00) of valuation, which, with the total amount estimated by the Controller to be received from fines, licenses, and other sources of revenue, will be sufficient to raise the amount appropriated in the annual budget, provided that the amount of such tax shall not exceed the limit elsewhere in this charter provided. Such ordinance may be passed by a majority vote of the whole Council upon the day following its introduction, or at a later date, or, upon the day of its introduction by unanimous vote as provided in Sec. 26.

Annual
tax levy.

That Section 353 of the Charter be amended to read as follows:

Sec. 353. In case the Council shall fail to adopt a budget and levy a rate of taxation at the time and in the manner provided by this charter, then the budget as recommended by the

Where
budget and
tax levy
not adopted
by council.

Mayor for the expenses of conducting the business of the city government shall be in effect, and the Controller shall add thereto the amount required to meet the interest and sinking fund for the bonded indebtedness of the city and of special districts therein and shall calculate a rate, but not exceeding the limit elsewhere in this charter provided, of taxation upon each one hundred dollars (\$100.00) of valuation which, with the total amount estimated by the Controller to be received from fines, licenses, and other sources of revenue, will be sufficient to raise the necessary revenue for the ensuing fiscal year. If necessary, in order to keep the tax rate within said tax limit, the Mayor shall reduce items in said budget sufficient to keep the budget within the tax limit and shall so notify the Controller in writing. The Controller shall thereupon give public notice of said action and rate of taxation by publication at least three times in a newspaper of general circulation in the city; and the tax rate calculated by said Controller, as hereinabove provided for, shall be the rate of taxation of the city and the budget and said tax rate shall thereupon have full force and effect as if said appropriations had been made and said rate of taxation fixed by action of the Council and approved by the Mayor, as hereinbefore provided.

That Section 355 of the Charter be amended to read as follows:

Transfer
of appro-
priations.

Sec. 355. (1) The head of any department not having control of its own funds may make application in writing to the Mayor for a transfer of amounts from one appropriated item to another in the budget allowance of the department of which he is head, or to a new item created subsequent to the adoption of the annual budget. On the approval of the Mayor, the Controller shall make such transfer; provided, however, that no transfer of an amount exceeding one thousand dollars (\$1000.00) shall be made unless approved by a majority vote of the Council.

(2) The General Manager of any department having control of its own funds may make application in writing to the board having control and management over such department for a transfer of amounts from one budget item to another in the annual budget of the department of which he is such General Manager, or to a new item created subsequent to the adoption of the annual budget. On the approval of such board the Controller shall make such transfer; provided, however, that no transfer of an amount exceeding one thousand dollars (\$1000.00) shall be made unless approved in writing by the Mayor.

That Section 376 of the Charter be amended to read as follows:

Actions
upon claims
against city.

Sec. 376. No suit shall be brought on any claim for money or damages against the City of Los Angeles, or any officer or board of the city, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole.

Except in those cases where a shorter period of time is otherwise provided by law, all claims for damages against the city must be presented within six (6) months after the occurrence from which the damages arose, and all other claims or demands shall be presented within six (6) months after the last item of the account or claim accrued. Nor shall suit be brought against said city, or any board, or officer thereof, upon any claim or demand that has been in whole approved and audited as provided herein; provided, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to writ of mandamus or other proceeding against the Council, or any board or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

That Section 401 of the Charter be amended to read as follows:

Sec. 401. For the financial support of the Bureau of Budget and Efficiency there is hereby appropriated an annual sum of not less than one-fourth of one cent on each one hundred dollars (\$100.00) of the assessed value of all taxable property in the city. Financial support

CHARTER AMENDMENT No. 2-A.

That Section 90 of the Charter be amended to read as follows:

Sec. 90. The Department of Building and Safety shall have the power and duty to enforce all ordinances and laws relating to the construction, alteration, repair, demolition, or removal of buildings or structures in the city, and to the installation, alteration, repair, use, and operation of all heating, plumbing, lighting, ventilating, refrigerating, electrical and mechanical appliances and equipment therein; provided, however, that jurisdiction over elevators and steam boilers may be vested in such board or officer as may be determined by ordinance. Department of building and safety

CHARTER AMENDMENT No. 3-A.

That Section 122 of the Charter be amended to read as follows:

Sec. 122. All officers and employees of any municipality or any special assessment or other special district created under general laws lying wholly within the County of Los Angeles, which may hereafter become a part of the city through consolidation or annexation, and the property and funds, if any, of which district become the property of said city, when such officers or employees would be included in the classified civil service, and who shall have been continuously in the service of such consolidated municipality or annexed district for a period of six months immediately preceding such consolidation or annexation, shall, upon such consolidation or annexation, become employees in a similar capacity of said city and shall be deemed to have the necessary qualifications required by the provisions hereof, and shall retain their respective positions Employees of annexed municipalities

until removed for cause, as provided herein, or until the abolition of the position. All such officers or employees who, at the time of such consolidation or annexation, would be included in the classified civil service, but who shall have been continuously in the service of such municipality or district for a period of less than six months immediately preceding such consolidation or annexation shall, upon such consolidation or annexation, become employees in a similar capacity, of such city, and shall during the period of six months from and after such consolidation or annexation be deemed to be serving under probation and be subject to the same regulations as other candidates serving under probation, as hereinbefore provided in this Article.

In the event that the duties of any such officer or employee of any such municipality or district conflict with the duties of any officer of this city then such officer or employee shall become an employee of this city in such position subordinate to such officer of this city as shall be provided by ordinance.

CHARTER AMENDMENT No. 4-A.

That Section 273 of the Charter be amended to read as follows:

Form of
petitions.

Sec. 273. Any petition submitting a proposed ordinance, legislative, administrative or executive, to the Council, as provided in this Article, shall be in the form, and shall be signed, filed and certified as follows:

In making such petition, sheets of white paper of a uniform size shall be used. Such petition shall consist of separate papers, as follows: Each paper shall consist of a sheet or sheets, containing the proposed ordinance, with additional sheet or sheets for the signatures thereto; provided, however, that if any paper consists of more than one sheet it shall be and remain securely fastened together at the top. The proposed ordinance, as set forth in any paper, shall be followed by the signatures, which need not all be appended to one sheet or paper. Such petition shall be signed by qualified electors of the city in their own proper persons only, and opposite the signature written by each signer his residence shall be written by him, giving the street and number, when such designation by street and number can be given, or if the signer be unable to write, then such signature and residence shall be written by some person at his request, and the same identified on the margin by the signature of the person making the affidavit hereinafter provided. The number of the election precinct of each signer shall also appear on the paper after his or her name. Each such paper shall have attached thereto at the bottom of the last sheet thereof the affidavit of a qualified elector of the city stating that all of the signatures on each sheet thereof were made in his presence, and that all of the sheets constituting such paper were fastened together at the time such signatures were appended thereto; and that to the best of his knowledge and belief each signature is the genuine

signature of the person whose name purports to be thereunto subscribed. Each of the other sheets of such paper, containing signatures, shall be identified by the signature of the person making such affidavit.

Within twenty days from the date of the filing of such petition, the City Clerk shall examine the same and ascertain whether or not said petition is signed by the requisite number of qualified electors of the city; and if requested by the City Clerk, the Council shall authorize him to employ persons specially for that purpose, in addition to the persons regularly employed in his office, and the provisions of the charter respecting the classified Civil Service of the city shall not apply to the persons so specially employed. When the City Clerk has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of electors of the City, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be. If by the certificate of the City Clerk the petition is found to be insufficient, it may be amended by filing a supplemental petition or petitions within ten days from the date of such certificate. The City Clerk shall, within ten days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided. If his certificate shall show any such petition, or any such petition as amended, to be insufficient, it shall be retained by him and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the City Clerk, such petition, or such petition as amended, is shown to be sufficient, the City Clerk shall present the same to the Council without delay. The sufficiency or insufficiency of such petition shall not be subject to review by the Council.

If any supplemental petition be filed, all the signatures appended to the petition and to the supplemental petition or petitions shall be considered in determining the number of qualified electors signing the initiative petition.

Any signer to a petition or supplemental petition may withdraw his name by filing with the City Clerk a verified revocation of his signature before the filing of the petition or supplemental petition containing his signature, with said City Clerk. No signature can be revoked after the petition, or supplemental petition, to which it is attached has been filed. The City Clerk shall endorse on said petition and on any supplemental petition the name of the person or persons who filed the same, respectively. If any signature to such petition or supplemental petition be questioned, and in the judgment of the City Clerk should be investigated, the City Clerk shall forthwith mail notice to such purported signer, stating that his name is attached to such petition or supplemental petition, and cite him to appear before him forthwith to answer whether such

signature is genuine. If the City Clerk finds that any signature is not genuine, he shall strike the same from such petitions. After an election based on any initiative petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

CHARTER AMENDMENT No. 5-A.

That section 303 of the Charter be amended to read as follows:

Ordinances
calling
elections

Sec. 303. The Council shall by ordinance order the holding of all elections. Every such ordinance shall specify the object and time of holding any such election, and shall establish the election precincts, designate the polling places therefor and name the officers of election for each precinct, who must be residents thereof, to conduct the holding of and make returns of such election; provided, that when two or more municipal elections are consolidated by the Council, it shall not be necessary to set forth the precincts, polling places and officers of election in more than one of the ordinances calling the election, and in the case a municipal election is consolidated with a state or county election it shall not be necessary to set forth the precincts, polling places and officers of election, but reference may be made to the notice, resolution or ordinance of the Board of Supervisors of Los Angeles County calling such election and fixing precincts, officers of election and polling places. Unless otherwise designated in the ordinance adopted by the Council calling an election, the voting precincts of such election shall be the precincts provided by law for the holding of state and county elections in said city. The Council may, in ordering the holding of any election, consolidate the voting precincts into consolidated precincts to a number not exceeding three for each such consolidated precinct and shall number such consolidated precincts consecutively, and each consolidated precinct so established shall for the purposes of such election, be known by the number so designated. In ordering the holding of any primary nominating, general municipal or special election the Council may reduce the number of officers of election for each precinct, or consolidated precinct, to one judge, one inspector and two clerks, and may provide that no poll lists nor death or removal lists shall be kept at such election. The manner of the selection and appointment of officers of election shall be determined by the Council. All ordinances ordering the holding or consolidation of elections shall be published in some daily newspaper printed and published in said city for at least five days prior to the time appointed for the holding of said election.

Precincts.

Officers.

CHARTER AMENDMENT No. 6-A.

That a new section to be known as Section 389 be added to the Charter to read as follows:

Provisions
mandatory
in contracts
for work

Sec. 389. Every contract for work to be performed within the State of California at the expense of the City of Los Angeles or paid for out of monies deposited in the Treasury,

whether such work is to be done within or outside the limits of the City of Los Angeles, and whether such work be done directly by or under such contract, duly awarded, or indirectly by or under subcontract, subpartnership, day labor, station work, piece work, or any other arrangement whatsoever, must provide: (1) That in the performance of the contract, eight hours shall be the maximum hours of labor on any calendar day, and that the minimum wages or compensation of persons performing labor in the execution of such contract, subcontract, subpartnership, day labor, station work, piece work or other arrangement, shall be three dollars per day; (2) That any person performing labor in the execution of such contract shall be a citizen of the United States or have declared his intention of becoming such; (3) That preference in the performance of labor under such contract or other arrangement shall be given to persons who shall have actually resided in the City of Los Angeles and shall have so resided for the period of one year next preceding the date of their engagement to perform labor thereunder. The foregoing provisions designated (1), (2) and (3) must also apply to persons performing labor in the commissary or other auxiliary department of labor conducted in the course of the execution of such contract or any part thereof; and the said provisions shall also apply in any work done for or by the City of Los Angeles or by any officer, board or commission thereof, when such work is to be done at the expense of the City of Los Angeles or paid for out of moneys deposited in the Treasury. Any contract for work to be performed under the provisions of this Section which does not comply with the provisions thereof, shall be null and void, and any officer who shall sign the same shall be deemed guilty of misfeasance and upon proof of such misfeasance shall be removed from office.

CHARTER AMENDMENT No. 7-A.

That a new section to be known as Section 38 be added to the Charter to read as follows:

Sec. 38. For the purpose of aiding in the carrying out of uncompleted portions of the Major Traffic Street Plan as adopted by the people at an election held for that purpose on November 4, 1924, there shall be levied annually for five (5) years from and after July 1, 1927, a tax of nine (9) cents on each one hundred dollars of the assessed value of taxable property. Said tax shall be in addition to the tax limit fixed in subdivision (a) of subsection (1) of Section 3 of this Charter.

The money collected and set aside, as above provided, shall be placed in a fund designated as the "Major Traffic Street Plan Fund", and, notwithstanding any other provision of this charter, shall remain in said fund until expended for the purposes herein authorized, and shall not be transferred to the "Reserve Fund".

CHARTER AMENDMENT No. 8-A.

That Section 180 of the Charter be amended to read as follows:

Pension com-
missioners.

Sec. 180. The Board of Pension Commissioners shall administer the fire and police pension system of the city, and have exclusive control of the administration and investment of the fire and police pension fund which may be established as hereinafter provided; provided, however, that any money in such fund shall be kept on deposit in the City Treasury or be invested in bonds and securities authorized by law as legal investments for savings banks, or in local improvement bonds issued upon any assessment levied against property in the City of Los Angeles, or in bonds of local districts of the City of Los Angeles, such bonds or other securities purchased as aforesaid to be placed in the custody of the Treasurer, who is hereby directed to act as a depository for such bonds or securities. All interest and earnings from such investments shall accrue and be deposited to the credit of the fire and police pension fund.

That Section 181 of the Charter be amended to read as follows:

Service
retirement.

Sec. 181. Any member of the Fire or Police Department who shall have served in such Department for thirty-five years in the aggregate in any capacity or rank whatever, on his request, or by order of the board, if it be deemed for the good of the department, shall be retired from further service in such department, and such member shall thereafter, during his lifetime, be paid in equal monthly installments from said fund a pension equal to two-thirds ($\frac{2}{3}$) of the average monthly rate of salary which such member shall have received in such department during the three years immediately preceding the date of his retirement. Provided, that after twenty-five years' aggregate service, on request of such member, or by the board for the good of the department, such member shall be retired and paid in equal monthly installments from said fund a limited pension as follows: For twenty-five years' aggregate service fifty per cent (50%) of the average monthly rate of salary which such member shall have received during the three years immediately preceding the date of his retirement; and an additional one and two-thirds per cent ($1\frac{2}{3}\%$) of such average rate of salary for each year over twenty-five years and less than thirty-five years in the aggregate served by such member before retirement. Provided, further, however, that any such member of the Fire or Police Department, who shall have become a member of such department prior to the taking effect of this amendment who shall have served in such department for thirty years in the aggregate in any capacity or rank whatever, shall on his request, or by order of the board, if it be deemed for the good of the department, be retired from further service in such department, and he shall thereafter, during his lifetime, be paid in equal monthly

installments from said fund a pension equal to two-thirds ($\frac{2}{3}$) of the average monthly rate of salary which such member shall have received in such department during the three years immediately preceding the date of his retirement. Provided, that after twenty years' aggregate service, on request of such member who shall have become a member of such department prior to the taking effect of this amendment, or by the board for the good of the department, such member shall be retired and paid in equal monthly installments from said fund a limited pension as follows: For twenty years' aggregate service fifty per cent (50%) of the average monthly rate of salary which such member shall have received during the three years immediately preceding the date of his retirement; and an additional one and two-thirds per cent ($1\frac{2}{3}\%$) of such average rate of salary for each year over twenty years and less than thirty years in the aggregate served by such member before retirement.

The provisions of this section are subject to the further conditions set forth in section 181 $\frac{1}{2}$ of this charter.

That a new Section to be known as Section 181 $\frac{1}{2}$ be added to the charter to read as follows:

Sec. 181 $\frac{1}{2}$. No member of said departments entering said departments after this amendment becomes effective shall receive a pension from said Fire and Police Pension Fund, pursuant to the provisions of Section 181 of this Article, in an amount greater than eighteen hundred dollars (\$1800.00) annually; provided, however, that an additional one and two-thirds per cent ($1\frac{2}{3}\%$) of the average monthly rate of salary, which such member shall have received in such department during the three years immediately preceding the date of his retirement, shall be paid to any such member so retired, who shall have entered such department subsequent to the taking effect of this amendment, for each year over twenty-five (25) years and less than thirty-five (35) years in the aggregate served by such member before retirement.

Maximum
pension.

That Section 182 of the Charter be amended to read as follows:

Sec. 182. Whenever any member of the Fire or Police Department shall become so physically or mentally disabled by reason of bodily injuries received in, or by reason of sickness, caused by the discharge of the duties of such person in such department as to render necessary his retirement from active service, the board shall order and direct that such member be retired from further service in such department; and thereafter such member so retired shall, during his lifetime, be paid from said pension fund a pension in an amount to be determined by the said board, but which pension shall be equal to not less than ten per cent (10%), nor more than ninety per cent (90%), of the salary attached to the rank or position held by him in such department at the date of such retirement order. Such pension shall be paid in equal monthly

Disability
retirement.

installments. Provided, however, that any pension granted to any member of the Fire or Police Department for disability or sickness, as provided for in this section shall cease when the disability or sickness ceases and such member shall, subject to civil service and other provisions of this charter governing the appointment of city employees, have been restored to active duty in such department of which such person was a member at the time of retirement, to the same rank or position which such person held at said time. Provided, further that the Board of Pension Commissioners shall have the power to hear and determine all matters pertaining to the granting and termination of any pension award as provided for in this section. Said Board shall make its findings in writing, based upon the report of at least three regularly licensed, practicing physicians, and such other evidence concerning such disability as it may have before it. Said Board shall determine the degree of disability and such determination shall govern the amount of pension to be awarded to such disabled member as hereinabove provided; and provided, further, that upon the written request of any such retired member, or upon its own motion, said Board shall have the power, at any time prior to the restoration of such retired member to active service, to consider new evidence pertaining to the case of any such retired member, and to increase or decrease the amount of such pension award to be thereafter paid.

That a new section to be known as Section 182½ be added to the Charter to read as follows:

Sec. 182½. If at any time any member of the Fire or of the Police Department or the widow, child or children, or dependent parent or parents of any such member, or any other person hereafter entitled under the provisions of this Article to pension benefits, shall be granted, because of the sickness, injury or death of such member, any compensation or award, under any general law providing for compensation or indemnity in case of the sickness, injury or death arising out of the performance of duty of such member, then and in that event any payments made pursuant to the provisions of this Article to such member or to such widow, child or children, dependent parent or parents or other person shall be construed to be and shall be payments of such compensation or award under such general law and any payments made under the provisions of this Article shall be first applied to payment of such compensation or award and any balance of such payments made pursuant to the provisions of this article shall be deemed to be pension payments; and it is hereby provided that the pension provided for in this Article for such member or such widow, child or children, dependent parent or parents, or such other person in case of any such award under such general law, shall be reduced in amount to the difference between the amount of pension provided for in this Article and the

Where compensation is allowed under general law.

total amount of such compensation or award granted and paid under such general law until the total amount awarded under such general law shall have been fully paid.

After payment of the total amount of such compensation or award granted under such general law the payments herein provided for shall continue as pension benefits subject to the provisions of this Article.

That Section 183 of the Charter be amended to read as follows:

Sec. 183. Whenever any member of the Fire or Police Department shall die as a result of any injury received during the performance of his duty, or from sickness caused by the discharge of such duty, or after retirement, or while eligible to retirement from such department on account of years of service, then an annual pension shall be paid in equal monthly installments to his widow, or child or children, or dependent parent or parents, in an amount equal to one-half ($\frac{1}{2}$) of the average monthly rate of salary which such deceased member shall have received in such department during the three years immediately preceding the time of his death or the date of his retirement from active duty in such department. Said pension shall be paid to the widow during her lifetime or until she remarries, and thereafter a pension shall be paid in equal monthly installments, in an amount equal to one-half ($\frac{1}{2}$) of the average monthly rate of salary which such deceased member shall have received in such department during the three years immediately preceding the time of his death or the date of his retirement from active duty in such department, to the legally appointed guardian of the child or children of such deceased member until such child or children shall have attained the age of eighteen years, or to his child or children should there be no widow, until such child or children shall have attained the age of eighteen years, or to his dependent parent or parents during their lifetime or during such dependence, should there be no widow or child. Provided, however, that during the lifetime of such widow or until she shall remarry, an additional amount shall be paid to such widow for each child during the lifetime of such child, or until such child shall have married or reached the age of eighteen years, as follows: For one child twenty-five per cent (25%) of the pension allowed as hereinabove set forth; for two children forty per cent (40%) of such pension; and for three or more children fifty per cent (50%) of such pension. Provided, further, however, that no widow of a pensioner shall be entitled to a pension unless she shall have been married to such deceased pensioner at least one year prior to the date of his retirement; and provided, further, that no widow of a member of the Fire or Police Departments eligible for retirement from such department, who dies from causes other than those arising out of or from the performance of his duties, shall be entitled to a pension unless she shall have been

Dependents
to receive
pensions

married to such deceased member for at least one year prior to the date of his death, and provided, further, that if such widow, child or children shall marry, then the pension paid to the person so marrying shall cease, and provided, further, that should the dependency of such parent or parents terminate, then the pension paid to such dependent parent or parents shall cease.

That Section 184 of the Charter be amended to read as follows:

Pensions
not to be
changed.

Sec. 184. That all pensions granted in accordance with the provisions of Sections 181, 182 and 183 hereof shall remain in full force and effect for the period granted, and any increase or decrease of salaries of active members of the Fire and Police Departments shall not in any wise affect the amount of the pensions to be paid to retired members of such departments, or to any other person pensioned pursuant to the provisions of this Article, nor shall the amount of such pensions be changed for any other reason, except as otherwise specifically provided in this Article.

That Section 186 of the Charter be amended to read as follows:

Pension
fund.

Sec. 186. For the purpose of providing and maintaining a fund to meet the payments of demands drawn for the payment of pensions and the expense of said Department of Pensions, as hereinbefore provided, a fund is hereby created to be known as the "Fire and Police Pension Fund."

Reserve
basis.

The Board of Pension Commissioners shall employ an actuary, who shall render a report of the cost of maintaining upon a reserve basis the pension system as hereinabove provided, and shall at least once in every five years after the establishment of the pension system, as hereinabove provided, cause said fund to be revalued, and secure an actuarial report thereon. The term "reserve basis," as herein used, is defined to be a system which provides for the accumulation and maintenance of a fund which will at all times be equal to the difference between the present value of the obligations assumed and the present value of the money to be received for paying such obligations, where such present values are estimated in accordance with accepted actuarial methods and on the basis of an assumed rate of interest and the mathematical probabilities of the occurrence of such contingencies as affect both the payment of the assumed obligations and the receipt of money with which they are to be paid.

Annual
budget.

The Board of Pension Commissioners shall annually prepare a budget of the cost of maintaining the Fire and Police Pension Fund as hereinabove described including therein the separate items:

(1) A sum equal to that percentage of the salaries of all employees affected by the system shown by the last report of the actuary hereinabove mentioned as the percentage required for employees with no past service.

(2) A sum sufficient to liquidate over a reasonable period of years the deficit shown by the last report of the actuary hereinabove mentioned.

(3) The amount of any deficit which may remain in said fund in the event the appropriation of any previous year proved insufficient to pay the demands drawn against said fund, and the City Council shall appropriate the amount of such budget to the Fire and Police Pension Fund. For the purpose of providing funds for said budget appropriation said Council shall levy annually a tax sufficient to provide the amount of the cost of maintaining said fund as shown by said budget.

There shall be paid into said fund the following moneys, Moneys to be paid into fund.
to-wit:

(a) The amount appropriated by the City Council, as hereinbefore provided;

(b) All interest and earnings from the investment of said funds;

(c) All contributions and donations to the Fire and Police Departments for services by any member or members thereof, except amounts of money donated to provide for any medal or permanent competitive award;

(d) All fines imposed upon members of the Fire and Police Departments for violations of rules and regulations of said departments;

(e) All proceeds from the sale of unclaimed property; and

(f) All deductions from the salaries of the members of the Fire and Police Departments as provided for in Section 186½ hereof.

That a new section to be known as Section 186½ be added to the Charter to read as follows:

Sec. 186½. Each member of the Fire and of the Police Department included within the pension provisions of this Article shall contribute to said Fire and Police Pension Fund in the manner as hereinafter in this Section provided. Individual contributions to fund.

The administrative head of each such department shall cause to be shown on each and every payroll of said department a deduction of four per cent (4%) of the amount of salary, as shown on each such payroll, of each such member whose name appears thereon, and shall certify to the Controller on each such payroll the amount to be deducted from the compensation of each such member whose name appears thereon, and shall cause to be drawn a payroll check in favor of the Board of Pension Commissioners for the total amount of deductions shown on each payroll of such department, and said board shall deposit said payroll check to the credit of the Fire and Police Pension Fund. It shall be the duty of the administrative head of each department to cause to be furnished a copy of each and every such payroll hereinbefore mentioned to the said Board of Pension Commissioners.

Each member shall be deemed to consent and agree to each deduction made as provided for herein and the payment of each payroll check to such member shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such member during the period covered by such payroll, except such claims as such member may have to the benefits provided for in this article.

That a new section to be known as Section 189 be added to the Charter to read as follows:

Veterans
to receive
credit for
service

Sec. 189. In computing the time of service for retirement the amount of time served in the United States Army, Navy, Marine Corps, or any division thereof, in time of war, by any member of the Fire or Police Department, who shall have left such department to enter the United States Army, Navy, Marine Corps, or any division thereof, and who shall have returned to such department within a period of one year after having been honorably discharged from such service, shall be counted as a part of the aggregate service required for a retirement pension.

That Paragraph (a) of subsection (1) of Section 3 of the Charter be amended to read as follows:

Taxation.

(1) (a) Except as elsewhere otherwise specifically provided in this Charter, the annual tax rate for all municipal purposes other than for the payment of the principal and interest of municipal bonds, district bonds, pensions, borough taxes, or special district taxes, shall not exceed one dollar and twenty-five cents (\$1.25) on each one hundred dollars (\$100.00) of the assessed value of taxable property in the City. It shall require a two-thirds vote of the Council to levy a license tax.

CHARTER AMENDMENT No. 12-A.

That Section 223 of the Charter be amended to read as follows:

Sinking
funds.

Sec. 223. The board shall each year apportion and set apart out of the revenue fund in the city treasury pertaining to each such municipal works an amount or amounts sufficient to pay at maturity all sums coming due in said year for principal and interest, upon all outstanding general bonds, issued for the purposes of the works, to which such revenue fund pertains, and also all sums coming due in said year for principal and interest upon all outstanding district bonds, issued for such purposes, or such part of the last mentioned sums as can be paid from moneys in said fund not appropriated to other purposes and the board finds are not required to meet outstanding obligations or liabilities payable out of said fund, including the principal and interest of general bonds; and said amounts shall be transferred forthwith into a special fund in the city treasury, to be designated by name indicating the nature or purpose of such special fund, and the money in such special fund shall be subject to apportionment by the Controller, as may be required to make such payments on the principal and

interest of said bonds, and for no other purpose. Any interest or increment received on the money in any such special fund shall be paid into such special fund and become a part thereof. The foregoing provisions of this section shall apply to all such bonds now outstanding or hereafter issued; provided, however, that payment out of revenue, as above provided, of the principal and interest of bonds issued subsequent to January 1, 1924, for securing water or electric energy from new sources, shall be required only to the extent determined by resolution of the board, approved by a majority vote of the Council prior to the submission to the electors of the city of the proposition of authorizing such bonds. Such resolution shall be subject to amendment only by resolution of said board, approved by a majority vote of the Council and assented to by a majority of the electors of the city voting on the question of approving such resolution at a general or special election at which such question shall be lawfully submitted.

Bonds issued
subsequent
to Jan 1,
1924.

CHARTER AMENDMENT No. 15-A.

That Section 14 of the Charter be amended to read as follows:

Sec. 14. No member of the Council shall, during the term for which he shall have been elected, be eligible to any office to be filled, or appointment to which is subject to confirmation, by the Council; nor shall any member of the Council be selected to fill any vacancy that may occur in any other office where such a vacancy is to be filled, or appointment to which is subject to confirmation by the Council.

Eligibility
to other
office.

CHARTER AMENDMENT No. 16-A.

That Section 109 of the Charter be amended to read as follows:

Sec. 109. The head of a department in which a position in the class of unskilled laborers employed by the day is to be filled, shall notify said board of that fact, and said board shall thereupon certify to such officer or board the name and address of the applicant standing first in order on the register of unskilled laborers, and the applicant thus certified shall thereupon be employed by such officer or board.

Employment
of unskilled
laborers

The head of a department in which one or more positions, classified under this Article, except positions in the class of unskilled laborers, are to be filled, shall notify said board of that fact, and said board shall certify to such officer the name and address of one or more candidates, not exceeding three, for each position to be filled, who stand highest on the register for the class to which said positions belong and said appointing officer or department shall fill such places from the names certified to him or it by said board therefor, within thirty days from date of said certification. Provided, however, that when two or more positions are to be filled at the same time said board shall not certify to such officer more than two names and addresses over and above the number of positions to be filled.

In making such certifications, sex shall be disregarded, except when some statute, the rules of said board, or the appointing power specify sex. The candidate thus appointed shall be employed on probation for a period to be fixed by said rules, not exceeding six months. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said board may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which the candidate is employed may discharge him upon assigning in writing the reasons therefor to said board. If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department, or any officer or board may, under such regulations as the board may by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provisions of this Article, can be made.

Certificate. State of California, }
County of Los Angeles. } ss.

We, the undersigned, George E. Cryer, mayor of the city of Los Angeles, State of California, and Robt. Dominguez, city clerk of said city, and ex officio clerk of the council of said city, do hereby certify:

That the foregoing proposed and ratified amendments to the charter of said city of Los Angeles, submitted to the electors of said city at a special municipal election held in said city on the second day of November, 1926, have been compared by us and each of us, with the proposed amendments set forth in the resolution adopted by the council, as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said city of Los Angeles this tenth day of January, 1927.

GEORGE E. CRYER,
Mayor of the City of Los Angeles.

[SEAL]

ROBT. DOMINGUEZ,
City Clerk of the City of Los Angeles.

Now, therefore, be it

Approval by
Legislature.

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all of the members

elected to each house voting therefor and concurring therein, That said amendments to the charter of the city of Los Angeles as proposed to, adopted and ratified by the electors of said city as hereinbefore fully set forth, be and the same are and each of them is hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the charter of the city of Los Angeles.

CHAPTER 10.

Senate Concurrent Resolution No. 10—Approving the charter of the county of Alameda, State of California, which was submitted to the qualified electors of the said county and voted for and ratified by them at a general election held therein on the second day of November, 1926.

[Filed with Secretary of State January 18, 1927.]

WHEREAS, The county of Alameda, was at all times herein mentioned, and is now, a public corporation, and a political subdivision of the State of California; and Alameda county charter.

WHEREAS, The said county of Alameda has not been at any time herein mentioned and is not now consolidated with any city; and

WHEREAS, The board of supervisors of the said county of Alameda did, on the sixth day of July, 1926, by a vote of three-fifths of all the members of the said board, adopt an ordinance, by the terms of which it was declared that the public interest required the election of a board of fifteen freeholders under the provisions of section 7½ of article XI of the constitution of the State of California for the purpose of preparing and proposing a charter for the said county; and

WHEREAS, Thereafter, to wit, on the twelfth day of July, 1926, the board of supervisors of the said county of Alameda did adopt an ordinance providing for the election of the said board of fifteen freeholders at a special election to be held in the said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, to wit, on the thirty-first day of August, 1926, and which ordinance did specify the purpose and time of such election and did establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct, and which ordinance, prior to such election, was published five times in The Oakland Tribune, a daily newspaper, printed, published and circulated in said county; and

WHEREAS, Thereafter, to wit, on the twelfth day of August, 1926, the board of supervisors of the said county of Alameda issued an election proclamation containing a statement of the time of said election and of the offices to be filled and caused such proclamation to be published in The Oakland Tribune, a newspaper of general circulation printed and published in

Alameda
county
charter
(cont'd).

said county of Alameda, at least ten days before said election, to wit, commencing on the thirteenth day of August, 1926, and ending on the twenty-third day of August, 1926, both days inclusive, and caused said proclamation to be posted at each place of election at least ten days before said election; and

WHEREAS, Candidates for election as members of said board of freeholders were nominated by petition, in the said manner as is provided by general law for the nomination, by petition of electors, of candidates for county offices, to be voted for at general elections; and

WHEREAS, Thereafter, to wit, on the said thirty-first day of August, 1926, a special election was held in the said county of Alameda for the purpose of electing said board of fifteen freeholders; and

WHEREAS, Thereafter, to wit, on the thirteenth day of September, 1926, the result of the said special election held on the said thirty-first day of August, 1926, for the purpose of electing said board of fifteen freeholders, was declared by the board of supervisors of the said county of Alameda, and the said board of fifteen freeholders was therein declared to be elected; and

WHEREAS, Thereafter, and within one hundred and twenty (120) days from the said thirteenth day of September, 1926, to wit, on the twenty-second day of September, 1926, the said board of fifteen freeholders did complete the preparation of and did propose a charter for the said county of Alameda, and did sign the same in duplicate by a majority of the members of the said board of fifteen freeholders, and did file one copy of the same in the office of the county clerk of said county, and the other copy of the same in the office of the county recorder thereof; and

WHEREAS, Thereupon, and commencing within fifteen (15) days after the said twenty-second day of September, 1926, to wit, on the twenty-second day of September, 1926, and ending on the second day of October, 1926, the board of supervisors of the said county of Alameda caused the said proposed charter to be published for at least ten (10) times in the Oakland Tribune, a daily newspaper of general circulation, printed, published and circulated in said county; and

WHEREAS, Thereafter and not less than thirty (30) nor more than sixty (60) days after the said second day of October, 1926, to wit, on the second day of November, 1926, a general election did occur and was held in the State of California and in the county of Alameda; and

WHEREAS, The board of supervisors of the said county of Alameda did, on the fourth day of October, 1926, adopt an ordinance, by the terms of which it was provided that the said proposed charter should be submitted to the qualified electors of the said county at the said general election to be held on the second day of November, 1926; and

WHEREAS, The said proposed charter was so submitted to the qualified electors of the county of Alameda at a general election held on the second day of November, 1926; and

WHEREAS, At said general election a majority of the qualified electors of the county of Alameda, voting thereon, did vote in favor of and duly ratify the said proposed charter; and

WHEREAS, the board of supervisors of the county of Alameda, after canvassing the returns of the said election, duly found and declared that the majority of such qualified electors voting thereon at said general election, had voted in favor of and ratified the said proposed charter; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of section 7½ of article XI of the constitution of the State of California; and

WHEREAS, the proposed charter so ratified is in the words and figures as follows, to wit:

C H A R T E R

of the

COUNTY OF ALAMEDA, STATE OF CALIFORNIA

NAME AND RIGHTS OF THE COUNTY

Sec. 1: The County of Alameda as it now exists is a body ^{Powers.} corporate and politic, and as such has and shall have all the powers which are now or may be hereafter specified by the Constitution and laws of the State of California, and by this Charter, and such other powers as are necessarily implied.

Sec. 2: The powers mentioned in the preceding section can be exercised only by a Board of Supervisors, or by agents ^{Exercise of powers.} and officers acting under their authority, or by authority of law or of this Charter.

Sec. 3: The corporate name shall be "County of Alameda", which must be thus designated in all actions and proceedings touching its corporate rights, properties and duties. ^{Name, boundaries and county seat.} Its boundaries and county seat shall remain the same as they are now, until otherwise changed by law.

BOARD OF SUPERVISORS.

Sec. 4: The County of Alameda shall have a Board of ^{Supervisors} Supervisors consisting of five members. Each member must be an elector of the district which he represents, must reside therein during his incumbency, must have been such an elector for at least one year immediately preceding his election, and shall be elected by such district. Supervisors shall be nominated and elected at the times and in the manner and for the terms now or hereafter provided by general law.

Salaries Sec. 5: Each supervisor shall receive a salary of \$350.00 per month, payable monthly.

Districts. Sec. 6: The County of Alameda is hereby divided into five supervisor districts, the boundaries and designations of which shall be and remain as they now are until otherwise changed as provided in this Charter.

Boundaries of districts. Sec. 7: The Board of Supervisors may by a two-thirds vote of its members, change the boundaries of any supervisor district. No such boundaries shall ever be so changed as to affect the incumbency in office of any supervisor. Any change in the boundaries of any supervisor district must be made within one year after a general election.

Vacancies. Sec. 8: Whenever a vacancy occurs in the Board of Supervisors the Governor shall fill the vacancy, and the appointee shall hold office until the election and qualification of his successor. In such case there shall be elected at the next general election a supervisor to fill such vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding said election.

Eligibility to other office. Sec. 9: No supervisor shall, during the term for which he shall have been elected, or for one year thereafter, be eligible for appointment to any office or position carrying compensation and created by this Charter or by ordinance.

Chairman, quorum, etc. Sec. 10: The Board of Supervisors shall elect a Chairman, who shall preside at all meetings. In case of his absence or inability to act, the members present must select one of their number to act as Chairman pro tem. Any member of the Board may administer oaths when necessary in the performance of his official duties. A majority of the members shall constitute a quorum, and no act of the Board shall be valid or binding unless a majority of the members concur therein.

GENERAL POWERS OF THE BOARD OF SUPERVISORS.

General powers. Sec. 11: The Board of Supervisors shall have all the jurisdiction and powers which are now or which may be hereafter granted by the Constitution and laws of the State of California, or by this Charter.

Specific powers and duties. Sec. 12: It shall be the duty of the Board of Supervisors:
(a) To appoint all county officers other than elective officers, and all officers, assistants, deputies, clerks, attaches and employees whose appointment is not otherwise provided for by this Charter. Except in the cases of appointees to the unclassified service, all appointments by the Board shall be made from the eligible civil service list.

(b) To provide, by ordinance, for the compensation of elective and appointive officers, assistants, deputies, clerks, attaches and employees unless such compensation is otherwise fixed by this Charter. The compensation of elective officers shall be fixed at least six months prior to the election of such officer. The compensation of elective officers shall not be increased or diminished after the election of such officer or during his term of office; provided, however, that the Board

of Supervisors may allow such additional deputies or assistants as may be necessary and proper, to elective and appointive officers during their terms of office, and that the Board of Supervisors may also increase the compensation of such deputies or assistants during the term of office of such officers.

Specific powers and duties (cont'd).

(c) To provide, by ordinance, for the number of Justices of the Peace and Constables in each township. The Board may also provide by ordinance for the number and fix the compensation of such other judges and officers of such inferior courts as are now, or may be hereafter, provided by the Constitution or by general law.

(d) To provide, by ordinance, for the number of assistants, deputies, clerks, attaches and other persons to be employed from time to time in the several offices and institutions of the County.

(e) To provide, by ordinance, for the creation of offices, boards and commissions other than those required by the constitution and laws of the State, and for the appointment of persons to fill such offices, boards and commissions, and to prescribe their powers and duties and fix their compensation.

(f) To require any county or township officer or employee to give bond for the faithful performance of the duties of his office, in such penal sum as may be fixed by the Board. The premium for such bond shall be paid by the County.

(g) To provide, publish and enforce a complete code of rules not inconsistent with general laws or this Charter, prescribing in detail the duties and the systems of office and institutional management, accounts and reports for each of the offices, institutions and departments of the County.

(h) To provide, by ordinance, for the consolidation and segregation of county offices.

(i) To let all contracts for any public work in accordance with the laws of the State of California; provided, that if the estimated cost of such work is \$2000 or less the Board may secure from at least three responsible bidders estimates of the cost of such work. Such estimates must be secured from contractors actually engaged in the type of work required, and must be submitted in writing and filed with the Clerk of the Board, and if any such estimate of cost is less than Two Thousand Dollars (\$2000.00), the Board may thereupon let a contract for such work to the lowest responsible bidder so submitting an estimate.

(j) To provide in every contract for the performance of labor, that eight hours shall constitute a day's work; that the contractor and all sub-contractors under him shall pay their employees on said work a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons, firms or corporations under similar employment; and that preference shall be given in the employment of labor to persons who shall have resided in Alameda County for at least six months prior to employment.

Optional
commissions.

Sec. 13: The Board of Supervisors may create a County Institutions Commission, a Welfare Council, and a Public Health Center, and provide for the appointment of the members thereof, to serve without compensation; fix their terms of office, prescribe their duties, and may consolidate any two or more of said Commissions.

Annuities
and insur-
ance for
employees.

Sec. 14: The Board of Supervisors, if deemed expedient, may provide, after actuarial investigation, by ordinance adopted by a four-fifths vote, for the purchase of annuities or insurance for County employees, or for an annuity or insurance fund, the basis of which in whole or in part, shall be contribution by the employees to be benefited; provided, however, such ordinance shall not take effect until it shall have been submitted to the electors of the County at a general election, and two-thirds of the electors voting on said ordinance at said election shall have voted in favor thereof.

COUNTY OFFICERS OTHER THAN SUPERVISORS

Elective
county
officers.

Sec. 15: The elective County officers other than the members of the Board of Supervisors shall be:

Auditor
Assessor
District Attorney
Sheriff
Superintendent of Schools
Treasurer

Nominations
and
elections.

Sec. 16: All elective officers shall be nominated and elected at the time and in the manner and for the terms now or hereafter provided by general law.

Appointive
county
officers.

Sec. 17: The appointive County officers shall be:

Board of Education, Members of
Board of Law Library Trustees, Members of
Civil Service Commission, Members of
Coroner
County Clerk
Fish and Game Warden
Health Officer
Horticultural Commissioner
License Collector
Live Stock Inspector
Probation Committee, Members of
Probation Officer
Public Administrator
Public Defender
Purchasing Agent
Recorder
Surveyor
Tax Collector

Such other officers as are not mentioned in Section 15 hereof
Such other officers as may be hereafter provided by law
shall also be appointive.

The Tax Collector shall be ex-officio License Collector.

Sec. 18: The Members of the Probation Committee and the Probation Officer, and the Members of the Board of Law Library Trustees shall be appointed in the manner and for the terms now or hereafter provided by general law. Appointment of certain officers.

Sec. 19: All officers, boards and commissions to whom fees are paid for the performance of official duties, and all officers or employees collecting or receiving any moneys pertaining to or for the use of the County, shall make regular monthly settlements and accounts of their collections. Such moneys shall be transmitted or paid to the Treasurer daily, and the Treasurer and the Auditor shall credit such officer or employee with the amount so paid. Such officer or employee shall upon his regular monthly settlement be credited with all amounts so paid to the Treasurer and not included in his previous settlements. Moneys collected

Sec. 20: Whenever a vacancy occurs in an elective County office, other than a member of the Board of Supervisors, the Board of Supervisors shall fill such vacancy, and the appointee shall hold office until the election and qualification of his successor. In such case there shall be elected at the next general election an officer to fill such vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding said election. Elective officer vacancies.

TOWNSHIP OFFICERS

Sec. 21: In each township there shall be as many Justices of the Peace as are, or may be hereafter provided by general law, and not more than one Constable for each Justice's Court, together with such clerks, deputy constables and other officers as may be authorized by the Board of Supervisors; provided, however, that if the Legislature shall substitute some other system of inferior courts for and in place of the system of courts of Justices of the Peace now established, then upon the establishment of such inferior courts, the office of Constable in each township shall cease to exist. Township officers.

Sec. 22: Justices of the Peace in each township shall be nominated and elected at the times and in the manner and for the terms now or hereafter provided by general law. Constables shall be appointed by the Sheriff from the eligible civil service list. Justices.

Sec. 23: The compensation of Justices of the Peace of each township and of Constables shall be fixed by the Board of Supervisors and must be by salary only, which need not be uniform for the several townships, nor proportionate to the population therein. Their duties and qualifications shall be such as are now, or which may be hereafter prescribed by law or by this Charter. Salaries, duties, etc

Sec. 24: Every township Justice of the Peace and Constable shall make settlement of, and pay into the County Treasury, all fees collected by him, in the manner and at the times specified in Section 19 of this Charter. The fees to be so paid into the treasury by each Constable shall include all Fees.

fees charged and collected by him for service of any writ or process of any Court, or for any act or service done or rendered by him, or which he has power or which it is his duty to do or render in his official capacity; and every Constable shall enter in the fee book kept by him all such fees charged and collected by him, and pay the same into the County Treasury as above provided, without deduction for any such acts or service purporting or claimed to have been done or rendered by him as a private citizen.

DUTIES OF OFFICERS

District
attorney's
duties.

Sec. 25: In addition to the powers and duties conferred or imposed upon District Attorneys by the laws of the State of California, the District Attorney shall also be the attorney for the Public Administrator, and shall in the matter of all estates which the Public Administrator has been appointed to administer, collect the attorney's fees allowed therein by law, and pay the same into the County Treasury.

Constables'
duties.

Sec. 26: Constables shall be ex-officio deputy sheriffs, and shall be under the supervision and direction of the Sheriff. Each Constable shall be subject to the orders of the Sheriff, must serve process within his township or elsewhere when requested, and shall also perform all the duties required of him by law.

Public
defender's
duties.

Sec. 27: The Public Defender, upon request of the defendant, or upon order of the Court, shall defend without expense to him, all persons who are not financially able to employ counsel, and who are charged with the commission of any contempt, misdemeanor, felony, or other offense. He shall also, upon request, give counsel and advice to such persons, in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in the reversal or modification of the judgment of conviction.

He shall also, upon request, prosecute actions for the collection of wages and of other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed one hundred dollars, and in which, in the judgment of the Public Defender, the claims urged are valid and enforceable in the courts.

He shall also, upon request, defend such persons in all civil litigation in which, in his judgment, they are being persecuted or unjustly harassed.

He shall also have the powers and perform the duties now or hereafter prescribed by general law.

Purchasing
agent's
duties.

Sec. 28: The Purchasing Agent shall be in charge of the County store, and shall purchase, except as otherwise provided in this Charter, all materials, supplies, equipment, and all other personal property for all departments, offices, boards,

courts, commissions and institutions of the County. All departments, offices, boards, courts, commissions and institutions shall, when requested, furnish the Purchasing Agent a detailed statement of the materials, supplies, equipment, and other personal property required by each of them during the fiscal year.

The Purchasing Agent shall purchase and keep in the County store, all materials, supplies, equipment and other personal property which reasonably and advantageously may be kept in such store, and shall issue such materials, supplies, equipment and other personal property on requisition of the department, office, board, court, commission or institution requiring them. Other materials, supplies, equipment and personal property shall be purchased by the Purchasing Agent upon the requisition of the department, office, board, court, commission or institution requiring the same.

The Purchasing Agent shall standardize as far as possible, all materials, supplies, equipment and other personal property required for the conduct and operation of all departments, offices, boards, courts, commissions and institutions of the County, and maintain a continuous inventory.

The Purchasing Agent shall not furnish any materials, supplies, equipment or other personal property for any department, office, board, Court, commission or institution unless there is an unincumbered balance to the credit of such department, office, board, Court, commission or institution sufficient to pay therefor.

The Purchasing Agent shall sell all personal property determined by the Board of Supervisors to be no longer required or suitable for County use, in such manner as said Board shall direct. All such sales shall be reported to and ratified by the Board of Supervisors before becoming effective.

Sec. 29: Each county and township officer, board and commission shall have the powers and perform the duties now or hereafter prescribed by general law and by this Charter, as to such officer, Board or Commission. Other powers and duties.

Sec. 30: The Auditor shall install and maintain a modern accounting system which shall include such a standard classification of income and expenditures as will permit of the preparation at any time of a general balance sheet disclosing the exact financial condition of the County as to assets and liabilities. He shall prescribe uniform forms of account blanks, books of record, and other financial stationery used in connection with the accounting system, for all offices and departments of the County. Auditor's duties.

The Auditor may, with the approval of the Board of Supervisors, contract with a duly certified public accountant or accountants to design and install the accounting system herein referred to, or any portion thereof, or extension thereto.

ROADS AND HIGHWAYS

Roads and
highways.

Sec. 31: The Board of Supervisors may provide for the formation of road districts for the care, maintenance, repair, and supervision of roads, highways, tunnels, viaducts, conduits, subways, and bridges; and for the formation of highway construction divisions for the construction of roads, highways, tunnels, viaducts, conduits, subways, and bridges; for the inclusion in any such district or division of the whole or any part of any incorporated city or town upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof proposed to be so included at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein for such purposes by taxation upon the assent of a majority of the qualified electors of such districts or divisions voting at an election held for that purpose; for the incurring of indebtedness therefor by the county, district, or division for such purposes, respectively, by the issuance and sale by the County of bonds of the County, District or Division, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the County, District or Division, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; provided that any such indebtedness shall not be incurred without the assent of two-thirds of the qualified electors of the County, District or Division, as the case may be, voting at an election held for that purpose, nor unless before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; and the procedure for voting, issuing and selling such bonds, except insofar as the same shall be otherwise prescribed in this Charter, shall conform to general laws for the authorizing and incurring of bonded indebtedness by counties so far as applicable; provided further, that the construction, care, maintenance, repair and supervision of roads, highways, tunnels, viaducts, conduits, subways, and bridges for which aid from the State is granted shall be subject to such regulations and conditions as may be imposed by the legislature.

Surveyor's
duties.

Sec. 32: The County Surveyor, subject to such rules and regulations as shall be prescribed by the Board of Supervisors, shall have direction and control over all work construction, maintenance, and repair of roads, highways, tunnels, viaducts, conduits, subways, and bridges. He shall also have the control and management of all county rock quarries and gravel pits, and of all other materials, property and instrumentalities

necessary for, and connected with the construction, maintenance and repair of roads, highways, tunnels, viaducts, conduits, subways, and bridges, and shall exercise all the powers conferred by law upon road commissioners, or highway engineers.

CIVIL SERVICE.

Sec. 33: There is hereby created a Civil Service Commission consisting of three electors of the County, each of whom shall have been a resident of the County for five years next preceding his appointment, and his name shall be upon the County Assessment Roll at the time thereof. The Board of Supervisors shall, within two weeks after this Charter shall take effect, appoint three electors of the County as members of the Commission to take office as soon as appointed and qualified, one to serve until the first Monday after the first day in January, 1929, at noon, one to serve until the first Monday after the first day in January, 1931, at noon, and one until the first Monday after the first day in January, 1933, at noon.

Civil service
commission.

Before the first Monday in January in each alternate year after 1927, the Board of Supervisors shall appoint one person as the successor of the Commissioner whose term shall then expire, to serve for six years. Any vacancy in the office of Commissioner shall be filled by the Board of Supervisors for the unexpired term. Each Commissioner shall serve until his successor is appointed and qualified. No commissioner shall hold any other salaried County office.

The Board of Supervisors by a four-fifths vote of all the members, may remove a Commissioner during his term of office, but only upon stating in writing the reason for such removal, and allowing him an opportunity to be publicly heard in his own defense. The Commission shall elect one of its members President.

Sec. 34: Each Commissioner shall receive a compensation of Ten Dollars for each meeting of the Commission attended by him, not to exceed five meetings in any calendar month. The Commission shall appoint a Chief Examiner, and such other employees as it may deem necessary. The Chief Examiner shall act as secretary.

Compensation
and
examiner

Sec. 35: The Civil Service of the County is hereby divided into the unclassified and the classified service. The unclassified service shall include:

Classification
of positions

(a) All officers elected by the people, and their Chief Deputies.

(b) All assistants, deputies and other employees in the office of the District Attorney.

(c) Not to exceed six confidential deputies in the office of the Sheriff;

(d) All appointive boards and commissions.

(e) Members of the County Board of Education.

(f) Law Library Trustees.

(g) Members of the Civil Service Commission.

(h) All persons serving the County without compensation.

The classified service shall comprise all positions not specifically included by this Charter in the unclassified service, provided that in the case of a vacancy requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competition is impracticable, and that the position can best be filled by the selection of a person of recognized attainments, competitive examinations may be suspended, but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported by the Commission, together with the reasons therefor, to the Board of Supervisors.

Duties of
commission.

Sec. 36: It shall be the duty of the Civil Service Commission:

(a) To provide for the standardization and classification of all positions in the classified civil service. This classification into groups and subdivisions shall be based upon, and graded according to the duties and responsibilities of such positions, and shall be so arranged as to permit the filling of the higher grades through promotion. All salaries shall be uniform for like service in each grade of the classified civil service as the same shall be classified and standardized by the Commission. No such standardization or classification of salaries shall become final until approved by the Board of Supervisors in the annual appropriation ordinance, and no such salaries shall be paid except in accordance with such standardization and classification. The Board of Supervisors shall not approve of any such standardization or classification of salaries until at least thirty days after it shall have been submitted to the Board of Supervisors by the Commission. For the purpose of making the initial standardization and classification, the Board of Supervisors, upon request of the Commission, shall furnish to the Commission such assistance as may be necessary.

(b) To prepare and hold open competitive examinations in order to test the relative fitness of all applicants for appointment to the classified civil service. At least ten days notice shall be given of such examination.

(c) To provide a period of probation not to exceed six months, before appointment or promotion is made complete, during which period a probationer may be discharged or reduced.

Filling
positions.

Sec. 37: Whenever a position in the competitive classified civil service is to be filled, the appointing authority shall notify the Commission of that fact, and the Commission shall certify the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which such position belongs, and the appointing authority shall appoint to such position one of the three persons certified to him.

Employees
holding when
charter takes
effect.

Sec. 38: All appointive officers and employees of the County or any subdivision thereof at the time this Charter

shall take effect, and who shall have been such for the six months prior thereto, whose positions this Charter includes in the classified civil service, and copyists in the office of the County Recorder at the time this Charter shall take effect, and who shall have been such for the six months prior thereto, shall hold their positions until discharged, reduced, promoted, or transferred, in accordance with the provision of this Charter relating to civil service. All employees now authorized by law to be employed in any County office for a portion of each year, who shall have been in the employ of the County for two successive seasons immediately prior to the time this Charter shall take effect, shall be included in the classified civil service, and be eligible for appointment to such seasonal positions without examination.

Sec. 39: Any person who has engaged in the military or naval service of the United States during a war as defined in Section 3612 of the Political Code of California and who has been honorably discharged from such service, or has been released from active duty under honorable conditions, who shall enter a competitive examination shall be given a preferential credit of five per centum of the maximum rating for such examination, which added to his rating on such examination shall constitute his total rating. Veterans

Sec. 40: Any officer or employee in the classified civil service may be removed, suspended or reduced in rank or compensation by the appointing authority, after appointment or promotion is complete, by an order in writing stating specifically the reasons therefor. Said order shall be filed with the Civil Service Commission and a copy thereof shall be furnished to the person to be removed, suspended or reduced. Such employee may reply in writing to said Order within ten days from the date of filing said order with the Civil Service Commission. Any person removed, suspended or reduced in rank or compensation may, within five days after presentation to him of the order of removal, suspension or reduction as hereinabove provided, appeal to the Civil Service Commission from such order. The Commission shall within two weeks from the filing of said appeal, commence the hearing thereof, and shall thereupon fully hear and determine the matter, and either affirm, modify or revoke such order. The appellant shall be entitled to appear personally, produce evidence, and to have counsel and a public hearing. The finding and decision of the Commission shall be certified to the official from whose order the appeal is taken, and shall forthwith be enforced and followed by him. Removal,
suspension
and reduction
of employees.

Sec. 41: No officer or employee of the County in the classified civil service shall directly or indirectly make, solicit or receive, or be in any manner concerned in making, soliciting or receiving any assessment, subscription, or contribution for any political party or any political purpose whatsoever. No person holding a position in the classified civil service shall Political
assessments
and con-
tributions.

take any part in political management or affairs in any political campaign or election, or in any campaign to adopt or reject any initiative or referendum measure other than to cast his vote or to privately express his opinion. Any employee violating the provisions of this section may be removed from office.

Investigations.

Sec. 42: The Commission, for the purpose of carrying into effect the civil service provisions of this Charter, shall have power to investigate the conduct and operation of any department or board, and to subpoena and require the attendance of witnesses and the production of books and papers, and to administer oaths. Any person failing to obey its subpoena or refusing to testify or produce books, or papers required of him shall be deemed to be in contempt, and the Commission shall have power to take such proceedings in the punishment thereof as may be taken by boards of supervisors as provided by the laws of the State of California.

Rules.

Sec. 43: The Commission shall have power to adopt such rules as may be necessary and proper for the enforcement of the foregoing provisions of this Charter.

Political and religious opinions.

Sec. 44: No person in the classified civil service or seeking admission thereto, shall be appointed, reduced or removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations.

Constitutionality.

Sec. 45: If any portion of this Charter relating to civil service should be held to be unconstitutional, the Board of Supervisors shall, by ordinance, provide for a civil service of the County, prescribe the duties of the Civil Service Commission, and such civil service rules and regulations as they shall deem proper to govern the appointment of any and all officers, assistants, deputies, clerks, attaches, and other persons to be employed in the several offices and institutions of the County.

LABOR

Sex.

Sec. 46: In the employment of persons in the service of the County where sex does not actually disqualify, and where the quality and quantity of service is equal, there shall be no discrimination in selection or compensation on account of sex.

Hours.

Sec. 47: Eight hours shall constitute a day's work for mechanics and others engaged in manual labor in the service of the County.

Compensation.

Sec. 48: In fixing compensation, the Board of Supervisors shall in each instance provide a salary or wage at least equal to the prevailing salary or wage, for the same quality of service rendered to private persons, firms or corporations under similar employment, in case such prevailing salary or wage can be ascertained.

BUDGET

Annual financial statements.

Sec. 49: On or before the first Monday in July of each year every Department, Office, Court, District, Board and

Commission of the County shall file with the Auditor an estimate in writing of the amount of expenditures specifying in detail the objects thereof required in such Department, Office, Court, District, Board or Commission, for the current fiscal year, including a statement of all salaries.

Sec. 50: On or before the first Monday in August of each year the Auditor shall transmit to the Board of Supervisors a budget in writing containing an estimate of the expenditures of the County for the current fiscal year as determined by the reports filed as required by the preceding section. Said budget shall include an estimate of the probable revenue of the County exclusive of taxes upon property, classified in detail according to sources; a statement of the amounts necessary to meet the interest and principal of all bonded indebtedness, and the following information arranged in parallel columns:

Annual
budget.

(a) Detailed estimate of the expense of conducting each Department, Office, Court, District, Board and Commission as transmitted to him by the respective Departments, Offices, Courts, Districts, Boards and Commissions.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Detailed objects of expenditures.

(d) Such other information as the Board of Supervisors may require.

Said budget also shall include an estimate of the probable amount required to be levied and raised by taxation.

Sec. 51: The Board of Supervisors upon receipt of the budget from the Auditor, shall proceed to the consideration thereof at public hearings, notice of which shall be given in the manner prescribed by the Board.

Consideration
of
budget.

Sec. 52: The Board of Supervisors, on the first Tuesday in September of each year, shall finally pass the annual appropriation ordinance, which ordinance shall provide for the entire cost of the County government during the current fiscal year. Said ordinance shall take effect immediately upon its passage.

Annual
appropriation
ordinance.

No salary or compensation of any appointive officer or employee shall be increased except by provision made therefor in the annual appropriation ordinance. The Board shall have power to create additional offices or positions to provide for urgent necessities.

Sec. 53: The Board of Supervisors may appropriate a sum each year for urgent necessities. No money shall be paid out of such appropriation unless authorized by a four-fifths vote of the Board.

Urgent
necessities.

Sec. 54: No expenditures shall be made unless a specific appropriation shall have been made therefor in the annual appropriation ordinance, except as may be otherwise provided in this Charter.

Expenditures.

Unexpended
balances.

Sec. 55: At the close of each fiscal year, the unexpended balance of each appropriation against which no salaries, contracts for work or supplies, or other commitments are outstanding, shall revert to the fund from which it has been appropriated. Any money in the general fund otherwise unappropriated may be appropriated by the Board of Supervisors at any time by ordinance.

Authoriza-
tion of dis-
bursements.

Sec. 56: The Board of Supervisors shall authorize the disbursement of all public moneys except as otherwise specifically provided by law or by this Charter.

Preliminary
budget.

Sec. 57: The Board of Supervisors shall cause to be prepared a preliminary budget to cover all expenditures required between the first day of July in each year and the passage of the annual appropriation ordinance. No warrant shall be drawn except upon an unexhausted specific appropriation.

ANNUAL AUDIT OF ACCOUNTS

Annual
audit of
accounts.

Sec. 58: At the beginning of each fiscal year the Board of Supervisors shall employ, at a stipulated compensation, a certified public accountant or accountants, who shall examine the books, records and reports for the preceding fiscal year, of all county and township officers and employees, and make duplicate reports of his or their findings thereon, one of which shall be filed with the Board of Supervisors and one with the Auditor. Such accountant or accountants shall have unlimited privilege of investigation, and the same powers with regard to compelling the attendance of witnesses, the production of books and papers, and the administering of oaths as are conferred on boards of supervisors. Every County and township officer and employee shall give all required assistance and information to such accountant or accountants, and submit to him or them, for examination such books and papers of his office as may be requested, and failing to do so may be removed from office.

APPRAISAL OF PROPERTY

Re-appraisal
of property.

Sec. 59: Within ninety days after this Charter takes effect, and thereafter at intervals of not more than five years, the Board of Supervisors shall provide for a re-appraisal of all the real property and improvements in the County by a competent expert or experts other than the Assessor. Such re-appraisal shall be made as of the first Monday in March of the fiscal year for which the reappraisal is required, and shall be submitted to the Assessor and the Board of Equalization for their guidance.

MUNICIPAL FUNCTIONS

Municipal
functions.

Sec. 60: The Board of Supervisors and all County officers shall assume and discharge municipal functions of cities and towns within the County whenever requested so to do by such cities or towns, upon such terms as may be agreed upon between the County of Alameda and the city or town requesting the performance of such functions. The compensation to

be paid to the County for assuming and performing such municipal functions shall be such sum as may be agreed upon between the municipality and County, but not exceeding the amount now prescribed by general law.

Sec. 61: In every case where the County undertakes the collection of taxes for cities or towns, the tax rate certified by such cities and towns shall be added to the tax rate fixed by the Board of Supervisors in determining the total amount of taxes due on each assessment liable therefor, and it shall not be necessary to enter said city or town tax in a separate column.

Collection of
city taxes

RECALL

Sec. 62: Any elective or appointive county or township officer may be recalled by the electors at any time after he has held his office six months. Such recall shall be effected as follows: A petition demanding the election or appointment of a successor to the person sought to be recalled shall be filed with the County Clerk, which petition shall be signed by qualified electors equal in number to at least fifteen per cent of the entire vote cast within the County for all candidates for the office of Governor of the State at the last preceding election at which a Governor was elected (or at least twenty-five per cent of such vote cast within the district or township for which the officer sought to be recalled was elected or appointed in case of an official not elected by, or appointed for the County), and shall contain a statement of the grounds on which the recall is sought. No insufficiency of form or substance in such statement shall affect the validity of the election and proceedings held thereunder.

Recall of
officers.

The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his occupation and place of residence, giving street and number, or if no street or number exist, then such a designation of his residence as will enable the location to be readily ascertained. To each separate paper of such petition shall be attached an affidavit made by a qualified elector of the County (or particular subdivision of the County as the case may be), stating that the affiant circulated that particular paper and saw written the signatures appended thereto, and that according to the information and belief of the affiant, each of said signatures is genuine and the signature of a qualified elector of the County, or particular subdivision thereof, as the case may be.

Within ten days from the filing of such petition the County Clerk shall, from the records of registration, determine whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing such determination. If such certificate shows the petition to be insufficient it may be supplemented within ten days from the date of the certificate by the filing of additional papers, duplicates of the original petition, except as to the names signed. The County Clerk shall within ten days after such additional papers are filed, ascertain from

Recall of
officers
(cont'd).

the records of registration and certify whether or not the names to such petition, including such additional papers, are still insufficient, and if insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record. The failure to secure sufficient names shall not prejudice the filing later of an entirely new petition to the same effect. If required by the County Clerk, the Board of Supervisors shall authorize him to employ, and shall provide for the compensation of persons necessary in the examination of said petition and supplementing petition, in addition to the persons regularly employed by him in his office. In case the County Clerk is the officer sought to be recalled, the duties in this Section provided to be performed by him, shall be performed by some other person designated by said Board of Supervisors for that purpose.

If the petition shall be found to be sufficient, the County Clerk shall submit the same to the Board of Supervisors without delay, whereupon the Board shall forthwith cause a special election to be held not less than thirty-five nor more than forty days after the date of the order calling such an election, to determine whether such officer shall be recalled; provided, that if an election is to occur in the same territory within not less than thirty-five days or more than sixty days from the date of the order calling such recall election, the Board may in its discretion, postpone the holding of such recall election to such election.

If a vacancy occur in said office after a recall petition is filed, and the office is elective, the election shall nevertheless proceed as in this Section provided. One petition is sufficient to propose the recall of one or more officials and the election of successors to such thereof as are elective.

Nomination for any elective office under such recall election shall be made by petition in the manner prescribed by Section 1188 of the Political Code, except that no party affiliation of candidate, signer, or verification deputy shall be given, nor shall the participation in a primary election be a bar to signing such petition.

Upon the sample ballot there shall be printed in not more than two hundred words the grounds set forth in the recall petition for demanding the recall of the officer, and upon the same ballot in not more than two hundred words the officer may justify himself. There shall be printed on the recall ballot as to every officer whose recall is to be voted on, the following question: "Shall (name or person against whom the recall petition is filed), be recalled from the office of (Title of office)?" Following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each in which the voter shall by stamping a cross (x) indicate his vote for or against such recall. On such ballots under each question there shall also be printed, if the officer sought to be recalled be an elective officer, the names of those persons who shall have been nominated as candidates

to succeed him in case he shall be recalled at such election, but no vote shall be counted for any candidate for said office unless the voter also voted on the question of the recall of the person sought to be recalled therefrom. The name of the person sought to be recalled shall not appear on the ballot as a candidate for the office. Recall of officers (cont'd).

If a majority of those voting on said question of the recall of any incumbent, shall vote "No", said incumbent shall continue in said office. If a majority shall vote "Yes", said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass the votes for candidates for said office and declare the result in like manner as in a general election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law. If the incumbent of an appointive office be recalled at such election, his successor shall be appointed immediately after the canvassing of the vote.

Before any petition can be filed under this Section for the recall of any person in the classified service of the County, there shall be presented to and passed upon by the Civil Service Commission, a complaint in writing giving the grounds for and asking the removal of such person. Such complaint must be considered and be finally acted upon by the Commission within twenty days after such filing.

MISCELLANEOUS

Sec. 63: Each County or township officer, Board or Commission shall appoint from the eligible civil service list, except as otherwise provided in this Charter, for either permanent or temporary service, all assistants, librarians, deputies, clerks, attaches, and other persons in the office or department of such officer, Board or Commission, as the number thereof is fixed, and from time to time changed by the Board of Supervisors; provided, that appointments to the unclassified service in their respective offices and departments shall be made by such officers, Boards and Commissions without reference to such eligible list. Misappointment of employees.

Sec. 64: No compensation for any position under the classified civil service, shall be increased or diminished without the consent of the Civil Service Commission specifically given thereto in writing. Change in salary

Sec. 65: All officers, assistants, deputies, clerks, attaches and employees shall be allowed their actual, necessary traveling expenses in the performance of official duties. Traveling expenses

Sec. 66: No elective or appointive officer or employee who receives compensation as such shall hold any other public Interest in other offices and contracts.

office of profit, except the office of notary public, or any office in the National Guard of the State of California, or an office in any reserve Military or Naval force of the United States Government. No officer or employee shall be interested directly or indirectly in any contract or transaction with the County, or become surety upon any bond given to the County. No officer or employee shall receive any commission, money, or thing of value, or derive any profit, benefit or advantage, directly or indirectly from or by reason of any dealings with, or service for the County, by himself or otherwise, except his lawful compensation as such officer or employee. Any violation of the provisions of this Section shall render the contract or transaction involved voidable at the option of the Board of Supervisors.

It shall be the duty of every officer and employee who shall have knowledge of any violation of the provisions of this section immediately to report such violation to the Board of Supervisors, and failing so to do may be removed from his office or employment.

Tenure of
officers.

Sec. 67: Nothing in this Charter is intended to affect, nor shall be construed as affecting, the tenure of office of any of the elective officers of the county or of any district, township or division thereof in office at the time this Charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law; nor shall anything in this Charter be construed as changing or affecting the compensation of any such officer during the term for which he shall have been elected, but the successors of each and all of such officers shall be elected or appointed as in this Charter provided, and not otherwise.

Sec. 68: In the purchase of property by the County, price and quality being equal, preference shall be given to Alameda County products.

Preference
to local
products.

Sec. 69: Every contract entered into with the County shall contain a provision that, price and quality being equal, preference shall be given by the contractor to Alameda County products.

Justices,
ballots, etc.

Sec. 70: Nothing contained in this Charter shall affect or be construed as affecting the offices or courts of the City Justices of the Peace of the various cities in the County of Alameda as said offices or courts now exist, or as may be hereafter provided by law, or with the duties and powers of the County Clerk pertaining to preparing and supplying ballots, sample ballots and the index of the Great Register of the County.

Constitu-
tionality

Sec. 71: If any section, sub-section, sentence, clause, or phrase of this Charter is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Charter. It being hereby expressly

declared that this Charter, and each section, sub-section, sentence, clause and phrase thereof would have been prepared and proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses or phrases be declared invalid or unconstitutional.

Sec. 72: This charter shall take effect immediately upon ^{Effective} its approval by the Legislature.

CERTIFICATE

WHEREAS, the county of Alameda, in the State of Cali-^{Certificate.} fornia, on the thirty-first day of August, 1926, pursuant to the provisions of section 7½ of article XI of the constitution of the State of California, did elect Leon A. Clark, Manley J. Clark, Clarence M. Cooper, F. V. Jones, Crawford Letham, Fred B. Mellmann, J. Sherman McDowell, Orrin K. McMurray, Isaac B. Parsons, F. M. Ray, Aurelia H. Reinhardt, William Spooner, Frank D. Stringham, Edward K. Taylor, and Frank H. Thatcher, a board of fifteen freeholders to prepare and propose a charter for the government of said county;

BE IT KNOWN that in accordance with said provisions of the constitution of the State of California said board of freeholders has prepared and hereby proposes the foregoing as and for a charter for said county of Alameda.

IN WITNESS WHEREOF, we have hereunto set our hands in duplicate this twenty-second day of September, 1926.

- LEON A. CLARK
Chairman
- EDWARD K. TAYLOR
Vice-Chairman
- FRED B. MELLMANN,
Secretary
- MANLEY J. CLARK
- CLARENCE M. COOPER
- F. V. JONES
- CRAWFORD LETHAM
- J. SHERMAN McDOWELL
- ORRIN K. McMURRAY
- ISAAC B. PARSONS
- F. M. RAY
- WM. A. SPOONER
- AURELIA HENRY REINHARDT
- FRANK D. STRINGHAM
- FRANK H. THATCHER

State of California, }
County of Alameda. } ss.

I, Geo. E. Gross, county clerk of the county of Alameda, do hereby certify that the foregoing is a full, true and correct

Certificate
(cont'd).

copy of the proposed charter for the county of Alameda, prepared and proposed by a duly qualified board of fifteen freeholders duly elected on the thirty-first day of August, 1926, and that a copy of said proposed charter was duly filed in my office on the twenty-second day of September, 1926, said copy having been duly signed by a majority of the members of said board; and that thereafter said proposed charter was duly published for ten times in the Oakland Tribune, a daily newspaper of general circulation, printed, published and circulated in the county of Alameda, and that the first publication thereof was made within fifteen (15) days after the date of the filing of the said proposed charter in my office, to wit, on the twenty-second day of September, 1926, and that the last publication thereof was completed on the second day of October, 1926, and that after such publication, said proposed charter was duly submitted to the qualified electors of the county of Alameda at the general election held on the second day of November, 1926, and that at said election a majority of such qualified electors voting thereon voted in favor of and duly ratified the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this twelfth day of January, A. D. 1927.

GEO. E. GROSS,

[SEAL] County Clerk of the County of Alameda,
State of California.

State of California, }
County of Alameda. } ss.

I, G. W. Bacon, county recorder of the county of Alameda, do hereby certify that the foregoing is a full, true and correct copy of the proposed charter for the county of Alameda, prepared and proposed by a duly qualified board of fifteen freeholders duly elected on the thirty-first day of August, 1926, and that a copy of said proposed charter was duly filed in my office on the twenty-second day of September, 1926, said proposed charter having been duly signed by a majority of the members of the said board.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this twelfth day of January, 1927.

G. W. BACON,

[SEAL] County Recorder of the County of Alameda,
State of California.

Now, therefore, be it

Approval by
Legislature.

Resolved by the Senate of the State of California, the Assembly thereof concurring (the majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), That the said proposed charter of the county of Alameda as presented and as submitted to and adopted and ratified by the qualified electors of the said county, and as hereinbefore set forth, be and the same is hereby approved as a whole for and as the charter of the said county of Alameda aforesaid.

CHAPTER 11.

Senate Concurrent Resolution No. 11—Approving a certain amendment to the charter of the city of Piedmont, a municipal corporation in the county of Alameda, State of California, voted for and ratified by the qualified electors of said city at the general municipal election, held therein on the twelfth day of April, 1926.

[Filed with Secretary of State January 18, 1927.]

WHEREAS, Proceedings have been had and taken for the proposal, adoption, and ratification of a certain amendment hereinafter set forth in the charter of the city of Piedmont, a municipal corporation in the county of Alameda, State of California, as set out in the certificate of the president of the city council and the city clerk of said city of Piedmont as follows, to wit:

State of California, }
 County of Alameda, } ss.
 City of Piedmont, }

We the undersigned, Oliver Ellsworth, president of the city council of the city of Piedmont, State of California, and W. C. Little, city clerk of said city do hereby certify and declare as follows:

That the city of Piedmont is a municipal corporation in the county of Alameda, State of California, now is and at all times herein mentioned was, a city containing a population of more than thirty-five hundred (3500) inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States, and is now organized, existing and acting under a freeholder's charter, adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election duly held for that purpose February 27, 1923, and approved by the Legislature of the State of California by concurrent resolution filed with the secretary of state on the fifteenth day of March, 1923 (statutes 1923, page 1564).

That in the pursuance of section 8 of article XI of the constitution of the State of California, on its own motion, the council of the city of Piedmont being the legislative body of said city, by and in pursuance of a certain resolution passed by the city council on the fourth day of March, 1926, duly submitted to the qualified electors of said city of Piedmont certain proposals for the amendment of the charter of said city, to be voted on by said qualified electors at the general municipal election held in said city on the twelfth day of

April, 1926, which said proposal was and is in words and figures following, to wit:

Shall Section 41 of the City Charter of the City of Piedmont be amended to read in words and figures following, to wit:

Zoning
system.

Section 41. Zoning System: The City of Piedmont is hereby declared to be primarily a residential City and the Council shall have power to establish such zoning system within the City as may in its judgment be most beneficial and in such zoning systems may prohibit the erection or maintenance of any class or classes of buildings within said areas and may classify and reclassify the zones established, but no zones now existing shall be reduced or enlarged with respect to size or area, and no zones shall be reclassified without submitting the question to a vote of the electors held at a general election or a special election to be called for the purpose, and no zone shall be reduced or enlarged and no zones reclassified unless a majority of the voters voting upon the same shall vote in favor thereof.

The Council may also prescribe the character of materials and method of construction of buildings erected within any zone area and may establish such set back lines as it may consider necessary and proper.

Certificate.

That said such proposed amendment was published and advertised in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Piedmont in "The Oakland Tribune," which was then and there a daily newspaper of general circulation.

That said City Council caused copies of said proposed amendment to be printed in convenient pamphlet form and kept in the office of the City Clerk of said city, and did, until the date fixed for the election upon such Charter, advertise in said "The Oakland Tribune" a notice that such copies might be had upon application therefor at the office of the said City Clerk until the date fixed for the election hereinafter described.

That the Council of the City of Piedmont, a legislative body of said city, by its certain resolution passed on the Fourth day of March, 1926, did order the holding of the general municipal election of said City of Piedmont on the Twelfth day of April, 1926, and did provide in said resolution for the submission of the proposed amendment to the Charter to the qualified electors of said city for ratification at such election.

That said election was duly called and held on the Twelfth day of April, 1926, and at said election a majority of qualified electors, voting thereon, voted in favor of and the ratification of, and did ratify the proposed amendment to the Charter of the City of Piedmont hereinabove set forth.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly

canvassed and certified to, and it was duly found, determined, and declared by the proper officers thereunto duly and properly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of and ratified said proposed amendment to said Charter as hereinabove set forth, and we and each of us further certify that we have compared the foregoing enclosed and ratified amendment to the Charter of the City of Piedmont with the original proposal, submitting the same to the electors of said city at the election held on the Twelfth day of April, 1926, and find that the foregoing is a true, full, correct, and exact copy thereof.

IN WITNESS WHEREOF we have hereunto set our hands and caused the seal of said City of Piedmont to be affixed hereto this 31st day of December, 1926.

OLIVER ELLSWORTH,

President of the City Council and Ex Officio Mayor.

[SEAL]

WEARE C. LITTLE,

City Clerk of the City of Piedmont.

WHEREAS, Said proposed amendment so ratified as hereinbefore set forth has been and is now duly passed and submitted to the Legislature of the State of California for approval or rejection without power of alteration in accordance with section 8 of article XI of the constitution of the State of California, now therefore be it

Approval by
Legislature.

Resolved by the Senate of the State of California, the Assembly thereof concurring, the majority of all the members elected to each house voting therefor and concurring therein, that said amendment to the charter of the city of Piedmont as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be, and the same is hereby approved as a whole without amendment or alteration for and as an amendment to and as a part of the charter of the said city of Piedmont.

CHAPTER 12.

Senate Concurrent Resolution No. 7—Approving nine certain amendments to the charter of the city of Alhambra, in the county of Los Angeles, State of California, voted for and ratified by the electors of said city of Alhambra at a special municipal election held therein on the second day of November, one thousand nine hundred twenty-six.

[Filed with Secretary of State January 19, 1927.]

WHEREAS, the city of Alhambra, in the county of Los Angeles, State of California, contains a population of over three thousand five hundred inhabitants, and has been ever since the year 1915, and now, is organized and acting under a freeholders' charter, adopted under and by virtue of section 8, article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the

Alhambra
city charter
amendments.

Alhambra
city charter
amendments
(cont'd).

fourteenth day of October, 1914, and approved by the Legislature of the State of California on the twenty-eighth day of January, 1915 (statutes of 1915, page 1740); and

WHEREAS, the legislative body of said city, namely, the commission of said city, being the governing body and legislative body thereof, did, pursuant to the provisions of section 8 of article XI of the constitution of the State of California, by resolution adopted September 14, 1926, duly propose to the qualified electors of said city of Alhambra eighteen amendments to the charter of said city, and ordered that said amendments be submitted to said qualified electors of said city at a special municipal election to be held in said city on the second day of November, 1926, which date was fixed in said resolution as the date for holding said special municipal election; and

WHEREAS, said proposed charter amendments were on the fifteenth day of September, 1926, duly published in The Alhambra Post-Advocate, a daily newspaper of general circulation in said city of Alhambra, and the newspaper designated by said commission for that purpose, and said proposed amendments were printed in convenient pamphlet form, and from September 15, 1926, to November 1, 1926, both inclusive, a notice was published in The Alhambra Post-Advocate, a daily newspaper of general circulation in said city, that such copies could be had upon application therefor at the office of the city clerk of said city; and

WHEREAS, the said commission of said city did by ordinance designated number 1337, which was duly adopted on the fourth day of October, 1926, order the holding of a special municipal election in said city of Alhambra on the second day of November, 1926, which said date was more than forty days and less than sixty days after the completion of the publication of said proposed amendment as aforesaid, which said ordinance was approved by the president of the commission on the fourth day of October, 1926, and was published once prior to the time for the holding of said election, to wit, on the seventh day of October, 1926, in The Alhambra Post-Advocate, a daily newspaper printed and published in said city; and

WHEREAS, said proposed charter amendments were by said ordinance, designated as Numbers "1", "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", "15", "16", "17" and "18".

WHEREAS, said special municipal election was held in said city of Alhambra on the second day of November, 1926, which day was more than forty days and less than sixty days after said proposed amendments to said charter had been published once in The Alhambra Post-Advocate, and said election was also held during the six months next preceding a regular session of the Legislature of the State of California; and

WHEREAS, said special municipal election was consolidated with the general state election held within the county of Los Angeles on said second day of November, 1926; and

WHEREAS, thereafter, the board of supervisors of the county of Los Angeles did duly and regularly canvass the returns of

said election and did certify the result of said canvass to the commission of the city of Alhambra and said commission did on the seventh day of December, 1926, in the manner provided by law, duly declare the result thereof; and

WHEREAS, by said canvass it was found and declared that proposed charter amendments Numbers 1, 2, 3, 5, 7, 12, 13, 16 and 17 as hereinafter set forth, were declared to be ratified, and proposed charter amendments Numbers 4, 6, 8, 9, 10, 11, 14, 15 and 18 were declared to be not ratified; and

WHEREAS, the said charter amendments so ratified by the electors of the city of Alhambra are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California, and are in words and figures as follows, to wit:

That section 21 of article III of the charter of the city of Alhambra is hereby amended to read as follows:

"SECTION 21. No officer or employee of the City shall become a party worker or solicitor in any city election, in behalf of any candidate for office, except in his own behalf; provided that nothing herein contained shall be construed to prevent or prohibit any such officer or employee from taking part either for or against any bond issue or other civic question, except the election of city officers. A violation of any of the provisions of this section shall be sufficient cause for his removal from office."

Political activities of employees.

That section 49 of article VI of the charter of the city of Alhambra is hereby amended to read as follows:

"SECTION 49. No action providing for the appropriation, acquisition, sale or lease of public property, except the appropriation or expenditure of public money, and except the sale of personal property belonging to said City; for levying any tax or assessment; granting any franchise; for establishing or changing fire limits or districts, or for imposing any penalty, shall be taken except by ordinance, except in cases where the commission takes action in pursuance of a general law of the State."

When ordinances required.

That section 58 of article VI of the charter of the city of Alhambra is hereby amended to read as follows:

"SECTION 58. The Commission shall cause to be prepared and filed in the office of the City Clerk within sixty days after the end of each fiscal year, a report showing the financial transactions and financial condition of the City for such year. Such report may in the discretion of the Commission be published in pamphlet form."

Annual financial report.

That section 75 of article XII of the charter of the city of Alhambra is hereby amended to read as follows:

"SECTION 75. Except as otherwise provided by this Charter, the powers and duties of the City Manager shall be:

City manager's powers and duties.

1. To see that the laws and ordinances are enforced.

City man-
ager's powers
and duties
(cont'd).

2. To appoint all chief appointive officials, subject to the approval of such appointments by the Commission.

3. To appoint all subordinates and employees in all departments, not otherwise provided for in this Charter, and to determine their duties and fix their compensation. All such appointments and the fixing of compensation shall be subject to the approval of the Commission and shall not be effective without such approval. To remove any appointee and no removal shall be made without his consent.

4. To have supervision and control of all departments, boards and divisions created herein or that may be hereafter created by the Commission, except as otherwise provided by this Charter.

5. To examine and make to the Commission, reports in regard to any matters requested by it, and also of his own motion, and recommend to that body for adoption such measures as he may deem necessary or expedient.

6. To sign such contracts, licenses and other public documents and instruments on behalf of the City as the Commission may authorize.

7. To attend all meetings of the Commission with the right to take part in the discussion but having no vote.

8. To have supervision and charge of the City Auditor, City Clerk, City Treasurer, City Assessor, City Tax and License Collector and City Attorney only in so far as their duties pertain to the departments of which he has charge and supervision.

9. To exercise such other powers and perform such other duties as are herein conferred or imposed upon him by this Charter or may be conferred or imposed upon him by the Commission under the provisions of this Charter.

10. Before entering upon the duties of his office, he shall take the official oath required by law and execute an official bond in such sum as shall be determined by the Commission."

That section 82 of article XIII of the charter of the city of Alhambra is hereby amended to read as follows:

Health
division

"SECTION 82. The Commission shall appoint a competent person, who shall be a licensed physician, to be health officer, who shall, subject to the provisions of this Charter, have such power and perform such duties as are granted or imposed by the general laws of the State or by ordinance, including the powers of a police officer in matters pertaining to his office.

"It shall be the duty of the Commission to provide by ordinance for a Board of Health of the City to consist of five persons, which Board shall exercise all of the powers conferred by the laws of the State of California upon city boards of health; provided, however, that said Commission may, in its discretion, cause the Health Department to be conducted under the care and control of the Health Department of the County of Los Angeles, by the terms of a suitable written agreement between said City and County."

That section 138 of article XIX of the charter of the city of Alhambra is hereby amended to read as follows:

“SECTION 138. The Commission shall annually let contracts for the official advertising for the ensuing fiscal year. For this purpose the Commission shall advertise for one time in the official newspaper setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named therein. The Commission shall award the contract for such official advertising to the lowest responsible bidder publishing a newspaper in the City of Alhambra, and which said newspaper is a newspaper of general circulation and has been in existence at the time of awarding the contract at least one year; provided, that the Commission may reject any and all bids if they deem advisable. The newspaper to which the award of such advertising is made shall be known and designated as the “Official Newspaper.”

That sections 172 and 173 of article XXII of the charter of the city of Alhambra are hereby amended to read as follows:

“SECTION 172. At the same election by which the recall of any officer is sought, the election of a successor to the person sought to be recalled may be had, provided the petition for recall demand the election of a successor to the person sought to be recalled.

“Any qualified person may be nominated for the office which is to be filled at any recall election by a petition signed by electors, qualified to vote at such recall election, equal in number to at least five per cent of the total number of votes cast at the last preceding election for all candidates for the office which the incumbent sought to be removed, occupies. Each such nominating petition shall be filed with the City Clerk at least twenty-five days before the date of such recall election.

“There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question:

‘Shall (person sought to be recalled) be removed from the office of (name of office?)’

Following the question shall be printed the words “Yes” and “No”, on separate lines, with a voting square at the right of each, in which the voter shall stamp a cross (X) for or against such recall.

“On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the

ballot as a candidate for the office. If a majority of those voting on said question of the recall of the incumbent from office shall vote "No", then said incumbent shall continue in said office. If a majority shall vote "Yes," then said incumbent shall thereupon be deemed removed from such office upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term.

"In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, or in case the majority shall vote "Yes" on the question of recall, but no candidate was nominated or ran at said election to succeed the person sought to be recalled, then said office shall be deemed vacant and shall be filled according to law.

"All requirements of this Charter relating to ballots at general municipal election shall, so far as applicable, apply to all ballots at every election at which a question of recall is to be voted upon.

"The call for elections under this article shall be the same as the call for general or special municipal elections.

Officer to
continue to
perform
duties.

"SECTION 173. After a petition for recall of a person from office has been filed, he may continue to perform the duties of his office until the Commission has canvassed the returns of the election and declared that a majority of the votes upon the question of his recall was cast in favor thereof."

That a new section be added to article XVIII of the charter of the city of Alhambra, to be numbered 132-a, and to read as follows:

General
reserve fund

"SECTION 132-a. The Commission shall create a special fund to be known as the General Reserve Fund for the purpose of keeping the payment of the running expenses of said City on a cash basis. Commencing with the fiscal year 1927-1928, there shall be placed in said fund annually out of the general tax revenues of said City the sum of not less than Five Thousand Dollars (\$5000.00) until said fund has reached the sum of One Hundred Thousand Dollars (\$100,000.00). Payments from said fund may be made by the Commission to any other fund or funds of said City, for the purpose of keeping such other fund or funds upon a cash basis as nearly as may be, during such periods as such other fund or funds are depleted by reason of non-receipt of tax revenue between the close of the fiscal year and the payment of City taxes; provided that all moneys so transferred from said General Reserve Fund shall be returned thereto by said Commission from the first tax receipts available, and in any event before the end of the fiscal year in which said transfer or transfers are made."

That a new article to be known as article XXIV-a, consisting of sections 192-b, 192-c, 192-d, 192-e, 192-f and 192-g, be added to said charter and to read as follows:

“ARTICLE XXIV-a.

CIVIL SERVICE.

“SECTION 192-b. A department of Civil Service is hereby created to be under the control and management of a board of five trustees, which said board shall be known and designated as the Board of Civil Service Trustees. The members of said board shall serve without compensation. Such board shall be appointed by the president of the Commission subject to the approval thereof by the Commission, and the first board shall be appointed upon the taking effect of this article. Civil service board.

“The first board of trustees shall, at their first meeting, so classify themselves by lot that three of their number shall go out of office August 1st, 1927, and two of their number shall go out of office August 1st, 1929, and otherwise their term of office shall be for four years. They shall organize by electing one of their number president and some suitable person as secretary, who shall act and hold office at the pleasure of the board.

“Said board shall keep a record of its proceedings and transactions, and shall provide rules and regulations for the keeping of service records of City Employees and for the classification of such employees.”

“SECTION 192-c. The provisions of this article shall apply to all members and employees of the Fire Department and of the Police Department, except the Chief of the Fire Division and the Chief of Police, and also to such other employees of the City as the Commission may, in its discretion, from time to time by ordinance designate.” Employees covered.

“SECTION 192-d. All applicants for office, places or employment in the classified civil service of said City, shall be subject to examinations which shall be public, competitive and free to all United States citizens, subject to reasonable regulations and limitations of said Board of Civil Service Trustees as to residence, sex, age, health, habits, experience and character. Such examinations shall be practical in character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and may include tests of physical qualifications, health and manual skill. Appropriate notice of all examinations, according to rule adopted by said Board, shall be given.” Examination of applicants.

“SECTION 192-e. A record of all examinations shall be kept, and appointments to all positions under civil service shall be made by the board, or officer having the power of appointment from the list of those who have taken examinations for such positions, and such appointment must be made from the three holding the highest rating on such list.” Appointments.

Removal or discharge of employees.

“SECTION 192-f. No person in the classified civil service shall be removed or discharged from his position except for cause, which shall be stated in writing to the Board of Civil Service Trustees by the officer or board having the power to remove or discharge such employee, and a copy of said statement shall be served upon the person to be so removed or discharged. At any time within fifteen days after the filing with said Board of Civil Service Trustees of such statement, said Board may on its own motion, and must on application of the discharged employee, inquire into such removal or discharge, and if in its judgment such removal or discharge was without justification and said person removed or discharged is a fit and competent person to retain his position, he shall be reinstated and restored and shall be entitled to receive compensation during the period of his suspension and pending such hearing and reinstatement.”

Rules and regulations.

“SECTION 192-g. The Commission shall by ordinance adopt such further rules and regulations not in conflict herewith as may be necessary for the complete and efficient operation of said Civil Service Department.”

State of California, }
County of Los Angeles, } ss.
City of Alhambra. }

Certificate.

We, the undersigned, Chris Campbell, president of the commission of the city of Alhambra, State of California, and R. B. Wallace, city clerk of the commission of the city of Alhambra, State of California, do hereby certify:

That the foregoing proposed and ratified amendments to the charter of said city of Alhambra, submitted to the electors of said city at a special municipal election held in said city on the second day of November, 1926, have been compared by us and each of us, with the proposed amendments set forth in the resolution adopted by the Commission, as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said city of Alhambra, this 28th day of December, 1926.

CHRIS CAMPBELL,
President of the Commission of
the City of Alhambra.

R. B. WALLACE,
City Clerk of the City of
Alhambra.

[SEAL]

Approval by Legislature.

WHEREAS, The said proposed amendments so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California for approval or

rejection without power of alteration or amendment in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting therefor and concurring therein), That said amendments to the charter of the city of Alhambra as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are and each of them is hereby approved as a whole without amendment or alteration for and as amendments to, and as a part of the charter of the city of Alhambra.

CHAPTER 13.

Senate Concurrent Resolution No. 9—Relative to reports of the department encampment of the Grand Army of the Republic.

[Filed with Secretary of State January 19, 1927.]

Resolved by the Senate, the Assembly concurring, That there shall be printed as a public document five hundred copies of the sixtieth session of the department encampment of the Grand Army of the Republic for the year 1927, and of each succeeding department encampment, together with illustrations, copies of general orders of the department and of the official rolls, two hundred fifty copies for the use of the Senate and two hundred fifty copies for the use of the Assembly. Annual cost not to exceed six hundred dollars, payable from legislative printing appropriation.

Reports of
G. A. R.

CHAPTER 14.

Assembly Concurrent Resolution No. 2—Approving the charter of the city of Santa Barbara, State of California, voted for and ratified by the qualified electors of said city of Santa Barbara, upon a special municipal election held therein on the sixteenth day of November, 1926.

[Filed with Secretary of State January 19, 1927.]

WHEREAS, The city of Santa Barbara, in the county of Santa Barbara, State of California, now is, and was at all times herein referred to, a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census, taken under the authority of the congress of the United States; and

Santa
Barbara
city charter.

WHEREAS, Said city of Santa Barbara at all time mentioned herein was and now is organized and existing under a freeholder's charter, adopted under and in pursuance of the provisions of section 8, article XI of the constitution of the State of California, which charter was duly adopted and ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twenty-first day of Sep-

Santa
Barbara
city charter
(cont'd)

tember, 1915, and approved by the Legislature of the State of California, on the twenty-sixth day of January, 1917; and

WHEREAS, Proceedings having been had for the proposal, adoption and ratification of a new charter for said city of Santa Barbara as set out in the certificate of the mayor and city clerk of the city of Santa Barbara; and

WHEREAS, The mayor and city clerk of said city of Santa Barbara have certified as follows:

City of Santa Barbara, }
County of Santa Barbara, } ss.
State of California. }

We, the undersigned, H. A. Adrian, Mayor of the City of Santa Barbara, State of California, and S. B. Taggart, City Clerk of said City do hereby certify and declare as follows:

That the City of Santa Barbara, in the County of Santa Barbara, State of California, now is and was at all time herein referred to a City containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States.

That said City of Santa Barbara at all times herein mentioned was and now is organized and existing under a freeholder's charter adopted under and in accordance with the provisions of section eight, article eleven of the Constitution of the State of California, which charter was duly adopted and ratified by the majority of the qualified electors of said City at a special election held for that purpose on the twenty-first day of September, 1915, and approved by the legislature of the State of California, on the twenty-sixth day of January, 1917.

That pursuant to the provisions of section eight of article eleven of the Constitution of the State of California, the City Council of the City of Santa Barbara, said City Council being then and there the legislative body of said City did by unanimous vote of all its members on the first day of April 1926, duly pass an ordinance calling a special election to be held in the City of Santa Barbara on the fourth day of May, 1926, for the purpose of electing a board of freeholders to frame, prepare and propose a new charter for the City of Santa Barbara; that at said election held on said fourth day of May, 1926, a board of fifteen freeholders, all of whom were electors of said City of Santa Barbara and had been such electors for more than five years next preceding their election, and eligible as candidates under said election were elected by the qualified electors of said City of Santa Barbara as such board of freeholders which said board within due time pursuant to section eight of article eleven of the constitution duly prepared and proposed a new charter for the City of Santa Barbara and did on the twenty-sixth day of August, 1926, file said New Charter in the office of the City Clerk of the City of Santa Barbara and did, prior to the filing of said Charter fix Tuesday, the

sixteenth day of November, 1926, as the day and date on which said charter should be submitted to the electors of said City, which said Tuesday, the sixteenth day of November, 1926, was designated on said charter as the day and date upon which an election should be held in the City of Santa Barbara at which election said proposed charter should be submitted to the electors of said City for ratification.

Santa
Barbara
city charter
(cont'd).

That said proposed charter was duly signed by a majority of the members of said board of freeholders on the 17th day of August, 1926, in the following manner, to wit:

RESOLUTION OF THE BOARD OF FREEHOLDERS OF SANTA BARBARA

Whereas, by the provisions of Section 8, Article XI of the constitution of the State of California, this board is authorized and required to fix a date for the submission to the electors of the City of Santa Barbara of the charter prepared by it;

Now, THEREFORE, Be It Resolved: That the board of freeholders in meeting on this 17th day of August, 1926, does hereby fix Tuesday, the 16th day of November, 1926, as the date of such election.

Dated August 17th, 1926.

Approved:

HARRY W. T. ROSS,
President.

Attest:

JACK HAYDEN,
Secretary.

CERTIFICATE

We, the undersigned members of the Board of Freeholders of the City of Santa Barbara, elected at the special municipal election held in the said city on the 4th day of May, 1926, have prepared and do hereby propose as a charter for said city, the foregoing, consisting of 65 typewritten pages.

Done at the City of Santa Barbara, California, this 17th day of August, 1926.

HARRY W. T. ROSS,
President.

DR. ELMER J. BOESEKE,
NEAL CALLAHAN,
U. DARDI,
A. L. PAGE,
A. J. AVERY,
M. W. SMITH,
PETER M. McTAVISH,
ALBERT E. SCHUSTER,
JOHN F. DRYER,
JOHN EDWARDS,
O. S. McFARLAND,
H. E. HENDERSON,
JOHN M. HENNEY.

Attest:

JACK HAYDEN,
Secretary.

That thereupon said City Council of the City of Santa Barbara duly caused said Charter to be submitted to the electors of said City for ratification at a special election held on Tuesday the 16th day of November, 1926, and did within fifteen days after the filing of said charter in the office of said City Clerk, cause the same to be published once on the seventh day of September, 1926, in the Santa Barbara Daily News, a newspaper of general circulation printed and published in said City, said newspaper being on said date the official paper of said City, and caused copies of said charter to be printed in convenient pamphlet form, and until the date fixed for the election upon said charter advertised in said Santa Barbara Daily News that said copies of said charter could be had at the office of said City Clerk upon application therefor; that said election was duly and regularly held on said Tuesday, November 16th, 1926.

That at said election so held on Tuesday, November 16th, 1926, a majority of the qualified electors voting thereat voted in favor of said proposed charter and that the City Council of said City duly canvassed the returns of said election and declared the result thereof and found, determined and declared that a majority of the electors voting at said election had voted for and ratified said charter.

That said charter, so prepared, proposed and ratified as herein set forth, is as follows, to-wit:

Charter of the City of Santa Barbara. Prepared and proposed by a board of freeholders elected May 4th, 1926, submitted to the electors Tuesday, November 16th, 1926. In pursuance of the provisions of Section 8, Article XI, of the Constitution of the State of California.

PROPOSED CHARTER
FOR THE
City of Santa Barbara
California

To be Submitted to the Electors of said City at a
Special Election
TUESDAY, NOVEMBER 16, 1926

ARTICLE I.

INCORPORATION AND POWERS

Corporate
identity.

Section 1. The City of Santa Barbara shall continue to be a municipal corporation under the name and possessed of all the property and interests of which it was possessed at the time this Charter takes effect. The boundaries of the city shall be the boundaries as established at the time this Charter takes effect, or as such boundaries may be changed thereafter in the manner authorized by law.

General
powers.

Section 2. The City of Santa Barbara, in addition to any other rights and powers now held by it, or that hereafter may be granted to it under the constitution or laws of the state,

shall have the right and power, subject to the restrictions in this Charter contained:

General
powers
(cont'd).

(1) To use a corporate seal.

(2) To sue and be sued.

(3) To have perpetual succession.

(4) To make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter, provided, however, that nothing herein shall be construed to prevent or restrict the city from exercising or consenting to, and the city is hereby authorized to exercise, any or all rights, powers and privileges heretofore or hereafter granted or prescribed by general laws of the state.

(5) To exercise any and all rights, powers, privileges and procedures now or hereafter established or authorized for municipalities, or for the City of Santa Barbara, by any law of the State of California, by this Charter, or by other lawful authority.

(6) To make and enforce within its limits all such local, police, sanitary, safety, welfare and other regulations as are not in conflict with general laws, and to exercise such jurisdiction outside its limits in such manner as may be authorized by law.

(7) To acquire, construct, maintain and operate, whether situated inside or outside the City, any improvement, service, business utility, enterprise or property which could be acquired, constructed, maintained or operated by any person, firm or corporation or municipality, acting under the laws of the state of California.

(8) To exercise the fullest measure of local self government not in conflict with the constitution and laws of the state of California.

(9) To do all things necessary or convenient for carrying out the rights and powers of the city.

(10) To exercise each and every of the powers which a municipal corporation might or could exercise under the constitution of the state of California.

(11) Among the rights and powers which may be exercised by the city of Santa Barbara are the following, this enumeration being a partial enumeration and in no sense a restriction or limitation upon the rights and powers of the city:

To enforce law and promote the public peace, health, safety and welfare.

To enact ordinances and provide punishment for the violation thereof.

To authorize the administration of oaths.

To assess, levy, collect and enforce taxes.

To license and regulate under general and uniform laws, and lawful business or calling and to impose other license fees.

To levy, collect and enforce special assessments for public or local improvements, or work, and in the discretion of the city, to contribute from city funds towards the cost of same.

General
powers
(cont'd).

To issue bonds for any purpose for which the city is authorized to provide, or for carrying out any of the powers possessed by the city.

To grant franchises for the operation of public utilities.

To regulate the operation of and fix the rates of privately owned public utilities and public services, and to compel, from time to time, reasonable extensions of the facilities for service of any such utility or service, all in manner not in conflict with any paramount regulation, rate fixing or extension requirements for any such utility or service by the state or nation.

To acquire, construct, maintain, operate or sell public utilities within or without the city and to make contracts in connection therewith.

To make contracts.

To buy, condemn, acquire, construct, maintain, operate or sell (except as hereinafter provided) anything useful or convenient in connection with the exercise of the City's rights and powers.

To acquire, receive, hold and enjoy real and personal property within and without its territory, necessary or convenient for municipal purposes or for the exercise of the powers of the city, and to sell, convey and dispose of the same for the common benefit; provided, however, the title to real estate or water, water rights and privileges in connection therewith shall not be conveyed or aliened except by a vote of the electors at an election held for that purpose.

To provide for the acquisition, construction, improvement and alteration, maintenance use and control of streets, tunnels, subways, rights of way, public places, harbors, sewers, storm drains, and other public or local improvements on, above, or below the surface of the land or water.

To regulate the construction, maintenance and use of buildings.

To establish offices, departments, procedures, procedure ordinances, special bond districts or special tax districts, or other instrumentalities for municipal government and for carrying out the powers conferred by this charter, not in conflict with the provisions of this charter, and any such procedure ordinance shall be additional or alternative to any procedure established by law.

To receive bequests and gifts of all kinds of property, either within or without its corporate territory, in fee simple, or in trust for charitable or other public purposes, and to do all acts necessary to carry out the purposes of such gifts, bequests or trusts.

To provide for the holding of elections.

To provide pensions for any or all employes, and in the case of death of any such employee, for the payment of such pension to the surviving widow and children or dependent parents.

— To transfer or consolidate functions of the city government to or with appropriate functions of the state or county government, or to make use of such functions of the state or county government and in case of any such transfer or consolidation, the provisions of this charter providing for the function of the city government so transferred or consolidated shall be deemed suspended during the continuation of such transfer or consolidation to the extent that such suspension is made necessary or convenient by said transfer or consolidation and is set forth in the ordinance establishing such transfer or consolidation, and any such transfer or consolidation may be repealed by ordinance, which repeal will terminate the suspension of the provisions of the charter hereinabove provided for.

Section 3. The rights and powers granted by this charter shall be subject to the restrictions set forth in this section, or elsewhere in this charter. Restrictions on general powers.

(a) The annual tax rate for all municipal purposes other than for the payment of the principal and interest of municipal bonds, district bonds or special taxes, shall not exceed in any one year one dollar on each One Hundred Dollars of the assessed value of the property in the city according to the assessment of such year.

(b) The city shall have no power to mortgage its property for any purpose, but it may buy property subject to mortgage.

(c) The indebtedness of the city must not exceed ten per cent of the assessed value of all taxable real and personal property within the city, except that the council shall have power, upon a two-third affirmative vote of the electors voting thereon at an election, to create an indebtedness not exceeding in all of ten per cent of the assessed valuation of all property taxable for city purposes, and of this ten per cent not more than one-half or five per cent of the assessed valuation shall at any time be outstanding for improvements of a non-income producing character; provided, however, that bonds to a total amount not exceeding five per cent of said valuation may be set apart and excluded from said limit of ten per cent whenever any public utility or utilities for which they may have been issued shall produce a net income above all charges for operation and depreciation sufficient to pay the principal and interest of the bonds so set apart and excluded as they become due.

(d) The general laws of the State of California establishing the procedure for the creation of bonded indebtedness in force at the time any bonded indebtedness is created by the city shall, so far as applicable, be observed and followed.

(e) No discrimination in the amount of license tax shall be made between persons engaged in the same business, otherwise than by proportioning the tax to the amount of business done.

(f) No public utility owned by the city shall be sold, leased or otherwise transferred except by a vote of the electors at an election held for that purpose.

Restrictions
on general
powers
(cont'd)

(g) The council may by ordinance, grant permission or renew a previous grant of permission to any individual company, firm or corporation, to construct and operate a public utility in and upon the streets and public places of the city. The ordinance granting such franchise or renewal shall be subject to petition and referendum.

No franchise shall be considered an emergency measure; no exclusive or perpetual franchise or renewal shall be granted; no franchise shall be renewed before one year prior to its expiration; and no grant or renewal shall be for a term of more than twenty-five years. Any grant afterwards made for an addition to the privileges or for an extension of the system covered by an existing franchise, shall terminate no later than the original grant.

All such grants and renewals shall reserve to the city the right to purchase all of the property of the utility used in or useful for the operation of the utility at a time and at a price either fixed in the ordinance or determined in the manner provided by such ordinance, which price shall in no event include any allowance for good will, the value of the franchise or any other intangible element of value. Nothing in such ordinance shall prevent the city from acquiring such property by condemnation proceedings or in any other lawful manner, and these rights shall be in addition to those reserved in such ordinance. Upon the acquisition of such property by purchase, condemnation or otherwise all grants shall at once terminate.

The council shall not by any grant or franchise alienate or limit the city's control over the use of its streets or public places, or over the occupation of them by any fixtures or works, temporary or permanent, which may be allowed over, upon or under them, but shall have the right, whether expressly reserved or not, to prescribe the manner of such use, or the form, material and position of such fixtures or works, or to order their reconstruction, transfer or removal if the public health, comfort, welfare, convenience or safety so demands.

No grant or renewal of any franchise may be transferred to any other individual, company, firm or corporation except by consent of the council.

ARTICLE II

OFFICERS OF THE CITY

Elective
officers.

Section 4. The elective officers of the city shall be:

A Mayor,
The members of the council,
A City Attorney,
A Police Judge,
An Assessor, and
The Members of the Board of Education.

Terms of
elective
officers.

Section 5. The Mayor, City Attorney, Police Judge, Assessor and Members of the Board of Education shall hold their offices for the term of two years.

The members of the Council, one of whom shall be a resident of and elected from each of the wards hereinafter described, shall hold their offices for the period of two years.

Section 6. The appointive officers of the City shall be :

Appointive
officers.

A Chief of Police,

Chief of Fire Department,

A City Engineer, who shall be ex-officio Superintendent of Streets,

A City Clerk,

A City Treasurer and Tax Collector,

Board of Park Commissioners,

Board of Health,

Board of Library Trustees,

Board of Police and Fire Commissioners,

Board of Fire and Police Pension Commissioners,

Board of Harbor Commissioners,

Superintendent of Water Works Department,

Such other officers as shall be named by ordinance.

With the exception of the Superintendent of Schools and teachers in public schools, and the City Health Officer, all persons elected or appointed to office shall, (except as may hereafter in this Charter be modified) at the time of such election or appointment, be residents and electors of the City of Santa Barbara and have been such residents and electors of said city for at least one year next preceding their election or appointment.

Section 7. Except as herein provided, all officers of the city shall have such deputies and assistants as the council shall by ordinance prescribe.

Employees.

Section 8. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or is removed from office, or shall have been absent from the city without the consent of the council for more than sixty days, or ceased to be a resident of the city. Should any officer fail to qualify within ten days from the time he receives his certificate of election or appointment, the office to which he was elected or appointed shall be deemed vacant for the purposes of filling the same by appointment.

Vacancies
in office.

Section 9. Pending trial, the Council may suspend any elective officer, or any appointive officer, against whom criminal proceedings, based on malfeasance or misdemeanor in office or civil action for the recovery of money due the city has been commenced, and may appoint a substitute for such officer during such suspension.

Suspension
of officers

Section 10. In all voting upon the appointment, confirmation, suspension and removal of officers, the council in appointing, confirming, suspending or removing, shall be by ballot or roll call, and the ballot or vote of each member shall be spread upon the minutes.

Vote on
appointment,
etc.

Section 11. Every officer provided for in this Charter shall, before entering upon the discharge of the duties of his office,

Oath of
office.

take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here insert name of office) according to the best of my ability."

Eligibility
to other
office.

Section 12. No elective officer of the city shall, during the term for which he shall have been elected, be eligible to any other office or employment in the city government.

Powers and
duties of
officers.

Section 13. In addition to the powers and duties prescribed by this Charter, the officers and employees of the city shall have such other powers and perform such other duties as may be prescribed by the laws of the State of California, or by ordinance, order or resolution adopted by the Council and not in conflict with the provisions of this Charter.

Additional
officers.

Section 14. The Council may by ordinance provide for the election or appointment of officers other than those designated in this Charter, whenever the public necessity or convenience may require, and prescribe their duties.

Salaries and
compensation

Section 15. The Mayor shall receive a salary of \$4,000.00 per annum.

Each of the members of the Council shall receive a salary of \$600.00 per annum.

The City Attorney shall receive a salary of \$3600.00 per annum.

The Police Judge shall receive a salary of \$2400.00 per annum.

The Assessor shall receive a salary of \$3600.00 per annum.

The members of the Board of Education, Park Commission, Trustees of Public Library, Board of Police and Fire Commissioners, Board of Fire and Police Pension Commissioners, Board of Harbor Commissioners and Board of Health (other than the Health Officer) shall receive no compensation for their services.

Other
salaries
to be fixed.

Section 16. The salaries of all other officers and compensation of all employees other than those herein named, except where otherwise expressly provided in this Charter, shall be fixed by ordinance by the Council.

Section 17. All salaries shall be payable in equal monthly installments, except as herein otherwise provided.

Salaries
payable
monthly.
Official
bonds

Section 18. In addition to the oath above provided for upon qualifying the following officers shall give bond to the City in the following amounts:

City Treasurer and Tax Collector in the sum of \$40,000.00.

City Clerk (ex-officio Auditor) in the sum of \$5,000.00.

City Attorney in the sum of \$5,000.00.

City Engineer (ex-officio Superintendent of Streets) in the sum of \$5,000.00.

Chief of Police in the sum of \$5,000.00.

Police Judge in the sum of \$1,000.00.

City Assessor in the sum of \$5,000.00.

Superintendent of Water Works Department in the sum of \$5,000.00:

The bonds of all officials, after approval by the City Attorney as to form, shall be approved by the Mayor and Council and filed with the Clerk except the bond of the Clerk which shall be filed with the Mayor.

All such bonds shall be executed by responsible corporate surety and the premiums upon such bonds shall be paid for by the City.

Section 19. The council may, by ordinance, increase the amount of the bond hereby required from any officer, but may not decrease the same, and may require a bond to be given by any officer not herein required to give bond, and may fix its amount. Increase in amount of bond.

ARTICLE III

LEGISLATIVE DEPARTMENT

Section 20. The legislative power of the city of Santa Barbara shall be vested in a council of six members; provided that such legislative power shall be exercised subject to the veto power of the mayor, and to his right to the casting vote in case of a tie vote. Legislative power

Section 21. No person shall be eligible to the office of councilman who has not resided in said city for a period of five years and is not at least twenty-five years of age, and who has not been a resident of the Ward from which he seeks election for one year next preceding his election. Qualifications of councilmen.

Section 22. Any vacancy occurring in the office of councilman, shall be filled by appointment by the mayor, and the person so appointed by him shall possess the qualifications hereinbefore prescribed for members of the council, and shall hold office until the election and qualification of his successor, which election shall take place at the next succeeding general municipal election. Vacancies.

Section 23. The council shall meet in the city hall of the city of Santa Barbara on the first day of June next succeeding their election, and at such other times as may be designated by ordinance or resolution, except that it shall meet regularly each week. If at any time a regular meeting falls on a holiday, such regular meeting shall be held on the following day. Meetings.

Special meetings may be called by the mayor or four members of the council.

Four members of the council shall constitute a quorum, and the affirmative vote of four members shall be necessary for the passage of an ordinance or the final transaction of any business, but a less number than four may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the council may by ordinance prescribe.

Section 24. The council shall be the judge of the election and qualification of its members. It shall elect one of its members, who shall be styled the president of the council, Organization of council

and who shall preside at all meetings of the council during the absence of the mayor, and shall, in case of the sickness or inability of the mayor, or his absence from the city, act as mayor of the city.

The president of the council shall be ex-officio chairman of the finance committee, and shall, together with two other members of the council to be appointed by the mayor, constitute the finance committee of the council.

The council shall establish rules for its proceedings. It shall have power to punish its members for disorderly conduct committed in its presence, and may expel any member for malfeasance in office by an affirmative vote of five of its members. It shall have power to compel the attendance of witnesses, and the production of all papers relating to any business before that body, and may punish disobedience to its subpoena, or contemptuous or disorderly conduct committed in its presence, by fine not exceeding fifty dollars.

Administra-
tion of oaths

Section 25. The president of the council, the chairman of each committee and each and every elective officer and also the city clerk and tax collector, shall have the power to administer oaths and affirmations relative to any business brought before the council, or under consideration by its committees or their respective departments or before said officers.

Place and
record of
meetings

Section 26. The meetings of the council shall be held at the City Hall of the City; they shall be public, and a journal of its proceedings shall be kept by the city clerk under its direction, and the ayes and noes shall be taken and entered in the journal in the final action upon granting of franchise, making of contracts, ordering work to be done or supplies furnished, the ordering of assessments for street improvements or building of sewers, the passage of any ordinance, and in all other cases upon the call of any member.

Enacting
clause

Section 27. The enacting clause of all ordinances shall be in these words: "The council of the city of Santa Barbara do ordain as follows:"

Amending of
ordinances

Section 28. No ordinance shall be amended by reference only to its title, but when any ordinance is amended, the section or sections thereof shall be re-enacted at length as amended.

Ordinance
to cover
one subject

Section 29. Every ordinance shall embrace but one subject, which shall be clearly expressed in the title. In all cases where the subject is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

Adoption of
ordinances.

Section 30. Every ordinance, except those of emergency, before its adoption, must be read at three regular meetings, unless the third reading shall have been dispensed with by unanimous vote of the council.

An emergency measure is an ordinance for the immediate preservation of the public peace, health or safety, or for

appropriating money for some special need, and which contains a declaration of and the facts constituting, its urgency, and is passed by five affirmative votes in the council.

Section 31. When any bill is put upon its final passage and fails to pass, if a motion is made to reconsider, the vote upon such motion shall not be taken until the next regular meeting of the council. No bill for the grant of any franchise shall be put on its final passage within thirty days after its introduction. Final passage

Section 32. No ordinance shall be passed except by bill. Every bill, after it has passed the council, shall be duly authenticated by the clerk, and shall then be presented to the mayor for his approval. The mayor shall return such bill to the council within ten days (Sundays and Holidays excepted) after receiving it. If he approves it, he must sign it, and the same shall then become an ordinance; but if he shall disapprove of it, he shall return it, with his objections in writing, to the council. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same. Approval of ordinances.

Section 33. When a bill is returned without the approval of the mayor, the council must cause the objections of the mayor to be entered upon its journals and proceed to reconsider and vote on the same. If, after such consideration, the bill is again passed by an affirmative vote of not less than four members, it shall take effect as if the mayor had approved the same. If the bill shall fail, on being so considered, to receive four affirmative votes, it shall then be finally lost. The vote shall be taken by ayes and noes, and the final result shall be entered in the journal of the council. Consideration of objections of mayor.

Section 34. All ordinances must be published in some daily newspaper published in Santa Barbara at least once before going into effect. Publication of ordinances

Section 35. All ordinances and resolutions except when otherwise required by the general laws of the state or the provisions of this charter with regard to street improvements, and except emergency and initiative measures, and ordinances and resolutions relating to elections, bond issues and the annual tax levy and unless otherwise herein provided, shall be in effect from and after thirty (30) days from the date of their passage. When ordinances take effect.

Section 36. No contract for supplies, printing, advertising, stationery, maintenance of prisoners, fuel, street sprinkling, street repairs, street sweeping, or for lighting streets, public buildings or offices, shall be made for a longer period than one year, nor shall any contract be made to pay for gas, electric lights, or any other material or utility, at a higher rate or rates than is charged to any other consumer. The erection, improvement and repair of all public buildings and works, street and sewer work, and the furnishing of supplies or material for the same, and all purchases of other supplies used by the city, when the expenditure therefor exceeds \$500.00, Contracts

shall be by contract let to the lowest responsible bidder, after notice in a daily newspaper, printed and published in the city for at least one week. Such notice shall distinctly and specifically state the work contemplated or the supplies required; provided, that the council may reject any and all bids presented, and readvertise, in its discretion.

Contracts
(cont'd).

Section 37. All contracts must be in writing, executed in the name of the city. The form and legality of all contracts must be submitted to and passed upon by the city attorney. Every contract must be countersigned by the finance committee, numbered and filed.

Appoint-
ments by
mayor

Section 38. Except as herein otherwise provided all non-elective officers of the city shall be appointed by the mayor, by and with the consent of the Council and they shall hold office at the pleasure of the appointive power.

Annual
budget.

Section 39. The fiscal year of the city shall begin on the first day of July. On or before the first day of June of each year, the mayor shall submit to the council an estimate of the revenues and expenditures of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on blanks to be furnished by the council therefor, and shall give the following information:

1. A detailed estimate of the expenses of each department;
2. Expenditures for corresponding items for the last and for the current year, including adjustments due to transfers between appropriations;
3. Such information as may be required by the council or as the mayor may deem advisable to submit;
4. The recommendation of the mayor as to the amounts to be appropriated with reasons therefor in such detail as the council may direct.

Appropri-
ation
ordinance.

Section 40. Upon receipt of such estimate, the council shall prepare and publish a tentative appropriation ordinance, shall fix a time and place for holding a public hearing upon the same, not less than ten days after such publication, and shall give public notice of such hearing, but shall not pass the final appropriation ordinance earlier than ten days after such public hearing.

Funds

Section 41. At the time of fixing the tax levy, the council shall, by ordinance, establish a general fund and the various funds as provided for by the budget, and no transfer of any money shall be made from any other than the general fund to another until the end of the fiscal year, at which time, after all demands have been paid out of the various funds, the auditor shall transfer any remaining balance to the general fund; and the council may then authorize a transfer from the general fund to any other in which there is an overdraft created by an actual emergency in the department, but under no other conditions may such transfer be made.

ARTICLE IV

EXECUTIVE DEPARTMENT
THE MAYOR

Section 42. The mayor shall be the chief executive officer ^{Mayor.} of the city. He shall be at least thirty years of age, and shall have been a citizen of the state and a resident and qualified elector of the city for five years next preceding the day of his selection.

Section 43. The mayor is the presiding officer of the council, and shall have the casting vote in case of a tie and he is also given the veto power over any ordinance, resolution or other enactment of the council; he must sign the journal of the council and all warrants on the city treasurer as well as all contracts entered into by the city. ^{Presiding officer}

Section 44. He shall vigilently observe the official conduct of all public officers, and take a note of the fidelity and exactitude or the want thereof, with which they may execute their duties and obligations, especially in the collection, administration and disbursement of the public funds and property; and the books, records and official papers of all departments, officers and persons in the employ and service of the city shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said departments, boards, officers and persons are kept in a legal and proper form; any official defalcation or neglect of duty, or official misconduct which he may discover, or which shall be reported to him, shall be laid by him before the council, city attorney, or district attorney of the county, in order that the public interests shall be protected and the person in default proceeded against according to law. He shall from time to time communicate to the council in writing upon the affairs of the city, and shall recommend such measures connected with the public health, welfare and convenience, and ornament of the city, the improvement of the government thereof, finances and other matters as he may deem proper or beneficial to its interests. He shall see that the laws of the state relating to this city, the provisions of this charter and the ordinances of the city are observed and enforced. ^{Duties.}

Section 45. At least once every year, he shall appoint a competent person, expert in matters of bookkeeping and accounts, to examine the books, records, papers, conditions and affairs of every department, board and officer, and shall enforce such examination. Any person, officer, board or department refusing to submit to or permit such examination, or purposely delaying or impeding the same, may be suspended from office by the mayor for malfeasance in office. He shall have the general supervision of all the departments and public institutions of the city, and see that they are honestly, carefully, economically and lawfully conducted. ^{Examination of records.}

Section 46. He shall take all proper measures for the preservation of public order and the suppression of all riots ^{Preservation of order.}

and tumults, for which purpose he is authorized to use and command the police force, or, if such police force is insufficient, it shall be his duty to call upon the governor of the state for military aid in the manner provided by law, in order that such riots or tumults may be properly and effectively suppressed.

Special
meetings
of council.

Section 47. The mayor may call special meetings of the council. He shall be duly notified by the city clerk of all special meetings of the council, when called by its members, and the time and place of all regular and special meetings of the standing or special committees thereof, and shall have the right and privilege of being present at all such meetings.

Count
of cash.

Section 48. The mayor shall, on the first of each and every quarter, together with the city attorney and chairman of the finance committee, count the cash in the city treasury and see whether it corresponds with the books of the treasurer, and report in writing the result of such count to the council at their first regular meeting thereafter.

Performance
of contracts

Section 49. The mayor shall see that all contracts and agreements with the city are faithfully kept and fully performed, and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons, companies, firms or corporations failing to fulfill their agreements or contracts either in whole or in part. It shall be the duty of every officer and person in the employ of the city, when it shall come to his knowledge that any contract or agreement with the city, or with any officer or board or department thereof, or relating to the business of any officer, has been or is about to be violated by the other contracting party, to report forthwith to the mayor all facts and information within his possession concerning such matters, and a wilful failure so to do shall be cause for the removal of such officer or employee as in case of malfeasance in office.

Supervision
over officers.

Section 50. The mayor shall have general supervision over all city officers; he shall have power to suspend any appointed officer for dereliction, neglect or non-performance of duty, and shall report the same to the council. The council, after investigating the charge against such appointive officer, may authorize the suspension of such officer for such time as it may deem proper, or it may declare the office vacant and the vacancy thereby created shall be filled as herein provided.

Vacancy
in office
of mayor

Section 51. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by appointment by the council assembled for that purpose. The person appointed to fill such vacancy shall possess the qualifications prescribed for mayor, and a member of the council, during the term for which he has been elected or appointed, shall be ineligible to fill such vacancy.

Other powers
and duties.

Section 52. The mayor shall exercise such other powers and shall perform such other duties as may be prescribed by this charter or by ordinance.

CITY CLERK

Section 53. The City Clerk shall also be ex-officio auditor. City clerk
He shall have been a citizen of the state, and a resident and qualified elector of the city for at least two years next preceding the day of his appointment. He shall have the custody and be responsible for the corporate seal, and all books, papers, records and archives belonging to the city, not in actual use by other officers, or otherwise by special provision committed to their custody. He shall be present at each meeting of the council during its sessions, and keep a journal of all its proceedings.

Section 54. He shall keep separate books, in which he Records
shall record respectively ordinances, contracts and official bonds. He shall keep all his books properly indexed and open to public inspection, when not in actual use. He shall perform such other duties as are or shall be imposed by this Charter or by ordinance.

AS AUDITOR

Section 55. He shall keep a complete set of books, in which Auditor.
he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer, or any other person.

Section 56. He shall, on application of any person Duties
indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable and by whom paid. He shall, upon the deposit of the receipt of the city treasurer for money paid into the city treasury, charge the city treasurer with the money received by him, and give the person paying the same a receipt therefor. It shall be his duty to furnish the council prior to the first regular meeting of the council in each month, a report containing in detail, the receipts and disbursements of the city on all accounts, the expenditures made and the obligations incurred during the preceding calendar month, and a balance sheet showing the financial condition of the city, of the several funds, and the total unexpended balance to the credit of each department. He shall perform such other duties as are or shall be imposed by this charter or by ordinance.

CITY TREASURER

Section 57. The treasurer shall be ex-officio city tax collector. Treasurer.
He shall have been a citizen of the state and a resident and qualified elector for at least two years next preceding the date of his appointment.

Section 58. As tax collector it shall be his duty to receive Duties as tax collector.
and collect all the city taxes, general and special; he shall also collect all city licenses, and such other branches of the city

revenue not otherwise herein provided for, as the council may direct. He shall keep proper books showing all the moneys collected by him as tax collector, and also a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be at all reasonable times subject to public inspection; and perform such other duties as may be required of him by this charter or by ordinance of said city. He shall pay all moneys collected by him as tax collector into the city treasury at least weekly.

Duties as
treasurer.

Section 59. As treasurer it shall be his duty to receive and keep all moneys that shall come to the city by taxation, or otherwise, and to pay the same out on demands legally audited in the manner provided by this charter or ordinance of this city; and without such auditing he shall disburse no public moneys whatever, except salaries and the principal and interest on the municipal debt when payable. He shall keep an account of all his receipts and expenditures under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the council of all his receipts and expenditures of the preceding month, and shall do all things required of him by this charter or ordinance of said city.

CITY ASSESSOR

Assessor

Section 60. The City Assessor shall have been a citizen of this state, and a resident and qualified elector of the city for at least five years next preceding the date of his election.

Assessment
of property

Section 61. It shall be his duty to prepare on or before the first Monday of July of each year and present to the council with his certificate of its correctness, a list of the real and personal property within the city, taxable for municipal purposes, with the true valuation thereof, which said assessment list shall conform as near as practicable, when not inconsistent with the provisions of this charter, to the assessment list required by law to be made by the county assessor for state and county purposes; to be present at all sessions of the board of equalization mentioned in this charter; to furnish to said board such information as may be required, and to perform such other services in reference to the assessment of property in the city or otherwise appertaining to his office as the council shall require or direct. During the sessions of the board of equalization the assessor shall enter upon the assessment list all the changes and corrections made by the board, and may assess and add to the said list any property in such city not previously assessed, after written notice to the owners of such property.

Abstracts,
calculations,
etc

Section 62. He shall make or procure to be made all the necessary abstracts to be used in making up the assessment of property within the city, and after the taxes have been duly levied by the council, shall make the proper calculations, and extend upon the assessment book the amount of taxes due from each person, firm or corporation, and deliver said books to the

city tax collector, so completed, on or before the first Monday of October of each year, and at the expiration of his term of office he shall deliver to his successor in office, all books, maps, plats, descriptions of property and all other things appertaining to his office. In the assessment and listing of property for taxation, and in the collection of taxes upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are or may hereafter be conferred by law upon county assessors.

CITY ATTORNEY

Section 63. The City Attorney must have been admitted to Attorney practice before all the courts of the state of California, and must have been in the regular practice of law for a period of three years next preceding his election to such office, and must have been a resident of this city for one year next before his election. It shall be his duty to prosecute in behalf of the people all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters and things in which the city may be legally interested; provided, the council shall have control of all litigation of the city, and may employ other attorneys to take charge of any such litigation or to assist the city attorney therein. He shall give his advice or opinion in writing whenever required by the mayor, council, board of education or other city officers; he shall be the legal adviser of all city officers; he shall approve the form of all bonds given to, and all contracts made with, the city; he shall when required by the council or any member thereof, draft any and all proposed ordinances for the city, and shall do and perform all such things touching his office, as by the council or mayor may be required of him.

ARTICLE V

JUDICIAL DEPARTMENT

Section 64. The judicial power of the city shall be vested Police court in a police court which shall be presided over by a police judge, who shall have been, next prior to the time of his election, a resident, practicing attorney of this city for a period of one year.

Section 65. The police court shall have jurisdiction, Jurisdiction concurrently with the Justice's Courts and courts of inferior jurisdiction, of all criminal actions and proceedings arising within the city limits, and which might be tried in such justice's courts or courts of inferior jurisdiction, and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any city ordinance, and all actions founded upon any obligation or liability created by any ordinance, and of all prosecutions for any violations of any ordinances. In all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city, where the fine, penalty

or forfeiture imposed by the ordinance is less than three hundred dollars, the trial must be before this court.

Procedure. Section 66. The rules of practice and mode of proceedings in the court shall be the same as are, or may be, prescribed by law for justice's courts or courts of inferior jurisdiction in like cases, and appeals may be taken to the superior court of Santa Barbara county from all judgments of the court in like manner and with like effect as in cases of appeal from justice's courts or courts of inferior jurisdiction.

Where judge is disqualified. Section 67. In all cases where he is a party, or in which he is interested, or when he is related to either party in consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call in a justice of the peace residing in the city to act in his place and stead; or if all those so residing are likewise disqualified, then he may call in any such justice or judge residing in the county of Santa Barbara.

Fines. Section 68. All fines, penalties and forfeitures collected, shall be the property of the city and shall be deposited daily with the city treasurer for the use of the city.

Dockets and supplies. Section 69. The city shall furnish all dockets, books and supplies necessary or convenient for the business of the police court, and a court room for the holding thereof. A complete record of all cases shall be entered in the docket of the court.

ARTICLE VI

POLICE DEPARTMENT

Chief of police. Section 70. The Chief of Police shall be at least thirty years of age and at the time of his appointment shall have been a resident and elector in said city for a period of one year next previous thereto. Subject to the general supervision of the Board of Police and Fire Commissioners, the Chief of Police shall have command of and control over the police force of the city. He shall enforce all laws and ordinances for the peace and safety of the city, and shall see that all orders and processes of the council and police court for these purposes are properly executed, and he shall see that the public peace and safety of the city are maintained.

He shall have power to suspend, for cause, any member of the police force, but when such power is exercised, he shall report the cause in writing to the said Board of Police and Fire Commissioners, who may remove or discipline the offending member, except as hereinafter provided.

He shall devote his entire time to the discharge of his official duties, and shall not be absent from the city except under urgent need or in the performance of his official duties unless granted a written permit by the Board of Police and Fire Commissioners.

His office shall be kept open at all hours of day and night, and either he or a subordinate shall be in constant attendance.

Section 71. The Police Department shall consist of such ^{Policemen} number of policemen as the council shall, from time to time, authorize by ordinance. They shall be appointed by the Board of Police and Fire Commissioners, and shall hold office during good behavior, unless removed for cause or for the improvement of the public service, except as hereinafter provided.

Section 72. No member of the police force shall be allowed to receive any money, gratuity, or compensation for any service he may render as an officer, except rewards which have been publicly offered for the apprehension or conviction of criminals, without the written consent of the Board of Police and Fire Commissioners first filed with the records of said Board, and any member of the police force who shall violate this provision shall be at once removed from office. The members of the police force shall not follow any other calling, profession or business, but shall devote their entire time to the performance of their official duties; nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except for the yearly vacation provided by this charter or in case of sickness. Provided that after a member of the police force has been in the service of the city for six months he shall be entitled to one day a week off duty with full pay. ^{Extra compensation.}

Section 73. The members of the police force shall promptly and fully obey, enforce, observe and cause to be obeyed and enforced and observed all lawful orders of their superiors, and all rules and regulations of the police department. They shall be prompt and diligent in the detection of crime, the arrest of public offenders, with or without reward, the suppression of all riots, affrays and breaches or disturbances of the peace, in the abatement of public nuisances and the enforcement of the laws and city ordinances. It shall be the duty of each member of the police force to acquaint himself with the provisions of this charter, with all the ordinances of the city, and with all laws of the state defining public offenses and regulating criminal proceedings. ^{Duties of policemen.}

Section 74. In addition to the regular police force, the Board of Police and Fire Commissioners may at times of public emergency appoint special policemen, who shall serve for such time as is designated in their appointment and who shall also receive the same rate of compensation for their services as is paid to regular policemen. ^{Special policemen.}

Section 75. The Board of Police and Fire Commissioners may also, upon the petition of any firm, person or corporation, appoint at any time a special policeman for special service to be paid for by such person, firm or corporation; provided, however, that the locality where such special policeman is to act shall be described in the warrant of appointment. The policeman so appointed shall receive no pay from the city. All special policemen shall possess the powers and discharge the duties of regular policemen and be under the direction of ^{Special policemen for special service.}

and control of the Chief of Police, and be subject to and obey all the rules and regulations of the Police Department. The term of office of any special policeman shall be at the pleasure of the appointing power and shall cease with the office of the appointing power.

Badge and
uniform.

Section 76. The Board of Police and Fire Commissioners may prescribe the badge of office and the uniform to be worn by members of the police force.

Salaries.

Section 77. The members of the police force shall receive such salaries as the council may by ordinance prescribe. Should the Board of Police and Fire Commissioners believe it to be for the improvement of the public service so to do, they may demote the Chief of Police into the ranks of the policemen or to such inferior office in the department as it shall think best.

ARTICLE VII

FIRE DEPARTMENT

Chief of fire
department.

Section 78. The Chief of the Fire Department shall be at least thirty years of age and at the time of his appointment shall have been a resident and elector in said city for a period of one year next previous thereto. Subject to the general supervision of the Board of Police and Fire Commissioners, the chief of the fire department shall have command of and control over the fire department of the city.

He shall devote his entire time to the discharge of his official duties, and shall not be absent from the city except under urgent need unless granted a written permit by the said Board of Police and Fire Commissioners.

He shall be charged with the special duty of superintending the extinguishment of fires and of taking measures to guard and protect all life and property imperiled thereby.

He shall have power to suspend, for cause, any member of the fire department, but when such power is exercised, he shall report the cause in writing to the Board of Police and Fire Commissioners, who may remove or discipline the offending member, except as hereinafter provided.

Firemen.

Section 79. The fire department shall consist of such number of officers and members as the council shall, from time to time, authorize by ordinance. They shall be appointed by the Board of Police and Fire Commissioners and hold office during good behavior, unless removed for cause or for the improvement of the public service as in this charter provided.

The members of the fire department shall not follow any other calling, profession or business, but shall devote their entire time to the performance of their official duties; nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except for the yearly vacation provided by this charter or in case of sickness; provided, that after a member of the fire department has been in the service of the city for six months he shall be entitled to one day a week off duty and with full pay.

Section 80. The members of the fire department shall receive such salaries as the council may by ordinance prescribe but the Board of Police and Fire Commissioners may prescribe the uniform to be worn by members of the fire department. ^{Salaries.}

Should the Board of Police and Fire Commissioners believe it to be for the improvement of the public service so to do, it may demote the Chief of the Fire Department into the ranks of the members of the fire department or to such inferior office in the department as it shall think best.

ARTICLE VIII

CITY ENGINEER

Section 81. The City Engineer shall be at least thirty years of age and shall have been a resident and duly qualified elector of the city of Santa Barbara, at least one year next before his appointment. ^{Engineer.}

In addition to other duties imposed upon him by the charter, or ordinances of the council, the city engineer shall:

Make all surveys, inspections and estimates required by the council;

He shall examine all public work done under contract, and report thereon in writing to the council;

He shall, on application of any person owning or interested in real property in said city, for a survey or plat of such property, make and deliver the same upon the payment of his fees therefor;

He shall be the custodian of and be responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in proper order and condition with a full index thereof, and all of which he shall turn over to his successor.

All maps, plats, profiles, field notes, estimates and other memoranda or surveys, and other professional work, made or done by him, or under his direction or control, during his term of office for the city, shall be the property of the city.

AS STREET SUPERINTENDENT

Section 82. As Street Superintendent, the city engineer shall have the general care of and frequently examine and inspect the streets of the city, and shall see that all traveled streets are kept in good repair. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstruction. He shall superintend all public works pertaining to street improvements, while the same are in course of construction; inspect and approve, or reject, all material used in such construction, whether done under contract or otherwise; and shall at once report to the council, in writing, all deviation from contracts and use of any improper material and bad workmanship in such works, and shall have power, ^{Street super-Intendent.}

pending investigation, to stop all work thereon. He shall perform such other duties as are elsewhere prescribed or imposed by ordinance, or by the general laws of the state.

ARTICLE IX

BOARD OF EDUCATION

Board of education. Section 83. The Board of Education shall consist of five members.

They shall serve without compensation, except that an allowance may be granted to a member chosen as secretary of the board.

Powers and duties. Section 84. The Board of Education shall have the entire control and management of the public schools in the city of Santa Barbara in accordance with the constitution and general laws of the state and said board is hereby vested with all the powers and charged with all the duties of such control and management.

ARTICLE X

HEALTH DEPARTMENT

Board of health Section 85. There shall be a Health Department under the management of the Board of Health. Said board shall consist of six members, namely: The Mayor, who shall be ex-officio a member and president of said board, and the city engineer and city attorney who shall be ex-officio members of said board, and three citizens, who shall be appointed as provided by section 37 hereof. The mayor shall not have the right to vote except in case of a tie. Each appointed member of the board shall be a duly licensed physician, in accordance with the laws of the state of California. Said members shall serve without compensation, except the member serving as health officer, who shall receive such compensation as the council shall prescribe.

If any appointed member fails to qualify within ten days after his appointment, such appointment shall be void and a new appointment shall be made.

Meetings. Section 86. Regular meetings of the board of health shall be held once a month and special meetings when called by the president, or any three members, and all meetings shall be public. Four members shall constitute a quorum.

Enforcement of orders, etc. Section 87. The council shall, by ordinance or otherwise, provide for enforcing all orders and regulations as the board of health may from time to time adopt, and all expenses necessarily incurred by the board of health in carrying out the provisions of law and of this charter shall be provided for by the council.

Powers and duties. Section 88. Said board of health, subject to the ordinances of the city, shall have the supervision of all matters pertaining to the sanitary condition of the city, and control and prevention of all communicable diseases.

City physician. Section 89. The Board of Health, within two weeks from the time of its organization, shall elect from among their

number a city physician who shall also act as health officer, and secretary of the Board of Health. Said city health officer shall not be less than thirty years of age, a licensed physician for not less than two years. He shall hold his office during the pleasure of the Board of Health, and must see that the laws and ordinances of the city, in relation to the public health, and the regulations and orders of the Board of Health are properly enforced. He shall keep a full record of all the transactions of the board of health, as well as all records appertaining thereto, and, by himself, or his deputy issue all permits for burial, or removals to any of the cemeteries, and no interments shall be made therein unless said health officer is satisfied of the correctness and reliability of the certificate of death presented for his inspection; he shall have the powers of a police officer, and shall make an extended and annual report to the board of health of the affairs pertaining to his office, including mortuary and other statistics, with such observations and recommendations in relation to the sanitary condition of the city as he may deem proper. It shall be his duty to examine and inspect all nuisances, privies, vaults, cesspools, buildings and low places in the city limits, with a view to the enforcement of all the laws and regulations relating to sanitary matters, and to cause the arrest of and vigorous prosecution of persons violating any of said regulations.

Section 90. In addition to the powers and duties in this article enumerated, the board shall have such other powers and perform such other duties as may be prescribed by ordinance of the council or by general law.

Additional
powers
and duties.

ARTICLE XI

BOARD OF LIBRARY TRUSTEES

Section 91. The Board of Library Trustees shall consist of five members, and shall be appointed as provided by section 37 hereof.

Board of
library
trustees.

Said Board of Library Trustees is vested with the management of the Santa Barbara Free Public Library, which shall be maintained by said Board in accordance with the laws of the state governing free public libraries and reading rooms.

The members of the board shall receive no compensation for their services.

ARTICLE XII

BOARD OF PARK COMMISSIONERS

Section 92. The Board of Park Commissioners shall consist of five members, and shall be appointed as provided by section 37 hereof, and shall receive no compensation.

Board of
park com-
missioners.

Said Board shall have full charge of the care and maintenance of the public parks and plazas, and of the planting and care of trees along the city streets.

ARTICLE XIII

SUPERINTENDENT OF WATER WORKS

Supt. of
water works.

Section 93. The Superintendent of the Water Works of said city shall be at least thirty years of age and at the time of his appointment shall have been a resident and elector in said city for a period of two years next previous thereto.

Subject to the general supervision of the mayor, the superintendent shall have control and management of the water works and distributing plant of the city's water.

He shall give his entire time and attention to his duties as such superintendent.

He shall have such other powers and perform such other duties as may be prescribed by ordinance of the council.

ARTICLE XIV

BOARD OF POLICE AND FIRE COMMISSIONERS

Police and
fire com-
missioners.

Section 94. The Board of Police and Fire Commissioners shall consist of three members who shall be appointed as provided by section 37 hereof.

Powers
and duties
of board.

Section 95. Said Board shall have entire control and management of the police and fire departments in the city of Santa Barbara.

Said Board shall appoint the chiefs of the respective departments and all members of said departments.

Said Boards shall from time to time make rules to carry out the purposes of this article and for examinations and appointments in accordance with its provisions.

All applicants for employment in said departments shall be subject to examination, which shall be public, competitive and free to all citizens of the United States; with specified limitations as to residence, age, sex, health, habits, experience and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed. The Board shall control all examinations and may, whenever an examination is to take place, obtain the assistance of a suitable person or persons to aid in preparing for and conducting such examinations; provided, however, that no member of either department who shall have been in the employ of the city for one year preceding the going into effect of this Charter shall be removed by the commissioners because of failure to pass such examinations, but such person may be demoted, if in the opinion of the Commissioners, such action be for the good of the public service.

Notice of
examina-
tions.

Section 96. Notice of time, place and general scope of the examinations shall be given by the Board by publication for two weeks preceding such examination in a newspaper printed in said city and such notice shall also be posted by said board in a conspicuous place at the City Hall and in its office two weeks before such examination.

Section 97. From the examinations made by the board it shall prepare a register of the persons whose general average standing upon examination for such class is not less than the minimum for such class fixed by the rules of said Board, and who are otherwise eligible and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by their examination without reference to priority of the date of examination.

Eligibility
register

Section 98. The Board shall by its rules provide for the promotion of the members of said Police and Fire Departments on the basis of ascertainment and seniority in service and examination, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of lower ranks as desire to submit themselves to such examination and who have such experience, qualification or qualifications as may be required by the Board as a prerequisite for taking such examination.

Promotions.

Section 99. The Board shall by its rules provide for (a) Leaves of absence (b) the transfer from one position to a similar position in the same class (c) reinstatement to list of eligibles of persons who have become separated from service or have been reduced in rank in the service, other than persons who have been removed for cause.

Leaves,
transfers
and rein-
statements.

Section 100. In the event that the Chief of either the Police or Fire Department shall suspend, for cause, any member of his department, he shall report the cause in writing, to the board, with certification that a copy of such statement has been served upon the person so suspended, personally, or by leaving a copy thereof at his last known place of residence if he cannot be found. Within 15 days after such statement shall have been filed the said Board, upon its own motion, may, or upon written application of the person so suspended, filed with said Board within 5 days after service upon him of such statement, shall proceed to investigate the grounds for such suspension. If after such investigation said Board finds, in writing, that the grounds stated for such suspension were insufficient or were not sustained, and also finds, in writing, that the person so suspended is a fit and suitable person to fill the position from which he was suspended, said Board shall order said person so suspended to be reinstated or restored to duty. If the said Board finds the grounds stated for such suspension were sufficient it may remove or otherwise discipline the offending person from the department of which he is a member.

Suspensions
by chiefs

If said Board shall order that any person suspended by the Chief of either the Police or the Fire Department be reinstated or restored as above provided, the person so suspended shall be entitled to receive compensation from the city the same as if he had not been suspended by the Chief of said department.

In the event of the dismissal of any member of the Police or the Fire Department as herein provided the person so

dismissed shall forfeit all right to participate in the benefits or provisions of this Charter providing for pensions for members of said Police and Fire Departments.

The decision of the said Board upon all matters of suspension, discipline and dismissal shall be final.

Service records.

Section 101. The Board shall by its rules provide for the establishment of and govern the keeping of service records of all members of said departments, which records may be used as one of the basis for (a) promotion as provided by this Article. (b) Lay offs, through reduction in number of the said departments.

Oaths.

Section 102. Any member of the Board shall have power to administer oaths in matters pertaining to the work of the Board.

False statements.

Section 103. Any false statement wilfully made under oath either in any application or other paper filed with the Board or in any proceeding before the Board or in any investigation conducted by or under the jurisdiction of the Board, or in any proceeding arising under this Article, shall be punishable as a misdemeanor.

Examination offenses.

Section 104. Any officer or other person who shall wilfully or corruptly, by himself or in cooperation with one or more other persons, defeat, deceive or obstruct any person to his right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination of proper standing of any person examined hereunder, or aid in so doing, or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances, of any person so examined or to be examined, of being employed, appointed or promoted, shall be guilty of a misdemeanor and punished therefor.

Paying for appointment or promotion.

Section 105. No applicant for appointment in either of said departments, either directly or indirectly, shall pay or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment and no officer or member of said departments shall pay, or promise to pay, either directly or indirectly, any money or other valuable thing whatever, for or on account of his promotion. The commission of any act prohibited by this section shall be a misdemeanor and punishable as such.

Violations by employees.

Section 106. Any person holding a position in either of said departments, who wilfully violates any of the provisions of this Article, shall, after hearing by said Board be subject to being suspended, removed from membership in said Departments or otherwise disciplined.

ARTICLE XV

FIRE AND POLICE PENSION DEPARTMENT

Fire and police pension department

Section 107. There is hereby created a department of the government of the City of Santa Barbara to be known as the Fire and Police Pension Department, which shall be under the management and control of a board of three commissioners

to be known as the Board of Fire and Police Pension Commissioners.

The members of the Board of Fire and Police Pension Commissioners shall be appointed as provided by section 37 hereof, and shall receive no compensation.

Immediately after their appointment the members of the Board of Fire and Police Pension Commissioners shall organize by electing one of their number president, who shall hold his office for one year and until his successor is elected, unless his membership on the board sooner expires.

The Board of Fire and Police Pension Commissioners shall appoint a secretary, not a member of the Board, who shall receive such compensation as may be fixed by ordinance. The secretary shall keep a record of all proceedings of the board, specifying the names of the commissioners present at all meetings and giving the ayes and noes upon all votes. The secretary of the board may certify such proceedings and shall perform such other duties as the board may prescribe. The Board of Fire and Police Pension Commissioners shall have exclusive control of the administration and the investment of the pension fund, or funds, which may be established as hereinafter provided, and to make all needful rules and regulations for its guidance in conformity with the provisions hereof.

Section 108. Any member of the Fire or Police Department who shall have served in such department for thirty years in the aggregate in any capacity or rank whatever, shall on his request, or by order of the Commission, if it be deemed for the good of the department, be retired from further service in such department, and he shall thereafter during his good behavior, be paid in equal monthly installments from said fund a yearly pension equal to two-thirds of the annual salary attached to the rank or position held by him in such department one year prior to the date of his retirement. Provided, that after twenty years' service, on request of such member, or by the commission for the good of the department such person shall be retired and paid in equal monthly installments from said fund a limited pension as follows: For twenty years' service, fifty (50%) of the annual salary of the rank or position held by him one year prior to the date of retirement; and an additional one and two-thirds per cent of such salary for each year over twenty years and less than thirty years in the aggregate served by such member before retirement.

Service pensions.

Section 109. Whenever any member of the Fire or Police Department shall become physically disabled by reason of bodily injuries received in, or by reason of sickness caused by the discharge of the duties of such person in such department, or shall become physically or mentally disabled as a result of such injury or sickness as to render necessary his retirement from active service, and the same shall not be caused as a result of the

Disability pensions.

Disability
pensions
(cont'd).

use of intoxicating liquors or narcotics, the commission shall order and direct that such person be retired from further service in such department; and thereafter such person so retired from further service in such department shall, during his lifetime be paid from said pension fund a yearly pension equal to one-half ($\frac{1}{2}$) of the amount of the salary attached to the rank or position held by him in such department at the date of such retirement order. Such pension shall be paid in equal monthly installments. Provided, however, that any pension granted to any member of the Fire or Police Department for disability or sickness, or the result thereof, as provided for in this section, shall cease when the disability or sickness or the result therefrom ceased and such person shall be restored to active duty in such department of which such person was a member at the time of retirement, to the same rank or position which such person held at said time.

Provided, further, that no person shall be retired as provided in this section, or shall receive any benefits from said pension fund, unless there shall have been filed with said Pension Commission, prior to the granting of such pension certificates of disability, subscribed and sworn to by such person and by three regularly licensed practicing physicians of said city, one of whom shall be the City Health Officer, one to be selected by the said commission, and one by the person applying for such pension.

Pensioning
of depend-
ents of
deceased
employees.

Section 110. Whenever any member of the Fire or Police Department shall die as a result of any injury received during the performance of his duty, or from sickness caused by the discharge of such duty, or after retirement, or while eligible to retirement from such department, then an annual pension shall be paid in equal monthly installments to his widow, or child or children, or dependent parent or parents, in an amount equal to one-half of the salary attached to the rank or position which said deceased person held in such department at the time of his death or one year prior to the date of his retirement from active duty in such department. Said pension shall be paid to the widow during her lifetime, and thereafter to any child or children of his surviving her, or to his child or children, should there be no widow, until such child or children shall have attained the age of eighteen years, or to his dependent parent or parents during their lifetime or during such dependency, should there be no widow or child. Provided, however, that no widow of a pensioner shall be entitled to a pension unless one shall have been married to such deceased pensioner at least one year prior to the date of his death; and provided further, that if such widow, child or children shall marry, or if in the opinion of said commission, after an investigation, the circumstances and conditions of the parties become such that they are no longer dependent upon the amount to be paid to them, then, in that event, the pension heretofore provided for such persons shall cease.

Section 111. For the purpose of the provisions contained herein the Fire Department shall consist of all persons duly and regularly appointed in the Fire Department, whose duty it is to prevent or extinguish fires in the city of Santa Barbara, under whatever designation they may be described in any salary or departmental ordinance providing compensation for said Fire Department; and the Police Department shall consist of all members of such Police Department appointed and sworn in, as provided by law, to perform the duties of a regular police officer of the city of Santa Barbara, under whatever designation that they may be described in any salary or departmental ordinance providing compensation for the members of said Police Department.

Who pension provisions apply to.

The provisions as herein contained shall apply to all members of the Fire and Police Departments as in this section defined.

Section 112. For the purpose of providing and maintaining a fund to meet the payment of demands drawn for the payment of pensions and the expense of said Fire and Police Pension Commission, as herein provided, a fund is hereby created to be known as the Fire and Police Pension Fund. The City Council shall each year estimate the amount to be placed in said Pension Fund and the City Council shall appropriate the amount of such estimate to the Fire and Police Pension Fund, and also the amount of any deficit which may remain therein in the event of the appropriation of any previous year prove insufficient to pay all demands drawn against said fund.

Fire and police pension fund.

There shall be paid into the said fund the following moneys, to-wit:

(a) The amount appropriated by the City Council as hereinbefore provided.

(b) All contributions and donations to the Fire and Police Departments for services by any member or members thereof, except amounts of money donated to provide for any medal or permanent competitive award.

(c) All fines imposed upon members of the Fire and Police Departments for violation of the rules and regulations of said departments.

(d) All proceeds from the sale of unclaimed property.

ARTICLE XVI

THE BOARD OF HARBOR COMMISSIONERS

Section 113. The Board of Harbor Commissioners shall consist of five members who shall be appointed as provided by section 37 hereof. The members of the Board shall receive no compensation for their services on said Board.

Board of harbor commissioners.

Section 114. The Board shall elect one of its members Chairman of the Board and the Board shall cause to be kept a complete record of all its proceedings. A majority of the Board shall constitute a quorum for the transaction of all business of the Board.

Organization of board.

Control
of harbor.

Section 115. The Board of Harbor Commissioners shall have possession and control, under the provisions of this Charter, of the entire water front of the City of Santa Barbara, of all navigable waters and all tide lands and submerged lands, whether filled or unfilled, situated below the line of mean high tide, bounded by the limits of the City of Santa Barbara, as now fixed or hereafter may be extended and the provisions of this Article shall be deemed to and shall apply and appertain to such navigable waters and such tide and submerged lands. The lands and waters under the control, supervision and management of the Board of Harbor Commissioners shall be known as the Harbor District.

Powers
and duties
of board.

Section 116. The Board of Harbor Commissioners shall have power and it shall be its duty:

(a) To make and enforce all necessary rules and regulations governing the use and control of all navigable waters and all tide lands and submerged lands, whether filled or unfilled, within the Harbor District, and may prescribe and enforce penalties for the violation of such rules and regulations;

(b) To regulate and control the anchoring, mooring, towing, and docking of all vessels and water craft.

(c) To regulate and control the construction, maintenance, operation and use of any railroad, wharf, warehouse or other utility, structure, improvement or appliance used in connection with, or for the accommodation and promotion of commerce, navigation or fishery in the Harbor District.

(d) To regulate and control all dredging, excavating and the construction of any and all works within said District.

(e) To regulate and control all public service and public utilities operated in connection with, or for the promotion and accommodation of commerce, navigation or fishery in the Harbor District; to fix the proper license fees to be paid to the city by any person, firm, or corporation operating any such public service or utility; and to fix and regulate the rates or tolls to be charged or collected for services furnished by any such public service or utility. The Board shall have the right, at all reasonable times, to have access to, and in person, or by its duly authorized representatives, to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such persons, firms or corporations and to require reports respecting said matters from such persons, firms or corporations at such times and in such form as the Board may prescribe. The amounts of the license fees to be paid to the City by such person, firm or corporation operating any such public service or utility, and the rates or tolls to be charged and collected for services furnished or supplied by such public service or utility shall be fixed by the Board by order, subject to approval, change or modification by the Council by ordinance, at such times and by such method of procedure as the council may by ordinance prescribe;

(f) To acquire, erect, maintain or operate such improvements, utilities, water craft, appliances or facilities as it may deem necessary or convenient for the promotion and accommodation of commerce, navigation and fishery, or for use in connection therewith, or upon the lands and waters under the control and management of said Board.

(g) The powers conferred by this section upon the Board of Harbor Commissioners, relating to the making and enforcement of rules and regulations of general application, and to the fixing, regulating and collecting of rates, tolls and charges to be collected by the city, shall be exercised by order of the Board adopted by a majority of its members. Every such order must be approved by the Council by ordinance before the same shall become effective; provided, however, that in cases of emergency the Board shall have power to suspend, modify or amend any such rule or regulation, or to place in effect any emergency rule or regulation for periods not exceeding thirty days, and every such ordinance shall so provide. Every such ordinance shall prescribe penalties for the violation of the provisions of such order, and any person, firm, or corporation who shall violate the provisions of any such order shall be guilty of a misdemeanor and shall be punishable by imprisonment in the city jail for a period not exceeding three months, or by a fine not exceeding \$250.00, or by both such fine and imprisonment, as may be prescribed by such ordinance.

Section 117. All license fees, tolls and fines collected in pursuance of this Article shall be paid into the general fund of the city as collected. Moneys collected.

ARTICLE XVII

INITIATIVE AND REFERENDUM

Legislation may be enacted by the electors of the city of Santa Barbara under the general laws of this state providing for initiative and referendum in cities and the procedure shall be in all respects as provided by the general law of this state. Initiative and referendum.

ARTICLE XVIII

RECALL

Every incumbent of an elective office of the city shall be subject to removal by recall. Recall.

Petition for the recall and election thereon shall be conducted in all respects in accordance with the laws of the state of California providing for the recall of officers in cities.

ARTICLE XIX

REVENUE AND TAXATION

Section 118. Subject to the limitations in this charter provided, the council shall annually fix the rate of taxation to be levied, and the levy of taxes upon all property, both real and personal, in the city necessary to raise sufficient revenue to Annual tax levy.

carry on the various departments of the municipal government for the current fiscal year.

Appropriation ordinance.

Section 119. The council shall, before fixing the rate of the annual city tax, establish by ordinance separate funds representing the funded obligations of the city, if any, and the several departments requiring municipal expenditures, including a general fund, and the percentage of said levy shall be named for each fund, and the whole amount of taxes and revenue of the city apportioned accordingly, and no transfers shall be made except as provided by section 41 hereof.

Assessment and collection of taxes.

Section 120. Except as in this charter otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments, the collection of taxes, the sale of property for unpaid taxes, and the redemption of property sold for taxes shall be made and had in the form, time and manner and with like effect, as now or may hereafter be provided by law for the assessment of property, equalization of assessments, levy and collection of taxes, and sale of property for unpaid taxes for state and county purposes, and redemption thereof, and to that end;

1st: All powers and duties so by law conferred are imposed upon the county assessor are hereby conferred and imposed upon the city assessor;

2nd: All powers and duties so by law conferred or imposed upon the board of supervisors are hereby conferred upon the city council.

3rd: All powers and duties so conferred or imposed upon the district attorney are hereby conferred and imposed on the city attorney.

4th: All powers and duties so by law conferred or imposed upon the county treasurer or upon the county tax collector are hereby conferred and imposed upon the city treasurer and ex-officio tax collector.

5th: All powers and duties by law conferred or imposed upon the county clerk, or county auditor are hereby conferred and imposed upon the city clerk and ex-officio auditor.

Tax liens.

Section 121. Every tax due upon personal property is a lien upon the real property of the owner thereof; every tax due upon the real property is a lien against the property assessed and every tax due upon improvements upon real property assessed to others than the owners of the real estate is a lien upon the land and improvements, and which said several liens attach as of the first Monday of March in each year at twelve o'clock meridian.

Extraordinary expenditures.

Section 122. Whenever the council shall determine that the public interest demands an expenditure for municipal purposes which cannot be provided for out of the ordinary revenues of the city, it may submit to the qualified voters at a regular or special election, a proposition to provide for such expenditure, either by the levy of a special tax or by the issue of bonds, but no such special tax shall be levied, nor any such bonds issued unless authorized by the affirmative

votes of two-thirds of the electors voting at such election; provided, however, that no bonds shall be issued to meet current expenses:

ARTICLE XX

ELECTIONS

Section 123. Elections to be held in said city, for the purpose of electing officers of said city, and for all other purposes, are of two kinds: Elections.

First: General municipal elections.

Second: Special municipal elections.

Section 124. General municipal elections for the election of officers of said city hereinabove provided for, shall be held every two years on the first Tuesday of May, beginning with the year 1927. General municipal elections.

Section 125. All general and special municipal elections shall, in all respects as nearly as may be, be held and conducted in accordance with the provisions of the law of the state for the holding of general elections in effect at the time, and the council shall make all the necessary arrangements for holding said elections in accordance therewith. Conduct of elections.

Section 126. The name of any qualified elector of the city may be placed upon the official ballot at a general or special election for any elective office, by the filing with the city clerk of a petition, accompanied by a fee of ten dollars, and signed by not less than one per cent nor more than two per cent of the number of electors registered at the last general municipal election, if the candidate is to be elected from the city at large, and in the case of the election of a councilman, the same percentage of electors from the ward from which the councilman is to be elected. Nomination of candidates.

The petition shall be in substantially the following form:

“We, the undersigned, electors of Santa Barbara (or from the ---- ward thereof), hereby present -----, whose residence is ----- Santa Barbara, for the office of -----, to be voted for at the election to be held in the city on -----, and we individually certify that we intend to vote for him and have not signed petitions for any more candidates than the number of ----- to be chosen at such election.”

In case two or more persons are to be elected to the same office at the same election, an elector may sign the nomination papers of as many persons as there are persons to be elected to such office.

All nominating papers comprising a petition shall be assembled and filed with the clerk, as one instrument, at least thirty days prior to the date of holding the election.

Any person whose name has been submitted for candidate may have the same withdrawn by written notice to the clerk not less than twenty days before the date of election.

The Clerk shall prepare the form of ballot and shall follow, as near as may be, the general election laws of the state in that behalf.

Call for election.

Section 127. The council of said city shall, by ordinance, order the holding of elections. Such ordinance shall specify the objects and time of, and the place or places within the limits of each Ward for holding such election, and the names of the inspectors, judges of election clerks and ballot clerks for each Ward, or precincts of each Ward, as the case may be, who must be residents thereof, to conduct the holding of and make returns of such election. Said ordinance shall be published in some daily newspaper printed and published in said city, for a period of at least fifteen days next before the time appointed for the holding of the election.

Returns, canvass, results, etc

Section 128. Returns of all elections shall be made to the council, who shall, within ten days thereafter, either at a regular or special meeting, and in accordance with the laws of the state, canvass the returns, and declare the result thereof, and order certificates of election to be issued by the city clerk to persons so declared elected.

Terms of officers elected

Section 129. The officers elected at a general municipal election shall, after they have qualified as provided for in this charter, enter upon the discharge of the duties of their respective offices to which they have been elected, on the first day of June next succeeding their election, and shall, except as otherwise provided for in this charter, serve until their successors have been elected and qualified; provided, that any person appointed to fill a vacancy shall, after qualifying as herein provided, enter at once upon the discharge of the duties of the office to which he has been appointed, and shall serve for the remainder of the term and until his successor shall have been elected and qualified.

Terms of incumbents.

Section 130. The present officers of the city shall continue to hold and exercise their respective offices until the first day of June, 1927, and thereafter until the election or appointment and qualification of the first officers to be elected or appointed under this charter.

Precincts.

Section 131. In establishing election precincts, the council shall make them correspond with the wards into which the city is divided; provided, that the council may divide any ward into two or more precincts, and provided further, at any special municipal election, that the council may consolidate any number of precincts or wards into one special election precinct.

Electors.

Section 132. Only such persons residing in the city whose names appear upon the great register of Santa Barbara county at the time of any municipal election shall be entitled to vote at such election; and to this end and extent, said great register is hereby adopted as the register of voters in and for the city.

Qualifications of electors.

Section 133. The qualifications of an elector at any election held in said city in pursuance of this charter shall be the same as those prescribed by the laws of this state for electors at any general state election in force at the time of such election.

Section 134. The certificate of election issued by the city clerk must be authenticated with the seal of the city and attested by the city clerk. No other authentication shall be necessary. Certificates of election.

Section 135. The City of Santa Barbara is hereby divided into six wards, numbered consecutively from one to six, inclusive, the respective boundaries of which shall be as follows, to wit: Wards

FIRST WARD

The First Ward shall embrace all that portion of the city described as follows: Bounded on the south by the mean high water mark of the Pacific Ocean and the property of the Santa Barbara Cemetery Association; on the southwest by the center line of State street; on the northwest by the center line of East Ortega street; on the north by the center lines of All Around the City Boulevard and Sycamore Canyon Road and the line of the city limits; on the east by the east line of the city limits. First ward.

SECOND WARD

The Second Ward shall embrace all that portion of the city described as follows: Bounded on the northeast by the center line of State street; on the southeast and south by the mean high water mark of the Pacific Ocean; on the southwest by the line of the city limits; on the northwest by a line described as follows: Beginning at the intersection of said line of State street with the center line of West Carrillo street; thence southwesterly along the center line of West Carrillo street to the center line of San Andreas street; thence southeasterly along the center line of San Andreas to the southeast line of Block A, Packard Addition produced; thence southwesterly along the southeast line of Blocks A, B and C, Packard Addition to the center line of Robbins street; thence northwesterly along the center line of Robbins street to the center line of Victoria street; thence southwesterly and westerly along the center line of Victoria street following it meanders to the line between the lands, now or formerly, of Beckstead and the New Thought Colony; thence northwesterly between the lands of said New Thought Colony and Beckstead and the property of R. F. Pinkham and the property formerly of C. C. Park to the said westerly line of the city limits. Second ward

THIRD WARD

The Third Ward shall embrace all that portion of the city described as follows: Bounded on the northwest by the center line of State street; bounded on the northwest by the line described as follows: Beginning at the intersection of the center line of State street with the center line of Valerio street; thence southwesterly along the center line of Valerio street to the center line of Robbins street; thence southeasterly along the center line of Robbins street to the center line of Arrellaga street; thence southwesterly between the Third ward

property formerly of C. C. Park and E. E. Beckstead to the north line of the property of R. F. Pinkham; on the southwest and southeast by a line described as follows: Beginning at the intersection of the center line of State street with the center line of Carrillo street; running thence along the center line of Carrillo street southwesterly following the curve thereof to the intersection with the center line of San Andreas street; thence southeasterly along the center line of San Andreas street to the intersection with the southeasterly line of Block A, Packard Addition produced; thence southwest-erly along the southeasterly line of Blocks A, B and C, Packard Addition to the intersection with the center line of Robbins street; thence northwesterly along the center line of Robbins street to the intersection thereof with the center line of Victoria street; thence southwest-erly and westerly along the center line of Victoria street to the line between the property of the New Thought Colony and the property, now or formerly, of E. E. Beckstead; thence northwesterly along said last mentioned property line and along the northerly line of land of R. F. Pinkham to the intersection with the north-westerly line of said Third Ward above described.

FOURTH WARD

Fourth ward. The Fourth Ward shall embrace all that portion of the city described as follows: Bounded on the southwest by the center line of State street; bounded on the southeast by the line described as follows: Beginning at the intersection of the center line of State street with the center line of East Ortega street; thence northeasterly along said center line of said East Ortega street to the center line of All Around the City Boulevard; thence southeasterly along the center line of said All Around the City Boulevard to the intersection thereof with the center line of Sycamore Canyon Road; thence northeasterly following the meanders of the center line of Sycamore Canyon Road to its intersection with the line of the city limits; bounded on the northeast by the line of the city limits; bounded on the northwest and north by a line described as follows: Beginning at the intersection of the center line of State street with the center line of East Micheltorena street and running thence along said line of East Micheltorena street, northeasterly to Grand avenue, thence northeasterly, along the center line of Jimeno Road to the center line of Mission Ridge Road and thence in a general northeasterly and northwesterly direction along the center line of Mission Ridge Road to the center line of Las Canoas Road, and thence in a general northerly direction following the meanders of said center line of Las Canoas Road to the city limits.

FIFTH WARD

Fifth ward. The Fifth Ward shall embrace all that portion of the city described as follows: Bounded on the southeast and east sides by a line described as follows: Beginning at the inter-section of the center line of State street with the center line

of East Micheltorena street; thence northeasterly, along the center line of Micheltorena street to Grand avenue; thence northeasterly, along the center line of Jimeno Road to the center line of Mission Ridge Road and thence in a general northeasterly and northwesterly direction along the center line of Mission Ridge Road to the center line of Las Canoas Road and thence in a general northerly direction, following the meanders of the center line of Las Canoas Road to the city limits; on the north and northeast by the northerly line of the city limits; on the northwest by the westerly line of the city limits; on the southwest by the line described as follows: Beginning at the intersection of the center line of State street with the center line of Micheltorena street; thence northwesterly along the center line of State street to the center line of Constance avenue; thence southwesterly along the center line of Constance avenue to the center line of Hollister avenue; thence northwesterly along the center line of Hollister avenue to the intersection thereof with the westerly line of the city limits.

SIXTH WARD

The Sixth Ward shall embrace all that portion of the city ^{Sixth ward.} described as follows: Bounded on the northwest by the westerly line of the city limits; bounded on the northeast by a line described as follows: Beginning at the intersection of the center line of State street with the center line of Valerio street and running thence northwesterly along said line of State street to the center line of Constance avenue; thence southwesterly along the center line of Constance avenue to the center line of Hollister avenue; thence northwesterly along the said center line of Hollister avenue to the line of the westerly limits of the city; bounded on the southeast and southwest by a line described as follows: Beginning at the intersection of the center line of State street with the center line of Valerio street; thence southwesterly, along said line of Valerio street to the center line of Robbins street; thence southeasterly along the center line of Robbins street to the center line of Arrellaga street; thence southwesterly along the line of the property formerly of C. C. Park and E. E. Beckstead to the northerly line of the property of R. F. Pinkham; thence northwesterly along the property line between the line of R. F. Pinkham and the said property formerly of C. C. Park to the line of the western limits of said city.

The council may from time to time and shall at least every ^{Redistricting city.} four years, by ordinance, redistrict this city into six districts or wards, which districts so formed shall comprise as nearly as practicable equal number of voters, as determined by the total registration in said wards. Any territory hereafter annexed to or consolidated with, the city of Santa Barbara, shall, at the time of such annexation or consolidation, be added to an adjacent ward or wards, by the council, by ordinance.

Qualifications
of petition
signers.

The electors signing any petition for the nomination of any person to the office of member of the council, or for the recall of any member of the council, shall be residents of the ward from which such person seeks to be elected as member of the council, or in case of a recall petition, of the district from which such member was elected. The names of no electors not residents of the district shall be counted in determining the sufficiency of any such petitions.

ARTICLE XXI

CLAIMS AND DEMANDS

Claims and
demands

Section 136. All claims and demands whatever against the city of Santa Barbara, except salaries, interest coupons on bonds and principal of bonds issued by the city, shall be paid only on demands as herein provided for.

Presentation
and
allowance.

Section 137. Said demands shall be presented to the council on forms or blanks to be provided by the city clerk, and shall be referred to its committee on finance. The said committee shall, by its indorsement thereon, approve or reject the same in whole or in part. The council shall then consider the said demands and the action of said committee thereon, and shall, if the same be just and legal, approve the same; but may, if it so determine, approve in part or reject the whole. The action of the council shall be indorsed thereon, with the date of such action, and certified with the signature of the mayor and clerk.

Warrants.

Section 138. All demands approved by the council shall be delivered to the city clerk, who shall thereupon draw a warrant therefor upon the city treasurer, which shall be signed by the mayor and countersigned by the city clerk.

Items,
signature
and oath

Section 139. No claim shall be approved, audited or paid unless it specify each several item, with the date and amount thereof, nor unless it be subscribed by the claimant or his, or her or its agent, and sworn to before some officer authorized to administer oaths.

Record.

Section 140. The city clerk must number and keep a record of all demands on the treasury which have been duly approved, showing the date, amount, the name of the original and present owner, on what account allowed and out of what fund payable.

Registration
of demands.

Section 141. Every lawful demand upon the treasury, duly audited as in this charter required, shall in all cases be paid on presentation, and cancelled, and the proper entry thereof made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay said demand, then it shall be registered in a book kept by the treasurer for that purpose, showing its number, when presented, date, amount, name of original holder, on what account allowed and out of what fund payable, and being so registered shall be returned to the party presenting it with an indorsement of the word "registered," dated and signed by the treasurer.

All registered demands shall be paid in the order of their registration, and shall bear interest at the rate of six per cent per annum from date of such registration.

Section 142. No suit shall be brought upon any claim for money or damages against the city of Santa Barbara, until the demand for the same has been presented as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city upon any such claim or demand if the same shall be in whole approved and audited as provided herein; provided, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to or right to maintain any other proceeding against the said council or any board of said city to compel them or him to act upon said demands or claim, or to pay the same when so audited. Actions
on claims.

ARTICLE XXII

MISCELLANEOUS PROVISIONS

Section 143. Any salaried official of the city who shall accept or retain any other salaried public office, except as provided in this charter, shall be deemed thereby to have vacated his office under the city government. Miscellane-
ous
provisions
affecting
officers and
employees

No officer or employee of the city shall be directly or indirectly interested in any contract, work or business, the consideration, price or profits of which are payable in whole or in part from the city treasury or school funds and are determined, or in any way directly affected by any official act of said officer or employee; or in the sale of any property, the price or purchase of which by or for the city, or the public schools thereof, depends directly or indirectly upon the official act of such officer or employee.

No officer or employee of the city shall be financially interested, directly or indirectly, in the granting of any city franchise, right or privilege.

No officer or employee of the city shall be a surety on any bond given to the city, or to any person for the benefit of the city, nor give or promise to give to any person any portion of his compensation or any money, or thing of value, or any position, in consideration of having been or being nominated, appointed, voted for or elected to any office or employment under the city.

No officer of the city shall accept any donation or gratuity in money or in anything of value, either directly or indirectly, from any subordinate employee, or from any candidate or applicant for any position under him.

Any officer or employee of the city violating any of the provisions of this section shall forfeit his office or employment, and be forever disqualified from holding any position in the service of the city, and all contracts made, or rights, franchises or privileges granted in violation of this section shall be void.

Employment of relatives. Section 144. Neither the council nor any officer with appointive power, shall appoint to a lucrative position under the city government any person who is a relative by blood or marriage within the third degree.

Presentation of grievances. Section 145. No citizen shall be denied the right personally, or through counsel, to present grievances at any meeting of the council, or offer suggestions for the betterment of municipal affairs.

Vacations. Section 146. Each salaried employee of the city shall be entitled to two weeks vacation with full pay in each calendar year of continuous service subsequent to the first year. The time of taking such vacation shall be in each instance subject to the approval of the mayor.

Officers to be citizens and residents. Section 147. All officers, deputies, clerks and assistants of the city and the departments thereof, except such as may be employed for special purposes, must be citizens of the United States and, during their term of office or employment, must reside in the city.

Repair of streets and alleys. Section 148. All streets, lanes, alleys, places and courts in said city now open and dedicated, or which may hereafter be opened and dedicated to public use, shall be kept in repair, so that the same shall be in good passable condition; and it shall be the duty of the street superintendent to keep all said streets, lanes, alleys, places and courts within the city limits in good repair, at the expense of the city.

Official records. Section 149. All books, papers, plats, charts, records, files and stationery, made or made use of, by any officer or employee of the city, in the performance of his official duties, shall be deemed and considered as belonging to the city, and shall be delivered to his successor in office, who shall give duplicate receipts in writing therefor, one of which receipts shall be filed with the city clerk.

Existing offices, ordinances, etc. Section 150. All ordinances, resolutions and other regulations of the city of Santa Barbara, in force at the time this charter takes effect and not inconsistent therewith, shall continue in force until amended or repealed. All offices of the city heretofore existing shall, unless expressly continued by this charter, be supplanted by the offices herein provided for, and the incumbents of the offices so abolished shall surrender to the officers having like powers and duties, as provided by this charter, all moneys, bonds, contracts, books, accounts, records, files, furniture and property of the offices so abolished; provided, that all persons holding office in the city at the time of the going into effect of this charter shall hold their respective offices until their successors are elected and qualified, or appointed and qualified.

No business pending before any department or officer of the city at the time this charter takes effect shall be considered as lost, discontinued or abandoned by reason thereof, but the same may be taken up, transacted and completed before the proper department or officer provided for by this charter.

First election. Section 151. The council of the city in office at the time this charter takes effect shall provide for the holding of the

first election under this charter; shall canvass the vote, declare the result, and approve the bonds of all officers elected at such election.

Section 152. The word "charter" whenever used herein shall be so construed as to include any amendment to this instrument which may be adopted hereafter. "Charter."

Section 153. This charter shall take effect from the time of its approval by the legislature. Effective.

Section 154. Nothing in this charter shall be construed as limiting the power of the council to enact any ordinance or resolution relating to municipal affairs, not in conflict with the constitution of the state or with the express provisions of this charter; and if any section or part of a section of this charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section, or part of a section of this charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid. Effect and constitutionality.

RESOLUTION OF THE BOARD OF FREEHOLDERS OF SANTA BARBARA

Whereas, by the provisions of Section 8, Article XI of the constitution of the State of California, this board is authorized and required to fix a date for the submission to the electors of the city of Santa Barbara of the charter prepared by it;

Now, THEREFORE, Be It Resolved: That the board of freeholders in meeting on this the 17th day of August, 1926, does hereby fix Tuesday, the 16th day of November, 1926, as the date for such election.

Dated August 17th, 1926.

Approved:

HARRY W. T. ROSS,
President.

Attest:

JACK HAYDEN,
Secretary.

CERTIFICATE

We, the undersigned members of the Board of Freeholders of the city of Santa Barbara, elected at the special municipal election held in said city on the 4th day of May, 1926, have prepared and do hereby propose as a charter for said city, the foregoing, consisting of 65 typewritten pages, Certificate.

Done at the city of Santa Barbara, California, this 17th day of August, 1926.

HARRY W. T. ROSS,
President.

DR. ELMER J. BOESEKE,
NEAL CALLAHAN,
U. DARDI,
A. L. PAGE,
A. J. AVERY,
M. W. SMITH,
PETER M. MCTAVISH,
ALBERT E. SCHUSTER,
JOHN F. DRYER,
JOHN EDWARDS,
O. S. MCFARLAND,
H. E. HENDERSON,
JOHN M. HENNEY.

Attest

JACK HAYDEN,
Secretary.

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I, S. B. Taggart, City Clerk of the City of Santa Barbara, California, hereby certify that the foregoing is a full, true and correct statement of the proceedings relating to the ratification of said Charter by the qualified electors of said City of Santa Barbara and that the Charter as above set forth, is a full, true and correct copy as the same was prepared, proposed and ratified.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Santa Barbara this 28th day of December, 1926.

S. B. TAGGART,
City Clerk of the City of Santa Barbara,
State of California.

[SEAL]

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of said City to be affixed this 28th day of December, 1926.

S. B. TAGGART,
Mayor of the City of Santa Barbara,
S. B. TAGGART,

[SEAL] City Clerk of the City of Santa Barbara.

WHEREAS, Said proposed charter of the city of Santa Barbara, county of Santa Barbara, State of California, has been submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of section 8 of article XI of the constitution of the State of California; now, therefore, be it

Approval by
Legislature

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said charter of the City of Santa Barbara, as proposed to, and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for the charter of the city of Santa Barbara.

CHAPTER 15.

Assembly Concurrent Resolution No. 5—Approving the charter of the city of Burbank, in the county of Los Angeles, State of California, voted for and ratified by the electors of said city of Burbank at a special municipal election held therein for that purpose on the fourth day of January, 1927.

[Filed with Secretary of State January 19, 1927.]

Burbank
city charter

WHEREAS, The city of Burbank, a municipal corporation, of and in the county of Los Angeles, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3,500) inhabitants, as ascertained by the last preceding census, taken under the authority of the Legislature of the State of California, under and in pursuance of chapter 30 of the statutes of 1897 of the State of California, on the third day of February, 1925, to the twelfth day of March, 1925; and,

WHEREAS, At a special municipal election held in said city on the twelfth day of April, 1926, under and in accordance with law and the provisions of sect on 8, article XI of the constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof to prepare and propose a charter for the government of said city; and,

WHEREAS, Said board of freeholders did, within sixty days after the expiration of one hundred and twenty days after the result of said election was declared, duly and regularly prepare and propose a charter for the government of said city of Burbank; that the said period of one hundred twenty days was duly and regularly extended the said period of sixty days by and with the consent of the board of trustees of the said city of Burbank; and,

WHEREAS, Said charter was on the thirteenth day of October, 1926, signed by a majority of the said board of freeholders and was thereupon duly filed in the office of the clerk of the board of trustees of the said city of Burbank; and,

WHEREAS, Said proposed charter was thereafter published on the twenty-seventh day of October, 1926, in the official paper of said city of Burbank, to wit, the Burbank Review, a daily newspaper of general circulation, printed, published and circulated in said city of Burbank; and that the said date of publication having been made within fifteen days after the filing of the said charter in the office of the clerk of the board of trustees of the said city of Burbank, as aforesaid; and,

WHEREAS, The said board of trustees of the said city of Burbank did cause copies of said charter to be printed in convenient pamphlet form and did, until the date hereinafter mentioned fixed for the election upon said charter, advertise

in the said newspaper, Burbank Review, a notice that such copies may be had upon application thereof; and,

WHEREAS, The said proposed charter was, at a date fixed by the said board of trustees and not less than sixty days from the completion of the publication of said charter, as aforesaid, duly and regularly submitted by the board of trustees of the said city of Burbank to the qualified electors of said city at a special election duly called and held therein on the fourth day of January, 1927; and,

WHEREAS, At said last mentioned special election a majority of the said qualified electors of said city of Burbank, voting at said special election, voted in favor of the ratification, and duly ratified, said charter as proposed, as a whole; and,

WHEREAS, The said board of trustees of the said city of Burbank did duly canvass the returns of said special municipal election and did on the tenth day of January, 1927, duly certify the result of said canvass and duly found and determined that a majority of said qualified electors voting at said special election had voted for and ratified said charter as proposed by the board of freeholders, and as above specified, as a whole, and did duly and regularly declare the result of the canvass of the returns of said special election; and,

WHEREAS, Said charter is now submitted to the Legislature of the State of California for its approval and ratification as a whole without the power of alteration or amendment in accordance with section 8 of article XI of the constitution of the State of California; and,

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER OF THE CITY OF BURBANK PREPARED
AND PROPOSED BY A BOARD OF FREEHOLDERS
ELECTED APRIL 12, 1926.

NAME.

Section 1. The municipal corporation now existing and known as "The City of Burbank" shall remain and continue a body politic and corporate, as at present, in fact and in law, by the name of the "City of Burbank", and by such name shall have perpetual succession. Name

BOUNDARIES.

Section 2. The boundaries of the City of Burbank shall continue as now established until changed as authorized by law. Boundaries.

POWERS.

Section 3. The City of Burbank, by and through its Council and other officials, Boards, Commissions, Committees and employees, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the constitution and which it would be competent for this charter Powers.

to set forth particularly or specifically; and the specification herein of any particular powers shall not be held to be exclusive or any limitation upon this general grant of powers.

OFFICERS AND EMPLOYEES.

Officers and employees.

Section 4. The officers of the City of Burbank shall consist of five members of the Council, one of which Board shall be the Mayor, a City Manager, a City Clerk, who shall be ex-officio City Assessor, a City Treasurer, a City Attorney, a City Tax Collector, a City Engineer, a Street Superintendent, a Judge of the Police Court, a Chief of Police, a Fire Chief, a Health Officer, a Board of Library Trustees, a Park Commission, a City Planning Commission, and a Board of Social Service. The Council may by ordinance provide for such subordinate boards, commissions, officers, assistants, deputies, clerks, and employees as they deem necessary and fix their respective powers, duties and compensation. The members of the Council, the City Treasurer and the City Clerk shall be elected from the city at large, and shall hold office for four years and until their successors are elected and qualified, provided, however, that the first regular election for City Treasurer and City Clerk shall be held at the general municipal election to be held as herein provided in the year 1929; provided further, however, that this provision shall not be construed or held to prevent the Council from increasing or diminishing the salaries of said officers or either of them, to take effect and be in force immediately after the expiration of the present term of said officers. The City Engineer may also hold the office of Street Superintendent. All other officers, assistants, deputies, clerks, and employees shall be appointed as provided in this charter, or as the City Council may provide by ordinance in case no provision for their appointment is herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power, except as otherwise herein provided. Where the appointment of any officers, assistants, deputies, clerks or employees, or members of the Library Commission, or members of the Park Commission, or members of the Playground and Recreation Commission, or members of the City Planning Commission, or Board of Social Service, is vested in the Council, or other body, the appointment and removal must be made by a three-fifths vote of the members of such body.

All officers, clerks and assistants of the city and the various departments thereof, and all employees except such as may be employed for temporary and special purposes, must be citizens of the United States of America, and residents of the City of Burbank, California, during their respective periods of employment, except as herein otherwise provided.

THE CITY COUNCIL

Council.

Section 5. The legislative body of the city shall consist of five persons elected, at large which body shall be known as the Council.

The members of the Council shall be elected by the qualified voters of the city at a general municipal election to be held therein every odd-numbered year as hereinafter provided. They shall hold office for the period of four years from and after the Monday next succeeding the day of their election, and until their successors are elected and qualified; provided, that at the first municipal election to be held as herein provided, all five members of the Council shall be elected, and the respective terms of the members of the first Council elected as provided in Section 27 of this charter shall be as follows: the two persons elected by the highest number of votes shall hold office for four years, and the three persons elected by the lowest number of votes shall hold office for two years. In the event that two or more persons shall be elected by the same number of votes, their term shall be fixed by lot.

Each member of the Council shall receive \$10.00 per meeting attended not to exceed \$60.00 per month, nor shall they be eligible to any other office or employment within the city except as herein provided. In the event of resignation such member shall not be entitled to vote on the selection of their successor.

MEETINGS, REGULAR AND SPECIAL

Section 6. The Council shall meet at eight o'clock P.M. on ^{Meetings} the First Monday following a general, municipal election and canvass the returns thereof. The new members shall then be inducted into office, whereupon the Council, as thus newly constituted, shall choose one of their number to serve as president of the Council and be ex-officio Mayor. The Mayor shall have the same voting power as any other member of the Council. The Council shall also choose one of their number to serve as Vice-President, and he shall act as Mayor pro tempore in case of the absence, sickness or other disability of the Mayor. The officials so chosen shall hold their respective offices subject to the pleasure of the Council. The regular meetings of the Council shall be held at least once a week and such further regular meetings shall be held as are provided for by ordinance. The time for holding all regular meetings of the Council shall be provided for by ordinance, but any regular meeting may be adjourned to a time certain, which adjourned meeting shall be a regular meeting for all purposes.

Special meetings may be called by the Mayor or three Councilmen at any time by written notice delivered personally to each member at least three hours before the time specified for the meeting.

All meetings of the Council shall be held in the City Hall, unless by reason of fire, flood or other disaster, the City Hall cannot be used for that purpose, and all meetings shall be open to the public. The Council shall adopt rules for conducting their proceedings.

QUORUM

Quorum. Section 7. A majority of the Councilmen shall constitute a quorum for the transaction of any business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

ORDINANCES

Ordinances. Section 8. The Council may take official action only by the passage or adoption of ordinances, resolutions or motions, as may be prescribed by the Constitution or Laws of the State of California, and the provisions of this charter; provided that any action of said Council fixing or prescribing a fine, punishment or penalty, or granting any franchise, shall be taken by ordinance. In the absence of any express provision to the contrary in said Constitution, Laws or Charter, the Council may choose any of the foregoing three methods of taking such action. All proposed ordinances introduced in the Council shall be in printed or typewritten form. The enacting clause of all ordinances passed by the Council shall read as follows: "The Council of the City of Burbank do ordain as follows:"

The affirmative vote of not less than three members of the Council shall be necessary to adopt any ordinances, resolutions or approve or reject claims against the city, which vote shall be taken by ayes and noes and entered upon the minutes of said board.

Except as herein provided no ordinance shall be passed by the Council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting.

Every ordinance introduced shall be read upon its introduction and the same shall be read a second time upon the final passage and adoption thereof; provided, that the second reading thereof may be by title only unless any councilman demands that the same be read in full. A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained. All ordinances shall be signed by the Mayor and attested by the City Clerk, and shall be published at least once in a newspaper of general circulation and shall become effective at midnight on the 30th day from and after the date of the first publication or posting thereof, and in computing said time the day of adoption shall be excluded; provided, however, that an ordinance calling or otherwise relating to an election, or ordinances otherwise specially required by the laws of the State, or ordinances declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency and passed by not less than four members of the Council, or ordinances relating to bond issues and the annual tax levied, may be introduced and passed at one and the

same meeting, and shall become effective immediately upon the publication thereof, if the Council shall therein so declare. Provided, however, that no measure creating or abolishing any office or changing the salaries, term or duties of any officer or creating any franchise or special privilege or creating any vested right or interest shall be construed to be an emergency measure.

MAYOR

Section 9. The Mayor shall be the executive head of the city. In case of riot, insurrection or extraordinary emergency he shall assume general control of the city government and all of its branches and be responsible for the suppression of disorders and the restoration of normal conditions. In the name and on behalf of the city he shall sign all contracts, deeds, bonds and other legal instruments in which the city is a party and countersign all warrants; provided, however, that the Council may by resolution authorize any other person to sign the same in case that said contracts, deeds, bonds or other legal instruments have been authorized by the Council. He shall represent the city at all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the city represented officially thereat. He shall not receive any compensation for his services except those received as a Councilman as provided in Section 5.

CITY MANAGER

Section 10. There shall be a City Manager appointed by the Council who shall be the administrative head of the city government. It shall not be necessary that he reside in the city at the time of his appointment, but he shall become a resident thereof within sixty days thereafter, and thereafter during his incumbency actually reside and have his domicile in said city. His powers and duties shall be as follows:

(A) To see that all ordinances are enforced.

(B) To appoint, except as otherwise provided, all heads of departments, subordinate officials, and employees, and remove the same, except as otherwise provided, and have general supervision and control over the same.

(C) To exercise general supervision over all privately owned public utilities operating within the city so far as the same are subject to municipal control.

(D) To see that the provisions of all franchises, permits, and privileges granted by the city are fully observed, and report to the Council any violations thereof.

(E) To act as purchasing agent for the city.

(F) To attend all meetings of the Council unless excused therefrom by the Council or the Mayor.

(G) To examine or cause to be examined, without notice, the conduct of any officer or employee of the city.

(H) To keep the Council advised as to the needs of the city.

(I) To devote his entire time to the interests of the city.

(J) To be the executive officer of the Park Commission and the Playground and Recreation Commission and under their direction to have general supervision over all the public parks and playgrounds of the city.

In case of the absence from the city of the City Manager, or his temporary disability to act as such, the Council shall appoint a City Manager pro tem, who shall possess the powers and discharge the duties of the City Manager during such absence or disability only; provided, however, that a City Manager pro tem shall have no authority to appoint or remove any city officer or employee except with the unanimous formal approval of all of the members of the Council.

CITY ATTORNEY

Attorney.

Section 11. There shall be a City Attorney appointed by the Council. He shall be an attorney at law, admitted to the bar of the Supreme Court of this State, and one who has been in actual practice in the state for at least three years next preceding his appointment. The City Attorney shall be legal advisor of the Council and all other city officials. He shall draft all ordinances, resolutions, contracts, or other legal documents, or proceedings required by the Council, or other officials, except as may be otherwise provided, and shall perform such other legal services from time to time as the Council may require. He shall attend all meetings of the Council unless excused therefrom by the Council or the Mayor.

He shall receive, as compensation, a salary to be fixed by ordinance and he shall receive in addition thereto such reasonable fees as the Council may allow for suits or proceedings before any court, board, tribunal, officer or commission in which he has been directed by the Council to act or appear.

The Council shall have power to direct and control the prosecution and defense of all suits and proceedings to which the city is a party, or in which it is interested, and may employ special counsel to assist the City Attorney therein and provide for the compensation of and pay such special counsel.

CITY CLERK, AND EX-OFFICIO ASSESSOR

Clerk and
assessor.

Section 12. The City Clerk shall be ex-officio Assessor of the city, and Clerk of the Council and of the Board of Equalization. His salary as such shall be fixed by ordinance.

It shall be the duty of the City Clerk to attend all sessions of the Council and the Board of Equalization, and keep a full and correct record of the proceedings of each of said bodies. The proceedings of the Council shall be kept in a book marked "Minutes of the Council", and the proceedings of the Council while sitting as a Board of Equalization shall be kept in a separate book marked "Minutes of the Board of Equalization". He shall keep a book marked "Ordinances" into which he shall copy all city ordinances, certifying that each

such copy is a full and correct copy of the original ordinance, and stating that the same has been published as required by law. Said record copy, so certified, shall be prima facie evidence of the contents of the ordinance, and of its passage and publication and shall be admissible as such evidence in any court or proceeding. Such record shall not be filed but shall be returned to the custody of the City Clerk. He shall also keep a book marked "Resolutions", into which he shall copy all resolutions passed by the Council. Both the books containing ordinances and resolution, shall be adequately and comprehensively indexed. He shall conduct promptly, and keep a systematic record of, all correspondence between the Council and third parties relating to city business.

He shall be the keeper of the corporate seal of the city, and shall affix the same to instruments or writings requiring authentication. He shall safely keep all records, documents, ordinances, resolutions, books, and such other papers and matters, as may be regularly delivered into his custody or required by law or ordinance to be filed with him.

Except as may be otherwise provided by ordinance, it shall be the duty of the City Clerk, as Ex-Officio Assessor, to make, as soon as practicable after March First and prior to August First of each year, a full, true and correct list, as nearly as possible, of all the taxable property within the city owned or possessed by any person, firm, corporation, or other organization, at twelve o'clock noon on March First of that year. Such list shall set forth the full cash value of all the respective items as listed, and the names of the owners thereof so far as such names are known, together with all other matters required by law or ordinance to be set forth therein, and said assessor shall assess, in the manner provided by general laws of the State governing County Assessors, all of the property so listed. Such list shall follow the form required by the laws of the State, except as otherwise ordered by the Council. He shall verify such list by his oath and deposit the same with the Clerk of the Board of Equalization on or before the first Monday in August of the year in which such list is made. The Assessor shall possess such other powers and perform such additional duties, not inconsistent with this charter, as may be prescribed by ordinance.

CITY TREASURER

Section 13. There shall be a City Treasurer elected every ^{Treasurer.} four years at the general municipal election. It shall be his duty to receive and safely keep all moneys and securities belonging to the city and coming into his hands, and pay out the same only on warrants signed by the proper officers and not otherwise. He shall hold office for four years and until his successor is elected and qualified.

CITY TAX COLLECTOR

Section 14. There shall be a Tax Collector of which office ^{Collector.} the City Treasurer shall be ex-officio incumbent, unless the

Council by ordinance, should provide for the collection of taxes and licenses by some other person or political subdivision of the State of California. He shall perform such duties as may be prescribed by ordinance.

CITY ENGINEER AND STREET SUPERINTENDENT

Engineer and
street super-
intendent

Section 15. There shall be a City Engineer appointed by the City Manager. He may also hold the office of Street Superintendent if so appointed by the City Manager. It shall not be necessary that he be a resident of the city at the time of his appointment, but he shall become a resident thereof within sixty days thereafter, and thereafter during his incumbency actually reside in said city.

As City Engineer, he shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indices thereof. He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be the property of the city. He shall have supervision over all public work relating to the grading, paving, cleaning, and repairing of streets, the building of sewers and the disposal of sewerage, garbage and rubbish, also all other matters of an engineering character. He shall, at the time of his appointment, have been a practicing civil engineer for a period of at least three years.

He shall appoint all subordinates in his department, subject to the approval of the city manager, and he may remove the same, make rules and regulations for the management of the department and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this charter.

The Street Superintendent shall perform such duties as may be prescribed, now or hereafter, by ordinance or general laws of the state. Nothing herein contained shall prevent the City Manager himself from acting as ex-officio City Engineer and Street Superintendent and filling such offices as herein provided.

POLICE JUDGE AND POLICE COURT

Police judge
and police
court

Section 16. There shall be a Police Judge who shall be elected for a term of four years. He shall be the judge of the Police Court, which is hereby established. The Police Court shall have jurisdiction, concurrently with the Justice's Courts of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such Justice's Court; and said Police Court

shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said city, of all actions founded upon any obligation created by any ordinance thereof, and of all prosecutions for the violation of any such ordinance. In all civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city is not more than fifty dollars, the trial must be by the court. In civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city is over fifty dollars, the defendant is, upon his demand, entitled to a jury. Except as in this section otherwise provided, the rules and practice and mode of proceeding in said Police Court shall be the same as are, or may be, prescribed by law for Justice's Courts in like cases; and appeals may be taken to the Superior Court from all judgments of said Police Court in like manner and with like effect as in cases of appeals from Justice's Courts.

Police judge
and police
court
(cont'd).

The Police Judge shall have all powers and perform the duties of a magistrate and may administer and certify oaths and affirmations and take and certify acknowledgments. All fines, fees, forfeitures and costs collected by him, whether prosecuted for a violation of State law or of a City ordinance, shall be paid into the city treasury within forty-eight hours from and after the receipt thereof. He shall make such periodical reports as the Council may require.

In all cases in which the Police Judge is disqualified according to law, or in cases of sickness or inability to act, he may call upon any Justice of the Peace, residing in the County of Los Angeles, to act in his stead.

The Police Judge shall keep a record of the proceedings of the Police Court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases. All records, files, and other property, of the Recorder's Court under the preceding government of the city, shall be the records, files, and property of the Police Court of said city created by this charter.

The Council shall have power to provide by ordinance for the separate detention and trial of, and a probation system for juvenile offenders against municipal ordinances and also all juvenile offenders in all cases of other offenses of which this Court has jurisdiction.

The judge may in his discretion, upon good cause shown, grant a parole during good behavior to any person convicted in this Court; provided, that said parole so granted may be revoked at any time by the Judge within six months after the granting of the same and the sentence imposed against such person shall thereupon be carried into execution.

All actions and proceedings pending and undetermined in the Recorder's Court under said preceding government, shall be proceeded with, heard, tried, and determined in said Police Court herein established, before the Police Judge thereof,

as if such action or proceeding had been originally commenced therein.

CHIEF OF POLICE

Chief of
police.

Section 17. There shall be a Chief of Police appointed by the City Manager. He shall be the head of the police department of the city, and shall have all the powers that are now or may hereafter be conferred upon sheriffs and other peace officers by the laws of the state so far as they appertain to the city. It shall be his duty to preserve the public peace and to suppress riots, tumults and disturbances. His orders shall be promptly executed by the police officers, or watchmen of the city, and every citizen shall lend him aid when requested for the arrest of offenders, the maintenance of public order or the protection of life and property.

He shall execute and return all process issued to him by legal authority. He shall have authority, and it is hereby made his duty, to arrest persons violating any law of the state or ordinance of the city. Those arrested for violating city ordinances may, before or after trial, be confined in the County Jail of Los Angeles County or in the city prison of the city. He shall have such other powers and duties appertaining to his office as may be prescribed by the Council or rules of the police department. He shall appoint and remove all subordinates in the department, make rules and regulations for the management of the department and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this charter, and subject to the approval of the City Manager.

CHIEF OF THE FIRE DEPARTMENT

Fire chief.

Section 18. There shall be a Fire Chief appointed by the City Manager. He shall be head of the fire department of the city, and shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby. During the time of a fire he shall have supreme authority over the territory involved therein, and all persons in the immediate vicinity of the fire during such time, including policemen, shall be subject to his orders. He shall appoint and remove all subordinates in the department and prescribe tests and examinations for persons in the department and make rules and regulations for the government thereof, subject to the approval of the City Manager.

CITY HEALTH OFFICER

Health
officer.

Section 19. There shall be a Health Officer, appointed by the City Manager. He shall be a person who has been licensed to practice medicine in the State of California or who has received special training in public health work. He shall exercise general supervision over the health and cleanliness of the city and take all necessary measures for the preservation and promotion thereof.

He shall enforce all laws, ordinances, and regulations relative to the preservation and improvement of public health, including those provided for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage and sale of foodstuffs.

OFFICIAL BONDS

Section 20. The Council shall determine by ordinance which officers and employees shall give bonds for the faithful performance of their official duties, and fix the amount of said bonds. Such officers, before entering upon their official duties, shall execute a corporate surety bond to the city in the penal sum required, which bond shall include any other offices of which they may be ex-officio incumbent. Said bonds shall be approved by the Council and filed with the City Clerk and the premium therefor shall be paid by the city out of the general fund of the city. Official bonds.

OATH OF OFFICE

Section 21. Every officer shall take the constitutional oath of office and subscribe thereto before entering upon the performance of his official duties. Oath of office.

ADMINISTERING OATHS, SUBPOENAS

Section 22. Every elective officer and every chief appointive official, including all members of boards and commissions, provided for in this charter, or by ordinance, shall have the power to administer oaths and affirmations, and every such board and commission herein provided shall have power to issue subpoenas, to compel by subpoena the production of books, papers, and documents, and to take and hear testimony concerning any matter or thing pending before such board or commission. Oaths and subpoenas

DEPUTIES

Section 23. All elective officers and officers appointed by the Council, shall have the power to appoint their own deputies when in the opinion of the Council, the same are necessary, subject, however, to approval and confirmation by the Council. Deputies.

COMPENSATION

Section 24. The Council, except as otherwise in this charter provided, shall fix the compensation of all officers, also the compensation of all deputies, assistants and employees of all officers appointed by the Council. The salaries of all officers shall be fixed by ordinance. Compensation.

The City Manager shall fix the compensation of all deputies, assistants and employees of all officers appointed by him, subject to the approval of the Council.

REPORTS OF FEES AND COMMISSIONS

Section 25. Every officer authorized to charge a fee, commission or percentage by way of compensation shall make a Report of receipts.

written report to the Council monthly of all moneys so received by him.

VACANCIES

Vacancies.

Section 26. A vacancy in any elective office, from whatever cause arising, shall be filled by appointment by the Council, such appointee to hold office for the unexpired term; provided that if the Council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the Mayor. If for any reason the seats of a majority of the Council shall become vacant, then the City Clerk, Treasurer, together with the remaining members of the Council, or a majority of them, shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any officer of the city shall remove from the city or absent himself therefrom for more than thirty days consecutively without the permission of the Council, or shall fail to qualify, or shall resign, or be convicted of a felony, or be adjudged insane, his office shall thereupon be declared vacant by a majority vote of the Council and shall thereupon become vacant.

ELECTIONS

Elections.

Section 27. General municipal elections shall be held in said city on the first Tuesday after the first Monday in April of each odd-numbered year, under and pursuant to the provisions of the general laws governing elections in cities of the sixth class, so far as the same may be applicable, and except as herein otherwise provided; subject, however, to the provisions of sections 5 and 68 hereof as to the first officers elected hereunder.

At least twenty days before the day of election each candidate for an elective office may file with the City Clerk a statement containing the following information in the order herein set forth: (a), his name; (b), the office for which he is a candidate; (c), his present residence and occupation; (d), the various kinds of business or employment he has been engaged in during the past five years and where, also the positions of importance and trust which he may have held in connection therewith; (e), the civic, improvement or other organizations which he has been a member of within the past five years and the positions of honor or trust which he may have held therein; (f), the public offices he has held, if any, as principal, deputy or employee; (g), the experience, training or education he has received which, in his opinion, would qualify him to fill the office for which he is a candidate; (h), the length of time he has been a taxpayer in the city; (i), the names and addresses of not less than five (5) nor more than fifteen (15) residents who know something of his character and abilities.

CANVASS OF RETURNS

Section 28. The Council of said city shall meet at its usual meeting place on the first Monday after any municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers, if any.

Canvass
of returns

RESIDENTIAL QUALIFICATION

Section 29. No person shall be eligible to hold any elective office in said city unless he be a resident and elector therein, and shall have resided in said city for at least one year next preceding the date of his election.

Residential
qualification

INITIATIVE, REFERENDUM AND RECALL

Section 30. Ordinances may be initiated, or the referendum exercised on ordinances passed by the Council, under and in accordance with the constitution and general laws of the state, and any elective officer may be recalled from office under and in pursuance of the provisions of the constitution and general laws; provided, however, that in no case shall candidates be elected to fill the place or places of any officer sought to be recalled, but in case of such recall such office shall be deemed vacant and shall be filled by appointment like other vacancies in elective offices; provided, further, that should a majority of the Council be recalled, the City Clerk, City Treasurer, together with the remaining members of the Council, or a majority of them, shall call a special election to fill such vacancies, which shall be held within sixty days of the existence thereof.

Initiative,
referendum
and recall

SCHOOL DEPARTMENT

Section 31. (a) The school system of the city of Burbank shall include kindergartens, primary, grammar, junior high, and senior high schools and such evening schools, parental schools, junior colleges and other schools as are established, or may hereafter be established, by the Board of Education of said City, in the City of Burbank School District, under the constitution and general laws of the State of California.

School
department.

(b) The boundaries of the City of Burbank School District shall be the boundaries now established for the Burbank School District, or that which may hereafter be established for said city, and including all territory annexed to said city for school purposes; provided, that nothing herein contained shall be construed as prohibiting, or in any wise affecting the annexation, for school purposes, of additional outside territory to said City of Burbank School District, in accordance with the general school laws of the State of California.

(c) The government of the schools of the City of Burbank, including the whole of the Burbank School District, shall be vested in a Board of Education composed of five persons who shall be elected at large by the electors qualified to vote at the Burbank School District election, and each of said members of the Board of Education shall have been a resident of said district for at least one year and qualified to participate in said

School
department
(cont'd).

election. The date of election for members of the Board of Education shall be the second Friday in October. This provision shall be effective only after the charter goes into effect. Each member shall serve for a term of five years and until his successor is elected and qualified, one member being elected annually.

The present members of the Board shall serve until the second Friday in October following the expiration of the terms for which they were elected. Three members shall be elected at the election to be held the second Friday of October, 1927, the one receiving the highest number of votes at said election shall hold office until the regular school election held in the year 1932, the one receiving the next highest number of votes at such election shall hold office until the regular school election of 1931, the one receiving the next highest number of votes at such election shall hold office until the regular school election of 1930, and shall continue to hold office thereafter until their respective successors are elected and qualified. Any vacancy in the board shall be filled by a majority of the board until the next school election for members of the Board of Education when a member shall be elected to fill the unexpired term. In the event that three or more vacancies exist in said board at one time, then the County Superintendent of Schools, shall, by appointment, fill all vacancies therein necessary to give said board three members qualified to act. Such appointees shall hold office for the same length of time as appointees of the board. As soon after the adoption of this charter as is practicable the Board of School Trustees shall appoint two additional members who shall serve until the first regular school election to be held the second Friday of October, 1927.

(d) The Board of Education shall appoint a City Superintendent of Schools. The City Superintendent of Schools shall be the chief executive officer working under the Board of Education, and shall enforce all rules and regulations adopted by the Board.

(d) The Board of Education may make rules for governing its own procedure and that of the officials employed by the school district, subject to the general laws of the state.

(f) The meetings of the Board of Education shall be public.

(g) The powers and duties of the Board of Education shall be such as are now, or may hereafter be conferred upon and enjoined on Boards of Education in city school districts by the laws of the State of California and such other powers and duties as are herein set forth.

SOCIAL SERVICE BOARD

Social
service
board.

Section 32. There shall be a board of Social Service appointed by the Council, consisting of five members to serve for five years, which shall have charge of all matters relating to the care and relief of the needy. Said board may establish and maintain an employment bureau, day nursery and similar institutions. They shall serve without compensation.

Said Board shall establish a Public Health Center for maintaining clinics and furnishing medical treatment and advice and first aid for injured, for persons unable to pay for same, also for educating the public in preventive medicine.

The Council may contribute annually such an amount of money to social service work as it deems advisable, but contributions of money or property for such work may be solicited and accepted from other sources.

The Board of Social Service shall render an annual report of its activities and expenditures to the Council.

PUBLIC SERVICE DEPARTMENT

Section 33. There shall be a Public Service Department, which shall have control of the construction, operation and maintenance of all public utilities now or hereafter owned and operated by the city, and of the funds derived therefrom. Public service department.

There shall be a Superintendent of this department appointed by the City Manager. He shall appoint all subordinates in his department, subject to the approval of the City Manager, and he may remove the same, make rules and regulations for the management of the department and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this charter.

The treasurer shall keep the funds of each utility separate. Any funds exceeding fifteen per cent (15 per cent) of the book value of any utility may be invested in State, County, or Municipal bonds, or be transferred to the general fund of the city.

The books of each utility shall be kept in accordance with the state regulations governing the accounting of public utilities, and a report in detail shall be made to the Council monthly.

The Public Service Department shall control the generation, purchase, distribution and sale of electric energy, water, gas, and any other utility owned, operated or distributed by the city and subject to the approval of the Council, may lease or rent any property connected with or appurtenant to any utility and fix the rental charges thereof.

PUBLIC LIBRARY

Section 34. There shall be a Library Board, consisting of five members to be appointed by the Council, each of whom shall serve for a term of five years without compensation. Public library

The Library Board shall have the power and duty:

(1) To manage and control the libraries, branch libraries and reading rooms of the City of Burbank.

(2) To establish, maintain and operate a central library, branch libraries and reading rooms within or without the city.

For the financial support of the Library Department there is hereby appropriated an annual sum of not less than seven-tenths of one mill of assessed value of all real and personal property of the city as assessed for city taxes. Additional

Public
Library
(cont'd).

appropriations may be made from the general city funds. All money arising from either class of appropriations above referred to, or received by the Library from fines, sales, gifts or otherwise in connection with the operation of the Library, shall be placed to the credit of the Library Board in a fund to be known as the Library Fund. No money in the Library Fund shall be used for any purpose other than the financial support of the Library Board.

The Library Board shall have power to control and order, in the manner in this charter provided, the expenditures of all money coming into the Library Fund or from the sale of bonds authorized by the city for financing the work of the Library Board, and to appropriate and extend the same for the purposes of the department, in accordance with the provisions of this charter. Said board may invest any surplus funds under its control in bonds or other evidences of indebtedness of the United States, the State of California, or of any political subdivision thereof, and the income derived therefrom shall be deposited in the City Treasury to the credit of the Library Fund.

The Library Board shall appoint a general manager of the Library department who shall be known as the City Librarian.

The City Librarian shall have power to suspend or remove any officer or employee in the Library department; but no such suspension or removal shall be made except for cause which shall be stated in writing and filed with said Board of Library Commissioners, with certification that a copy of such statement has been served upon the person so suspended or removed personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing, such suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so suspended or removed, file with said board within five days after service upon him of such statement as above provided, shall proceed to investigate the grounds for such suspension or removal. If, in the case of removal, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed, the board shall reinstate him in such position; and if, in the case of a suspension, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal as provided in this section, shall be entitled to receive compensation from the city the same as if such suspension or removal had not been made.

No real property shall be acquired by the city for library sites unless such sites are first approved by the Library Board. Said board shall have full control over all library sites and no such sites shall be devoted to any other purpose in whole or in part without permission from said board.

CITY PLANNING COMMISSION

Section 35. There shall be a Board of Planning Commissioners consisting of the Mayor as an ex-officio member without vote except in case of a tie; one other member of the Council, the City Engineer and four citizens to be appointed by the Council to serve for four years each, without compensation.

Planning
commission

The city Planning Commission shall have and exercise all the powers and duties which are now or may hereafter be granted to or imposed upon said department by state law, and such additional powers and duties as may be granted or imposed by ordinance for the regulation and control of the platting and subdivision of lands.

No ordinance shall be adopted by the Council, creating districts or zones for the purpose of regulating the use of lands, the height, bulk, location or use of buildings therein, and no ordinance changing, amending or altering any such ordinance shall be adopted until it shall have first been submitted to the Board of City Planning Commissioners for report and recommendation.

It shall be the duty of the Planning Commission within thirty days from the receipt of any such request from the Council for its recommendation in regard to any such ordinance shall have first been submitted to the Board of City Planning Commissioners for report and recommendation.

It shall be the duty of the Planning Commission within thirty days from the receipt of any such request from the Council for its recommendation in regard to any such ordinance, to make and file its report thereon with the Council, and should said Board of City Planning Commissioners recommend against the approval of any such ordinance herein mentioned, the Council may adopt such ordinance only upon a four-fifths vote of the whole of said Council. Should the Board of City Planning Commissioners recommend the approval of any such ordinance, or fail to make any recommendation within the time mentioned herein, said Council may adopt such ordinance by a majority vote of the whole board.

All plans for the location of public buildings, public parks or public playgrounds shall be submitted to the City Planning Commission for report and recommendation. Such report shall be advisory only. The department shall make reports and recommendations to the Council and to the various departments of the city government on all matters involving the location of such public improvements.

The City Planning Commission shall initiate studies and make reports and recommendations to the Council and the various departments of the city government on subjects related to the opening and widening of streets and other physical conditions, connected with the development and expansion of the city.

It shall each year render to the Mayor and Council a report of its activities during the year next preceding.

The first City Planning Commission appointed under this charter shall be appointed by the Council for one, two, three and four year terms respectively. Thereafter the members of said board shall be appointed as provided herein. At least three of the four members appointed as first aforesaid shall have been members of the City Planning Commission immediately prior to this charter taking effect.

PARK COMMISSIONERS.

Park commissioners.

Section 36. There shall be a Park Commission consisting of five members to be appointed by the Council each to serve for a term of five years, without compensation. The Department of Parks shall have the power and duty:

(1) To manage and control the parks owned or operated by the City of Burbank.

(2) To establish, maintain and operate parks, with structures therein appropriate to park purposes, within or without the city limits.

(3) To construct and operate, sell, rent or lease, concessions or privileges to be exercised in the parks for the operation of boat houses, refreshment stands, restaurants, amusement places or devices, parcel checking rooms and lockers and other similar purposes;

(4) To establish schedules of charges for special services;

(5) To grant to the Department of Playground and Recreation, the right to establish, maintain and operate playground and recreation facilities on lands under the control of the Department of Parks, upon such terms and conditions as shall be fixed by the Board of Park Commissioners;

(6) To have charge over and care of trees, plants and lawns in parkings along public streets, subject to street improvements authorized by the city.

(7) To appoint a Superintendent of Parks, who shall have general supervision of all Parks, under direction of the Park Commission.

For the financial support of the Department of Parks, there is hereby appropriated an annual sum of not less than one-half of one mill (.0005) of assessed value of all real and personal property of the city as assessed for city taxes. Additional appropriations may be made from the general city funds. All money arising from either class of appropriations above referred to, or received by the Department of Parks from fees, sales, gifts, or otherwise in connection with the operation of the department, shall be placed to the credit of the Department

of Parks in a fund to be known as the Park Fund. No money in the Park Fund shall be used for any purpose other than the financial support of the Department of Parks.

The Board of Park Commissioners shall have power to control and order, in the manner in this charter provided, the expenditure of all money coming into the Park Fund, or from the sale of bonds authorized by the city for financing the work of the Park Department, and to appropriate and expend the same for the purposes of the department, in accordance with the provisions of this charter. Said board may invest any surplus funds under their control in bonds or other evidences of indebtedness of the United States, the State of California, or of any political subdivision thereof, and the income derived therefrom shall be deposited in the City Treasury to the credit of the Park Fund.

No real property shall be acquired by the city for park sites unless such sites are first approved by the Board of Park Commissioners. Said board shall have full control over all park sites and no such sites shall be devoted to any other purpose in whole or in part without permission from said board.

Whenever funds are donated by any person or persons for the acquisition or construction of any building, structure, work or improvement in a public park, and the donor or donors thereof shall, at the time of such donation, request the appointment of a special commission to take charge of the expenditure of such funds and to supervise the construction of such improvement, the Council may, in its discretion, if said proposed improvement will increase the value of such park for park purposes, provide by ordinance for the appointment by the Mayor, subject to confirmation by a majority of the Council, of a special commission to take charge of the supervision of the construction of such improvement and the expenditure of funds donated therefor. In the event funds are donated in the manner provided in this section for the maintenance of any such improvement at the time of the construction thereof or otherwise, the Council may, by ordinance, create a commission to have charge of such maintenance. Any commission appointed under the provisions of this section shall have such power and duties as to such construction or maintenance as may be conferred upon it by ordinance.

All lands belonging to the city which have heretofore or which may hereafter be set apart, or dedicated for the use of the public as a public park, shall forever remain to the use of the public inviolate.

PLAYGROUND AND RECREATION COMMISSION

Section 37: There may be a Playground and Recreation Commission consisting of five members to be appointed by the Council, each to serve for a term of five years, without compensation. The Department of Playground and Recreation shall have the power and duty:

Playground
and
recreation
commission.

Playground
and
recreation
commission
(cont'd).

(1) To manage and control the playgrounds, bath houses, recreation centers, recreation camps owned or operated by the City of Burbank.

(2) To establish, maintain and operate playgrounds, bath houses, recreation centers, recreation camps, recreation beaches and other types of recreation, within or without the city limits;

(3) To aid and promote public recreation;

(4) To construct and operate, sell, rent or lease concessions or privileges to be exercised in the playgrounds, bath houses, recreation centers, recreation camps and recreation beaches, for the operation of boat houses, refreshment stands, restaurants, amusement places or devices, parcel checking rooms, lockers, and other similar purposes;

(5) To establish schedules of charges for special services;

(6) To establish, maintain and operate playground and recreation facilities on lands under the control of the Department of Parks, upon such terms and conditions as shall be fixed by the Board of Park Commissioners, and approved by the Board of Playground and Recreation Commissioners.

(7) To establish, maintain and operate playground and recreation facilities upon portions of public streets upon such terms and conditions as shall be fixed by the Council by ordinance.

(8) To appoint a Superintendent of Playgrounds and Recreation, who shall have general supervision of all Playgrounds and Recreations under the direction of the Playground and Recreation Board.

For the financial support of the Department of Playground and Recreation, there is hereby appropriated an annual sum of not less than one-fifth of one mill of the assessed value of all real and personal property of the city as assessed for city taxes. Additional appropriations may be made from the general city funds. All money arising from either class of appropriations referred to, or received by the Department of Playground and Recreation from fees, sales, gifts or otherwise in connection with the operation of the Department, shall be placed to the credit of the Department of Playground and Recreation in a fund to be known as the "Playground and Recreation Fund." No money in the Playground and Recreation Fund shall be used for any purpose other than the financial support of the Department of Playground and Recreation.

The Board of Playground and Recreation Commissioners shall have power to control and order, in the manner in this charter provided, the expenditure of all money coming into the Playground and Recreation Fund or from the sale of bonds authorized by the city for financing the work of the Playground and Recreation Department, and to appropriate and expend the same for the purposes of the department, in accordance with the provisions of this charter. Said board may invest any surplus funds under its control in bonds or other evidences of indebtedness of the United States, the

State of California, or of any political subdivision thereof, and the income derived therefrom shall be deposited in the City Treasury to the credit of the Playground and Recreation Fund.

No real property shall be acquired by the city for playground and recreation sites unless such sites are first approved by the Board of Playground and Recreation Commissioners. Said board shall have full control over all playground and recreation sites and no such sites shall be devoted to any other purpose in whole or in part without permission from said board.

Until such time as this Playground and Recreation Commission is appointed by the Council, all of the powers and duties of this commission shall be exercised by the Park Commission.

BUDGET

Section 38. Not later than thirty days before the time for ^{Budget.} fixing the annual tax levy, the City Manager shall submit to the Council an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the City Manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give in parallel columns the following information:

(a) A detailed estimate of the expense of conducting each department as submitted by the department.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.

(d) Amount of supplies and material on hand at the date of the preparation of the invoice.

(e) Increase or decrease of requests compared with the corresponding appropriations for the current year.

(f) Such other information as is required by the Council or that the manager may deem advisable to submit.

(g) The recommendation of the manager as to the amounts to be appropriated with reasons therefore in such detail as the Council may direct.

Sufficient copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the Council for inspection by the public, unless the Council shall publish the same in a newspaper.

After duly considering the estimate and preparing the budget the Council shall pass an ordinance levying the annual tax.

CITY IMPROVEMENT FUND

Advertising
fund.

Section 39. The Council may provide a tax of one-half of one mill of assessed valuation of all real and personal property of the city as assessed for city taxes as a fund for assistance of public celebrations, fairs and exhibitions, to aid or carry on the work of inducing immigration to the city, to exhibit manufactured and other products of the city generally for the purpose of advertising the city.

FISCAL YEAR

Fiscal year.

Section 40. The fiscal year of the city shall commence on the first day of July of each year or at such other time as may be fixed by ordinance.

TAXATION

Taxation.

Section 41. Except as otherwise herein provided, the Council, by ordinance, shall provide a system for the assessment, levy, collection and equalization of taxes, which as nearly as may be, shall conform to the system provided by the general laws of the state. Should the Council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate for the current year.

DOLLAR LIMIT

Maximum
tax levy.

Section 42. The amount of the annual tax levy, exclusive of the tax to pay the interest on and maintain the sinking funds of any indebtedness of the city, and exclusive of the tax to pay for the maintenance and improvement of the parks, squares, public grounds and public libraries of the city, shall not exceed the rate of one dollar to each one hundred dollars valuation of the property assessed. The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended by resolution adopted by at least four members of the Council, provided no increase over the dollar limit shall be made in any fiscal year, unless authorized by ordinance adopted by vote of the people.

MUNICIPAL BONDED INDEBTEDNESS

Bonded
indebtedness

Section 43. It shall require the votes of at least two-thirds of all the voters voting at any municipal election to authorize the issuance of any municipal bonds or the incurring or the assumption of any bonded indebtedness by said city.

The requirements of this charter in this regard shall be in addition to any other requirements of the laws of the State of California with reference to such matters.

BOARD OF EQUALIZATION

Board of
equalization.

Section 44. During such years as the city shall collect its own taxes the Council shall meet at its usual meeting place on the second Monday in August of each year, at ten o'clock

a.m. and sit as a Board of Equalization, and shall continue in session by adjournment from day to day until all returns of the Assessor have been rectified and assessments equalized. The Board of Equalization shall have the power to hear complaints, to take testimony under oath, and to correct, modify, strike out, or raise any assessment, provided that notice shall first be given to anyone whose assessment is proposed to be raised.

DEPOSITS WITH TREASURER DAILY

Section 45. All moneys collected for the city by any officer or department thereof shall be paid into the treasury daily. Daily deposits.

PAYMENT OF CITY MONEYS

Section 46. Money shall be drawn from the treasury only upon warrants as herein prescribed. Every demand against the city, when allowed by the Council or proper board, shall be signed by the President and Clerk of such body and a warrant, numbered and dated the same as the demand, issued and signed by the same officers. No demand shall be allowed, approved, audited or paid unless it shall specify each item of the claim and the date thereof. Payment of demands

SURPLUS BOND MONEY

Section 47. All moneys derived from the sale of bonds, including premiums and accrued interest, shall be applied only to the purposes for which the bonds were voted. After such purposes have been fully completed and paid for, any remaining surplus shall be transferred to the bond interest and redemption fund. Bond receipts.

UNIFORM ACCOUNTS AND REPORTS

Section 48. The Council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse city moneys. Uniform accounts

MONTHLY FINANCIAL REPORTS

Section 49. All officers charged by the preceding government of the city or by ordinance with submitting monthly financial reports to the Council, shall submit the same in duplicate, and upon their approval by the Council, one of each of such duplicate reports shall be posted forthwith in the office of the City Clerk in such manner as to be readily assessable to the public, and shall remain so posted until the approval by the Council of the next succeeding financial report when the same procedure shall be followed in relation thereto. The Council in addition to such posting, may, in its discretion, cause any of such reports to be published at any time. Monthly financial reports.

COUNTING THE MONEY

Section 50. The Mayor, City Clerk and City Manager shall together count the money and other securities, in the treasury at least once every three months, and ascertain if the amounts Counting money and securities.

on hand tally with the amounts that should be in the treasury according to the books of the city. They shall make a written report thereof to the Council at its first regular meeting thereafter.

APPROVING ILLEGAL CLAIMS

Approving
illegal
claims.

Section 51. Every officer who shall wilfully and knowingly approve, allow or pay any demand on the treasury not authorized by law, shall be liable to the city individually and on his official bond for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the city.

EXPERT ACCOUNTANT

Accountant.

Section 52. The Council shall employ a certified public accountant annually, or oftener, to investigate the transactions and accounts of all officers or employees having the collection, custody or disbursement of public money or property, or the powers to approve, allow or audit demands on the treasury.

PUBLIC IMPROVEMENTS AND STREET WORK

Public im-
provements.

Section 53. All public improvements, including the improving, widening, opening, extending, and closing of streets, lanes, or alleys, may be done and made in pursuance of the general laws of the state or procedure ordinances adopted by the Council or the electors, and the whole or any portion of the cost thereof paid out of the city treasury or assessed on the property fronting on the improvement, or the district or lands benefited.

CONTRACT WORK

Contract
work.

Section 54. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, or in or about embankments or other works for protection against overflow, and in furnishing any supplies, apparatus, machinery or materials for the City, when the expenditure required for the same shall at any one time exceed the sum of three hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper.

Provided, that the Council may reject any and all bids presented and may re-advertise, in their discretion, and

Provided, further, that after rejecting bids the Council may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

Provided, further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council may, by resolution passed by a vote of four-fifths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed to expend, or enter into a contract involving the expenditure of any sum required in such emergency.

ILLEGAL AND VOID CONTRACTS

Section 55. No member of the Council or of any board, and no officer or employee of the city shall be or become directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the city treasury, nor receive any gratuity or advantage from any contract of person furnishing labor or material for the same. Any contract with the city in which any such officer or employee is or becomes interested may be declared void by the Council. Illegal
and void
contracts.

No officer or employee of the city shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price or rate than that proposed by any other bidder, or favor one bidder over another, giving or withholding information, or wilfully mislead any bidder in regard to the character of the materials or supplies called for, or knowingly accept materials or supplies of a quality inferior to that called for by the contract, or knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received.

Any officer or employee violating any of the foregoing provisions of this section shall be guilty of a misdemeanor and be immediately expelled from his office or employment by the officer or board responsible for his employment.

If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall, if the city so elect, be null and void and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby. In that event the Council may advertise anew for bids for said work or supplies.

Every contract for repairs, alterations, work or improvement and every order for the purchase of materials or supplies involving an expenditure of more than Three Hundred Dollars (\$300.00) shall, except where the repairs, alterations, work, improvement or materials or supplies provided for in said contract shall be deemed an urgent necessity by the board or officer of the city having charge thereof, and so declared by the Council, be in writing, the draft whereof

shall be approved by the board, officer or employee authorized to make the same and signed on behalf of the city by the Mayor or some other person authorized thereto by resolution of the Council in case of a contract authorized by the Council.

FRANCHISES

Franchises.

Section 56. Every franchise or privilege to construct, maintain, or operate any railroad, or other means of transportation in or over any street or highway, or to lay pipes or conduits, or erect poles or wires or other structures in or across any street or highway for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter belonging to the city, shall be granted under and in pursuance of the provisions of the general laws of the state relating to the granting of franchises; provided no new franchise or the renewal of an existing franchise shall be granted except upon condition that at least two per cent (2%) of the gross annual receipts derived from the use of such franchise shall be paid to the city, provided, never-the-less, that the Council may exempt motor transportation vehicles from all or a part of such tax. In all cases the applicant for a franchise shall advance the cost of advertising the same.

Every such franchise shall require the grantee thereof to agree to a joint use of its property by others, wherever practicable, and nothing herein shall be construed as prohibiting the Council from requiring other conditions not inconsistent with the constitution or general laws. No franchise or privilege so granted shall be sold, leased, assigned, or otherwise alienated without the express consent of the Council given by ordinance and subject to the referendum.

OFFICIAL RECORDS

Official records.

Section 57. All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office, provided, the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

Copies or extracts, duly certified from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five cents for certifying.

All officers and boards shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments, in their possession or under their control.

NEWSPAPER ADVERTISING AND PRINTING

Section 58. The Council shall advertise annually for the submission of sealed proposals or bids from all newspapers of general circulation in the city, for the publication of all ordinances and other legal notices required to be published. The newspaper to whom such contract is awarded shall be known and designated as the Official Newspaper. The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

Newspaper
advertising
and printing.

The Council may also advertise annually for sealed proposals or bids for printing and furnishing all letterheads, stationery, tax bills, account books and other printed matter likely to be required during the fiscal year.

Contracts for advertising or printing, as the case may be, shall be awarded to the lowest responsible bidder, provided no contract for advertising shall be awarded to any newspaper except a newspaper of general circulation, as that term is defined by Section 4460, of the Political Code.

PENSIONS

Section 59. No pensions of any kind or character shall be awarded or paid to any active or retired city officials, employee, or member of the police or fire department, unless provided by an initiative ordinance adopted by the electors of the city.

Pensions.

GENERAL LAWS APPLICABLE

Section 60. All general laws of the state applicable to municipal corporations of the sixth class now or hereafter enacted and while in force and effect, and which are not in conflict with the provisions of this charter or with ordinances adopted in pursuance of this charter shall be applicable to the city.

General laws
applicable.

Provided, however, that where this charter and the general laws applicable to municipal corporations of the sixth class now or hereafter enacted are silent upon any right, procedure, duty, obligation or other matter, which is or are provided for in the general laws of this state applicable to municipal corporations for cities other than the sixth class, then and in that event the Council shall have power to adopt by ordinance the statute providing for such right, procedure, duty, obligation or other matter.

INTERFERENCE WITH OR BY CITY MANAGER

Section 61. The members of the Council shall not, nor shall any of them, either directly or indirectly, exact from any candidate for the position of city manager any promise or assurance, or in anywise intimate or suggest to such candidate, that such candidate shall, if appointed as city manager, appoint or employ, or that it is in anywise expected he will appoint or employ, any person who has been or may be discussed, mentioned, referred to, approved, or in anywise

Interference
with or by
city manager.

suggested by any member of the Council or other person, as being fit or qualified to have or hold any position in, or do any work for, the city. Nor shall the members or any member of the Council in anywise, either directly or indirectly, by suggestion or otherwise, coerce or bring any pressure to bear upon the city manager, either to appoint any particular person or persons or class of persons to any position that is or may be vacant, or to give employment of any kind to any such persons, or to discharge any person holding any position or doing any work under the city manager; or to make any purchase of supplies from any particular person, firm, or corporation.

The prohibition herein contained shall not be construed to mean that any member of the Council, or other person, shall in anywise be prohibited from informing the city manager as to any fact within his knowledge which might be of value to the city manager in assisting him to appoint or employ competent, fit, and proper persons under him, or to discharge any incompetent or unfit person appointed by or employed under him, or to prohibit the giving of any information which might be of benefit to him in making an advantageous purchase of materials and supplies.

Neither the City Manager, nor any appointive officer or employee of the city, shall take any active part in securing, or shall contribute money toward, the nomination or election of any elective candidate for municipal office.

SEAL

Seal. Section 62. The Council may by ordinance adopt a seal for the city and a seal for the Police Court.

ADDITIONAL DUTIES OF OFFICERS

Additional duties Section 63. Besides the duties herein specified, all officers and boards shall perform such other appropriate duties as may be prescribed by ordinance or the general laws.

CONTINUING OFFICERS AND EMPLOYEES

Incumbents and existing offices. Section 64. All officers and employees in office or employed when this charter takes effect shall continue to hold office and exercise their respective offices or employment under the terms of this charter until the election or appointment and qualification of their successors, with the powers and duties vested in and imposed upon them by the Charter.

The various offices and departments of the city government established by this Charter shall be the successors of the corresponding offices and departments existing and in effect under the government of this city immediately preceding the date this Charter takes effect.

CONTINUING ORDINANCES IN FORCE

Existing ordinances Section 65. All lawful ordinances, resolutions, and regulations in force at the time this charter shall take effect, and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded.

CONTINUING CONTRACTS IN FORCE

Section 66. All vested rights of the city shall continue and shall not in any manner be affected by the adoption of this Charter; nor shall any right, liability, pending suit or prosecution, either in behalf of or against the city, be affected by the adoption of this Charter. All contracts entered into by the city prior to the taking effect of this Charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and completed.

Vested rights, etc

CLAIMS—DAMAGES

Section 67. All claims for damages against the city must be in writing and filed with the City Clerk within six months after the occurrence from which the damages arose; all such claims shall be verified by at least one of the claimants, or by some one for and on behalf of such claimant or claimants. All claims so filed with the Clerk shall be presented by him to the Council for allowance at their next regular meeting, and unless said Board shall act thereon within four weeks thereafter, such claim shall be deemed to be disallowed and rejected by said Board. No legal action shall be instituted against the city based on any claim for damages, unless a claim for such damages has been first filed as herein provided and the same disallowed or rejected in whole or in part by the Council.

Claims for damages.

CONSTITUTIONAL CLAUSE

Section 68. If any section, subsection, sentence, clause or phrase of this Charter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Charter. The people of the City of Burbank hereby declare that they would have ratified and adopted, and the legislature hereby declares that it would have approved this Charter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Constitutionality

WHEN CHARTER EFFECTIVE

Section 69. For the purpose of holding the municipal election and electing the officers provided herein, this Charter shall go into effect upon its approval by the Legislature. For all other purposes it shall go into full force and effect from and after the seating of the new Council elected hereunder. Within sixty days after their election and induction into office said Council shall appoint a City Manager as herein provided. Should the legislature fail to approve this Charter before February 1st, 1927, the first election hereunder shall be held on the first Tuesday in June, 1927, and the officers elected thereat shall be seated on the Monday following. Thereafter the elections and terms of officers shall be as hereinbefore provided.

Effective.

WHEREAS, On the 12th day of April, 1926, at a special election duly held on that day under and in accordance with

Certificate.

Certificate
(cont'd).

the provisions of Section 8, of Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect J. H. Barnum, W. A. Blanchard, Roy Campbell, L. F. Collins, A. C. Fillbach, Octavia Lesueur, W. E. Lawrence, Ray Ludlow, John Luttge, G. Roy Pendell, J. D. Radcliff, L. M. Rothenburg, Addison Sence, C. A. Thompson, and Earl L. White (who are all electors of said City and eligible as candidates under said sections), as a Board of fifteen freeholders to prepare and propose a Charter for the government of said City; and

WHEREAS, The result of said election was duly declared by the Legislative body, to-wit: The Board of Trustees of said City, on the 19th day of April, 1926, and the said electors thereafter duly qualified as such freeholders in accordance with law, and,

WHEREAS, The period of one hundred eighty days has not expired since the result of said election was declared.

NOW, THEREFORE, In pursuance of the said provisions of the Constitution of the State of California, and within said period of one hundred eighty days after the result of said election was so declared, the said Board of Freeholders has prepared and does now propose the foregoing Charter as and for the Charter of the City of Burbank.

And the said Board of Freeholders does hereby fix and designate Tuesday, the 4th day of January, 1927, as the date for the holding a special municipal election in the said City, at which the said proposed Charter shall be submitted to the electors of said City for their ratification and adoption.

IN WITNESS WHEREOF, We, the undersigned, a majority of the freeholders elected, have hereunto set our hands at the City of Burbank, in the State of California, this 13th day of October, 1926.

(Signed)

W. A. BLANCHARD,

President of the Board of Freeholders.

L. M. ROTHENBURG,
Secretary of said Board.

J. H. BARNUM,
ROY CAMPBELL,
L. F. COLLINS,
A. C. FILLBACH,
OCTAVIA LESUEUR,
RAY G. LUDLOW,
J. D. RADCLIFF,
C. A. THOMPSON,
EARL L. WHITE,
A. SENCE,
JOHN LUTTGE,
WALTER E. LAWRENCE,

Freeholders of the City of Burbank.

Date of 1st Publication Oct. 27, 1926.

State of California
 County of Los Angeles
 City of Burbank } ss.

I, the undersigned, F. S. Webster, do hereby certify that I am the city clerk and ex officio clerk of the board of trustees of the city of Burbank in the county of Los Angeles, State of California; that the foregoing pages number 1 to 49 inclusive, contain a full, true and correct statement of all proceedings affecting, relating or in anywise appertaining to the ratification of the charter of and for the city of Burbank by the qualified electors of said city of Burbank; that the board of trustees of the said city of Burbank did, by resolution duly and regularly authorize and direct me, as such city clerk, to certify hereto, and on behalf of said board of trustees and the said city of Burbank to submit to the Legislature of the State of California the said charter, as ratified and approved by the qualified electors of the said city of Burbank at a special municipal election held therein for that purpose on the fourth day of January, 1927.

[SEAL]

F. S. WEBSTER,
 City Clerk and Ex Officio Clerk
 of the Board of Trustees of
 the City of Burbank.

and,

WHEREAS, said proposed charter has been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; Approval by
Legislature.

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this Resolution and concurring therein), That said charter of the city of Burbank, as presented to, adopted and ratified by the qualified electors of said city of Burbank, be, and the same is, hereby approved as a whole as and for the charter of the said city of Burbank.

CHAPTER 16.

Assembly Concurrent Resolution No. 4—Relating to the purchase of flags for the legislative chambers.

[Filed with Secretary of State January 20, 1927.]

WHEREAS, The flags of the United States and the bear flags hanging behind the desks of the speaker of the Assembly and the president of the Senate should be replaced with new flags; New flags for
Legislature.
 therefore, be it

Resolved by the Assembly, the Senate concurring, That the superintendent of capitol buildings and grounds of the department of finance be directed to procure two American flags and

two bear flags to replace the flags now hanging behind the desks of the speaker of the Assembly and the president of the Senate; and be it further

Resolved, That one-half of the cost of such flags shall be paid from the contingent fund of the Assembly and the remaining one-half shall be paid from the contingent fund of the Senate.

CHAPTER 17.

Assembly Concurrent Resolution No. 7—Relative to the adjournment of the Legislature for the constitutional recess and to the reassembling of the Legislature after said recess and fixing the date for said adjournment and said reassembling.

[Filed with Secretary of State January 20, 1927.]

Constitutional recess.

WHEREAS, Section 2 of article IV of the constitution of the State of California requires that, after the Legislature has been in session for a period not exceeding thirty days, a recess must be taken by both houses for a period of not less than thirty days; therefore, be it

Resolved by the Assembly, the Senate concurring, That the forty-seventh session of the Legislature of the State of California shall adjourn for said recess at twelve o'clock noon on Friday, January 21, 1927, and shall reassemble at the hour of twelve o'clock noon on Wednesday, February 23, 1927.

CHAPTER 18.

Senate Concurrent Resolution No. 4—Approving amendment to the charter of the county of San Bernardino, State of California.

[Filed with Secretary of State January 21, 1927.]

San Bernardino county charter amendments

WHEREAS, The county of San Bernardino, State of California, has at all times herein mentioned, been, and now is a body politic and corporate, and is now and has been, since the seventh day of April, 1913, organized and acting under and by virtue of a charter adopted under and by virtue of section seven and one-half of article eleven of the constitution of the State of California; which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the fifth day of November, 1912; and

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of amendment to said charter, set out in a certificate of the chairman of the board of supervisors and the county clerk and ex officio clerk of the board of supervisors, of the county of San Bernardino, to wit:

State of California,
County of San Bernardino. } ss.

Certificate of County Clerk of the County of San Bernardino, State of California, and Chairman of the Board of

Supervisors of San Bernardino County, State of California, as to the adoption and ratification of a certain amendment to the Charter of said County of San Bernardino, submitted to the qualified electors of said county on the 2nd day of November, 1926.

San Bernar-
dino county
charter
amendments
(cont'd)

PREAMBLE.

BE IT KNOWN THAT:

WHEREAS, the County of San Bernardino, State of California, has at all times mentioned herein been and now is a body politic of said State of California, and is now and has been since the 7th day of April, 1913, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the 5th day of November, 1912, and approved by the Legislature of the State of California, on the 7th day of April, 1913; (Statutes 1913, page 1652, et seq.) and

WHEREAS, on the 20th day of September, 1926, the Board of Supervisors of said San Bernardino County, pursuant to the provisions of Section 7½ of Article XI of the Constitution of said State, duly proposed to the qualified electors of said county an amendment to the charter of said county by the submission of a proposal for such amendment to said electors at the general election to be held November 2nd, 1926, and at the same time said Board duly ordered that said proposal be submitted to the qualified electors of said county for ratification or rejection at said general election, and further duly ordered that said proposal should be forthwith published ten times in the San Bernardino Daily Sun, a daily newspaper of general circulation, printed, published and circulated in said county; and in said proposal, said proposed amendment was set forth in full and at length, and was and is in the words and figures hereinafter set forth; and,

WHEREAS, thereafter, said proposal was duly published in full and at length in said newspaper for ten times, and on the following dates, to-wit: September 22nd, 22rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, October 1st, 1926, and as often during said time as said newspaper was regularly published; and said general election at which said proposal was submitted to the vote of the qualified electors of said county was not less than thirty days nor more than sixty days after the publication of said proposal, as aforesaid; and,

WHEREAS, immediately subsequent to said publication, said Board of Supervisors duly prescribed the form and title to be printed on the general election ballot to be used at said general election for the submission of said proposal, which said form and title in hereinafter set forth, and in which said form and under which said title, said proposal appeared on said ballots; and,

WHEREAS, subsequent to said publication and at least twenty-five days prior to November 2nd, 1926, the County

San Bernar-
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amendments
(cont'd).

Clerk of said County duly filed in his office a notice of election, among other things, and in addition to all other matters required by law, stated that said proposal would be submitted to the qualified electors of said county at said general election held November 2nd, 1926, and said Clerk, immediately after filing said statement, as aforesaid, also caused a copy of said notice to be posted in a prominent place in his office, and delivered one copy of such notice to the inspector appointed for each precinct at said general election, and on said notice, said proposal appeared in the form and by the title so prescribed by said Supervisors and in the form and by the title said proposal appeared upon said ballot; and,

WHEREAS, at said general election, said proposal was duly submitted to the vote of the qualified electors of said county, and appeared on the general ballot at said election in the following form, to-wit:

CHARTER AMENDMENT

COUNTY OF SAN BERNARDINO CHARTER AMENDMENT NUMBER SIX OF SAN BERNARDINO COUNTY

"Shall the charter of the County of San Bernardino be amended by repealing Sections 5a and 5b of Article II of said charter and amending Section 5 of said article II to read as follows: 'Section 5: The annual salaries of each of the following county officers shall be as follows, to-wit: Sheriff, \$3,600.00; County Clerk, \$2,500.00; County Recorder, \$2,400.00; County Treasurer, \$2,400.00; Tax Collector and Ex-Officio License Collector, \$2,400.00; District Attorney, \$2,700.00; Public Administrator and Ex-Officio Coroner, \$1,800.00; County Auditor, \$2,400.00; County Assessor, \$2,400.00; County Superintendent of Schools, \$2,400.00; Horticultural Commissioner, \$2,400.00. 'Provided, however, that the compensation of all the aforementioned officers and all other county officers, including the compensation of fish and game wardens, probation and other officers as are now or may be hereafter provided by general law or by this charter, except a member of the Board of Supervisors, may be fixed by the Board of Supervisors by ordinance passed by unanimous vote of the members of such Board of Supervisors. 'Section 5½: Sections 5a and 5b and all other provisions of said charter in conflict with the foregoing proposed amendment are hereby repealed.' "

And opposite said proposal to be voted upon, and to the right thereof, and on separate lines, were printed the words "YES" and "NO", with voting squares thereafter and in addition thereto, said ballot contained all other matters and things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposal was duly and regularly submitted to said qualified electors, in strict compliance with law, and after full compliance with

each and every provision of law relating to the amendment of county charters; and,

WHEREAS, the County Clerk of said San Bernardino County mailed a printed copy of said proposed Amendment enclosed in an envelop with a sample ballot, to each qualified elector within said County of San Bernardino, at least ten days prior to the said 2nd day of November 1926; and,

WHEREAS, the returns of said general election held in the County of San Bernardino on the said November 2nd, 1926, at which election said proposal was submitted to the vote of the qualified electors of said County, were made to and canvassed by the Board of Supervisors of said County of San Bernardino, and it appeared therefrom and was so declared by the Board of Supervisors, that 8410 votes were cast in favor of said proposal and that 8283 votes were cast against said proposal and it appeared therefrom that a majority of the qualified electors of the County of San Bernardino voting thereon, at such general election, voted in favor of the said proposal and said proposed amendment, and said Board of Supervisors thereupon ordered and declared that said proposed amendment was ratified; and,

WHEREAS, said Amendment so ratified by the electors of the County of San Bernardino, at said general election held on November 2nd, 1926, is now submitted to the Legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now

THEREFORE, the undersigned, C. E. Grier, Chairman of the Board of Supervisors of the County of San Bernardino, State of California, and Harry L. Allison, County Clerk and ex-Officio Clerk of the Board of Supervisors, San Bernardino County, State of California, authenticating their signatures with the official seal of said Board of Supervisors, do hereby certify that said amendment to said charter of said County, so ratified by the majority of the electors voting thereon at said general election held on the 2nd day of November, 1926, as submitted to said electors is in the words and figures as follows, and is and shall, if so approved by said Legislature be in the words and figures following, to-wit:

“CHARTER AMENDMENT NUMBER SIX

That the charter of the County of San Bernardino shall be amended by an amendment to be known as “County Charter Amendment Number Six,” repealing Sections 5a and 5b of Article II, and by amending Section 5 of said Article II of said charter to read as follows:

“Section 5: The annual salaries of each of the following county officers shall be as follows, to-wit: Salaries.

Sheriff, -----	\$3,600.00
County Clerk, -----	2,500.00
County Recorder, -----	2,400.00
County Treasurer, -----	2,400.00

Tax Collector and Ex-Officio License Collector, -----	\$2,400 00
District Attorney, -----	2,700.00
Public Administrator and Ex-Officio Coroner, -----	1,800.00
County Auditor, -----	2,400.00
County Assessor, -----	2,400.00
County Superintendent of Schools, -----	2,400.00
Horticultural Commissioner, -----	2,400.00

“Provided, however, that the compensation of all the aforementioned officers and all other county officers, including the compensation of fish and game wardens, probation and other officers as are now or may be hereafter provided by general law or by this charter, except a member of the Board of Supervisors may be fixed by the Board of Supervisors by ordinance passed by unanimous vote of the members of such Board of Supervisors.

Repealed.

“Section 5½: Sections 5a and 5b and all other provisions of said charter in conflict with the foregoing proposed amendment are hereby repealed.”

Certificate.

And we further certify hereby that the facts set forth in the preamble of this certificate preceding said amendment to said charter are and each of them is true,

And, for and on behalf of said County of San Bernardino, we, being hereinbefore duly authorized, do hereby request the legislature of the State of California, to approve said amendment to said charter as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of said Board of Supervisors of San Bernardino County, State of California, this 2nd day of December, 1926.

C. E. GRIER,
Chairman of the Board of Supervisors,
San Bernardino County, State of California.

ATTEST: HARRY L. ALLISON,
County Clerk and Ex-Officio Clerk of
the Board of Supervisors, San Bernardino County, State of California.

Approval by
Legislature

WHEREAS, Said proposed amendment to the charter of the County of San Bernardino has been submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section seven and one-half of article eleven of the constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting for the adoption of the resolution and concurring therein, That said amendment to the charter

of the County of San Bernardino, as proposed, adopted and ratified by the electors of the said county of San Bernardino, and as hereinbefore set forth be, and the same is hereby approved as a whole without amendment or alteration, as an amendment to and as a part of the charter of the County of San Bernardino.

CHAPTER 19.

Senate Concurrent Resolution No. 12—Approving eleven certain amendments to the charter of the city of Stockton, State of California, ratified by the qualified electors thereof, at a general municipal election held therein on Tuesday, October 12, 1926.

[Filed with Secretary of State January 21, 1927.]

WHEREAS, The city of Stockton in the county of San Joaquin, State of California, contains a population of over forty thousand as ascertained by the last preceding census taken under the authority of the congress of the United States, and has been ever since July 2, 1923, and now is, organized and acting under a freeholders charter adopted under and by virtue of section 8, article XI of the constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held for that purpose on the twenty-eighth day of November, 1922, and approved by the Senate of the State of California on January 22, 1923, and by the Assembly of the State of California on January 24, 1923, and filed with the secretary of state on January 29, 1923, which said freeholders charter is printed in full in chapter 7 of concurrent and joint resolutions and constitutional amendments passed at the regular session of the forty-fifth Legislature of the State of California and found in Statutes of 1923 at page 1321 and following; and

Stockton
city charter
amendments

WHEREAS, proceedings have been had for the adoption and ratification of certain amendments to the charter of the city of Stockton as set out in the certificate of the mayor and city clerk of the city of Stockton, to wit:

CERTIFICATE OF THE ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF STOCKTON AT A GENERAL MUNICIPAL ELECTION HELD THEREIN ON THE 12TH DAY OF OCTOBER, 1926, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF STOCKTON, STATE OF CALIFORNIA.

State of California,
County of San Joaquin, } ss.
City of Stockton.

We, R. J. Wheeler, mayor of the city of Stockton, and A. L. Banks, city clerk of the city of Stockton, do hereby certify as follows:

That the said city of Stockton in the county of San Joaquin, State of California, is now and at all of the times mentioned

Stockton
city charter
amendments
(cont'd).

herein was a city containing a population of more than forty thousand inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

That said city of Stockton is now and at all of the times herein mentioned was organized and existing under a freeholders charter adopted pursuant to the provisions of section 8, article XI of the constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the twenty-eighth day of November, 1922, and approved by the Legislature of the State of California on the twenty-fourth day of January, 1923 (Stat. 1923, page 1321), and filed with the secretary of state of the State of California on January 29, 1923; and

That pursuant to section 8 of article XI of the constitution of the State of California, the legislative body of said city, i.e., the city council of said city, did on its own motion and pursuant to the provisions of said article and section of the constitution of the State of California duly propose to the electors of the city of Stockton fourteen amendments to the charter of said city and order that said amendments be submitted to the electors of said city at the general municipal election to be held in said city on the twelfth day of October, 1926; and

That said fourteen proposed amendments were and each of them was on said second day of September, 1926, duly published in the Stockton Daily Independent, a daily newspaper published and circulated in the city of Stockton and the official newspaper of said city, said paper having been designated for said purpose by the said city council; and

That said proposed amendments were printed in pamphlet form and on September 2, 1926, a notice was published in said Stockton Daily Independent that copies of the same could be had by application at the office of the city clerk of said city; and

That said city council did by Resolution No. 7882, which was duly adopted on the first day of September, 1926, order and direct that said amendments be voted upon at the general municipal election to be held in said city on October 12, 1926; and

That said general municipal election was held in the said city of Stockton on the twelfth day of October, 1926, which said day was more than forty days and less than sixty days after said proposals of amendments to the charter of said city of Stockton had been published once in said Stockton Daily Independent as aforesaid, and within six months next preceding the regular session of the forty-seventh Legislature of the State of California;

That at such general municipal election held as aforesaid on said twelfth day of October, 1926, a majority of the qualified voters of said city of Stockton voting thereon voted in favor

of eleven of said proposals of amendments to the charter of the city of Stockton and duly ratified the same;

That said proposals of amendments to the charter of the city of Stockton as aforesaid were and are amendments numbered 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14; and

That all other amendments received less than the majority of the votes of the qualified voters voting thereon and were rejected; and

That the city council of said city of Stockton after duly and regularly canvassing the returns of said municipal election at the time and in the manner and form prescribed by law duly found, determined and declared that a majority of the qualified voters of the city of Stockton voting thereon had voted for and ratified the proposals of amendments to the charter of the city of Stockton numbered 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, and 14; and

That a majority of the qualified voters of the city of Stockton voting thereon had voted against and rejected proposals of amendments to the charter of the city of Stockton known as amendments numbered 5, 6, and 7; and

That said proposals of amendments to the charter of the city of Stockton ratified by the electors of said city, as aforesaid, are in the words and figures as follows, to wit:

AMENDMENT NO. 1.

That Sec. 23 of Art. IV, be amended to read as follows, to-wit:

Sec. 23. At least once in every two years the city clerk shall cause the publication in pamphlet form of all amendments to the charter and of all ordinances and amendments thereto, which shall have been adopted or enacted since the last similar publication. Said publication shall also include all franchises and contracts for the use of city property by public utilities privately owned. Ordinances purchasing or leasing land and ordinances granting revocable permits need only be published by giving the title and number thereof.

Publication
of charter
amendments,
ordinances,
etc.

AMENDMENT NO. 2.

That Sec. 2, Art. VI, be amended to read as follows, to-wit:

Sec. 2. The Council shall consist of nine members who shall be elected on a general ticket, one from each of the nine districts of the City of Stockton, as hereinbefore specified, or, in the event the city council shall hereafter re-district the city, one from each of the nine districts so established by the city council.

Council

Each member of the City Council shall be elected by the electors of the entire city and shall hold office for a term of four years beginning January 1st next after their election and until their successors are elected and qualified, except those councilmen elected for full terms at the election on October 12, 1926, whose term of office shall not commence

until January 1, 1928; provided that the first election held after the adoption of this amendment shall be on the second Tuesday in October, 1929, and provided further that the term of office of the various councilmen or their successors shall expire, in accordance with the classification into which they were divided at the first meeting of the council under this charter, on December 31, 1927, December 31, 1929, and each two years thereafter.

At each general municipal election after the first under this charter the number of councilmen to be elected shall be equal to the number of terms to expire, under the aforesaid provisions, on the ensuing 31st day of December, to-wit: alternately, four or five.

Each member of the City Council must have been a resident and qualified elector of the City of Stockton, or territory legally annexed thereto, for a period of not less than five (5) years, and a resident and qualified elector in the district from which he is nominated for a period of not less than six (6) months, next preceding the day of his election or the date of his appointment.

No member of the city council shall be interested in the profits or emoluments of any contract, job, work, or service for the municipality. Any member who shall cease to possess any of the qualifications herein required, shall forthwith forfeit his office, and any such contract in which any member is or may become interested, may be declared void by the council.

Any member of the council moving from his district during his term, shall automatically forfeit his office, the same to be refilled by the council from the electors of that district. Absence from five consecutive regular meetings, unless excused by resolution of the council, shall operate to vacate the seat of any member so absent.

If a vacancy shall occur in the office of councilman, the council shall appoint a person to fill such vacancy. Such vacancy in the council shall be filled by the council from the electors of the district in which the vacancy occurs. If at any municipal election held under the provisions of this charter, a councilman be not elected from each district by reason of a tie vote among any of the candidates therefor, then the council, after the qualifications of the persons elected to the office of councilman at such election, shall select by lot one of the persons receiving such tie vote to fill such office. In each case, the person so appointed shall hold office, until the next general municipal election.

AMENDMENT No. 3.

That Sec. 4, Art. VI, be amended to read as follows, to-wit:

Police judge.

Sec. 4. The police judge shall be elected at the general municipal election on a general ticket from the city at large.

To be eligible for the office of police judge a person must have been a citizen of the United States and a qualified elector of the State of California and of the City of Stockton for at least two (2) years, and for a like period, a practicing attorney admitted to practice in all of the courts of the state.

The police judge shall hold office for a term of four years beginning the first day of January next after his election and until his successor is elected and qualified, and the first election to be held after the adoption of this amendment for the election of a police judge and other municipal officers shall be held on the second Tuesday in October, 1929.

If a vacancy shall occur in the office of police judge, the council shall appoint a person to fill such vacancy. If at any general municipal election held under the provisions of this charter, a police judge be not elected by reason of a tie vote among any of the candidates therefor, then the council shall select by lot one of the persons receiving such tie vote to fill such office. In each case, the person so selected shall hold office until the next general municipal election.

AMENDMENT No. 4.

That Article XIII be amended to read as follows, to-wit:

ARTICLE XIII.

DEPARTMENT OF ENGINEERING.

ORGANIZATION.

Sec. 1. The department of engineering shall consist of a ^{Department of engineering} city engineer, and such other officers, clerks, employees and attaches, as the council may from time to time prescribe. The city engineer shall be appointed by the city manager, and shall serve during his pleasure. The city engineer shall appoint, with the approval of the city manager, a superintendent of streets and such assistants, clerks, officers, employees, and attaches of his department as may be prescribed by the council who shall serve during the pleasure of the city engineer.

CITY ENGINEER.

Sec. 2. The city engineer shall be a civil engineer of not ^{Engineer.} less than five years' experience as such.

POWERS AND DUTIES.

Sec. 3. The city engineer shall possess the same power ^{Powers and duties of engineer.} in the city in making surveys, plats, and certificates as is given by law to city engineers and county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity given by law to those of city engineers or county surveyors. All maps, plans, profiles, field notes, estimates, and other memoranda of surveys and other professional work made or done by him or under his direction or control shall be the property of the city.

Powers and
duties of
engineer
(cont'd).

He shall be the custodian of, and responsible for all maps, plans, profiles, field notes, and other records and memoranda belonging to the city, pertaining to his office and the work thereof, and he shall keep complete statistical records covering the investigation, design, construction, maintenance, and operation of all municipal works done under the direction of his office, all of which he shall keep in proper order and condition with full indices thereof, and shall turn the same over to his successor who shall give him duplicate receipts therefor, one of which he shall file with the auditor.

He shall have charge of, and be responsible for the investigation, design, construction, maintenance of reservoirs, filtration plants or other accessories necessary or desirable for the development and distribution of any water supply owned or operated by the city, of any municipal flood control works, for the control, storage, disposal or distribution for any purpose whatsoever of flood waters, and of any municipal hydroelectric development, whether within or without the corporate limits of the city.

He shall have charge of and be responsible for the planning, opening, construction, paving, maintenance, and repair of streets, boulevards, alleys, avenues, courts, lanes, levees, places, and public ways; the cleaning and sprinkling of streets; the sewers, sewage system and disposal works, the collection and disposal of garbage, the city incinerator, the corporation yards, the materials and equipment, the municipal garages, the aero-landing fields and the levees for flood protection of the city.

He shall have charge of and be responsible for the investigation, planning, designing, construction, repair, maintenance and operation of all bridges, wharves, docks, chutes, ships, quays, harbor improvement and waterfront property; of all mechanics, machinists, and other laborers in the employ of the city and of the enforcement of all rules and regulations pertaining thereto. He shall also perform such other duties relating to his department as may be required of him by the city manager.

SERVICE TO OTHER DEPARTMENTS.

Service
to other
departments

Sec. 4. It shall be the duty of the city engineer, subject to the approval of the city manager, to furnish any department of the city such service, labor, and materials as may be requisitioned by the head of such department.

Work for
school board

Sec. 5. The city engineer may be directed by the city manager to perform work for the board of education of the Stockton school district, or for the County of San Joaquin, either within or without the corporate limits of the city, using any branch of the organization of the city engineering department therefor. Bills therefor shall be rendered by the city manager and fees collected shall be paid to the city auditor, accompanied by a statement of the service rendered. The city engineer shall do no private work during the term of his office.

AMENDMENT No. 8.

That Article XIV be amended to read as follows, to-wit:

ARTICLE XIV.

DEPARTMENT OF PUBLIC HEALTH.

Sec. 1. The department of public health shall consist of the city surgeon and such other officers and employees as the city council may prescribe. Department of public health.

Sec. 2. The city surgeon shall hold a degree of Doctor of Medicine and shall be licensed to practice medicine in the State of California and shall have had at least two years experience as a practitioner. Surgeon.

Sec. 3. The city surgeon shall be in charge of the emergency hospital and, quarterly, commencing on January 1st, he shall submit to the city manager a report concerning the work and condition of the hospital and any recommendations which he may have concerning the conduct of the same for the future. Duties.

Sec. 4. The city surgeon shall be appointed by the city manager. Appointment.

Sec. 5. The emergency hospital is hereby designated the Hewlett Emergency Hospital. Hospital.

Sec. 6. The city shall have the power under existing state laws or such as hereafter may be enacted to continue to carry on all public health work, other than that of the conduct of the Hewlett Emergency Hospital, through the San Joaquin Local Health District or such other agency to whom the city council may lawfully delegate such power. Public health work.

Sec. 7. The city council may prescribe such regulations or create such agencies or employments as it may deem necessary for the study or promotion of the health or sanitation of its inhabitants and do all things necessary in connection therewith to effectuate the purpose of the city council in this regard. Study and promotion of health.

AMENDMENT No. 9.

That Article XV be amended to read as follows, to-wit:

ARTICLE XV.

DEPARTMENT OF PUBLIC WELFARE.

Sec. 1. The city council may by ordinance create a department of public welfare which shall be under the supervision and control of the city manager. Department of public welfare.

AMENDMENT No. 10.

That Sec. 3, Art. XXI, be amended to read as follows, to-wit:

Sec. 3. Said police court shall have exclusive jurisdiction of all misdemeanors punishable by fine or by imprisonment or by both such fine and imprisonment committed within the corporate limits of the city. It shall also have exclusive jurisdiction of all actions for the recovery of any fines, penalties or forfeitures prescribed for the breach of any ordinance of Jurisdiction of police court.

the city, of all actions founded upon any obligation or liability created by any ordinance and of all prosecutions for any violation of any ordinance. Said police court shall have jurisdiction, in all civil cases, concurrently with the justices' court of all actions and proceedings arising within the corporate limits of the city and which might be tried in such justices' court. The rules of practice and mode of proceeding in said police court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of San Joaquin County, from all judgments of said police court, in like manner and with like effect as in cases of appeals from justices' courts.

AMENDMENT NO. 11.

That Sec. 1 of Art. XXII, be amended to read as follows, to-wit:

Department
of finance.

Sec. 1. The department of finance shall consist of the city auditor, city treasurer, and city purchasing agent.

AMENDMENT NO. 12.

That Sec. 2 of Art. XXII be amended to read as follows, to-wit:

Cost
accounting
system

Sec. 2. The city auditor shall install and maintain a system of cost accounting. This system of cost accounting shall be in charge of an experienced accountant, who shall be a deputy auditor.

AMENDMENT NO. 13.

That Sec. 2, Art. XXIII, be amended to read as follows, to-wit:

Furnishing
of plans, etc.

Sec. 2. The furnishing of plans, drawings or specifications for any proposed public building or public work, if not prepared or furnished by the regular city employees, shall be done by such person or under such rules as the city council may designate or prescribe.

AMENDMENT NO. 14.

That Sec. 2, of Art. XXIV be amended to read as follows, to-wit:

General city
elections.

Sec. 2. The first general municipal election after the adoption of this amendment shall be held in the City of Stockton on the second Tuesday in October in the year 1929, and subsequent general municipal elections shall be held on the second Tuesday in October every two years thereafter.

Certificate

That the foregoing is a full, true and correct copy of said proposals of amendments to the charter of the city of Stockton ratified by the electors of said city as aforesaid, on file in the office of the city clerk of said city of Stockton.

In witness whereof, R. J. Wheeler, mayor of the city of Stockton, and A. L. Banks, city clerk as aforesaid, have hereto set their hands and caused the corporate seal of the city

of Stockton to be thereunto affixed on this thirteenth day of January, 1927.

[SEAL]

R. J. WHEELER,
Mayor of the City of Stockton,
A. L. BANKS,

City Clerk of the City of Stockton.

WHEREAS, said proposals of amendments to the charter of the city of Stockton ratified by the electors of said city, as aforesaid, have been submitted to the Legislature of the State of California for approval or rejection without alteration or amendment in accordance with section 8 of article XI of the constitution of the State of California; now therefore, be it

Approval by
Legislature

Resolved by the Senate of the State of California, the Assembly concurring, a majority of the members elected to each house voting therefor and concurring therein, That said proposals of amendments to the charter of the city of Stockton ratified by the electors of said city as aforesaid after being presented to, adopted and ratified by the qualified electors of said city of Stockton as hereinabove fully set forth be and the same are and each of them is hereby approved as a whole without amendment or alteration as amendments to and a part of the charter of the city of Stockton.

CHAPTER 20.

Assembly Concurrent Resolution No. 11—Relative to amendments to the charter of the city of Berkeley, after due ratification by the qualified electors of said city at a city election properly held.

[Filed with Secretary of State January 21, 1927.]

WHEREAS, The city of Berkeley, State of California, contains a population of over fifty-six thousand inhabitants, and has been ever since the first day of July, 1909, and is now organized and acting under a freeholders' charter adopted under and by virtue of section 8 of article XI of the constitution of the State of California, and which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the thirtieth day of January, 1909, and approved by the Legislature of the State of California, on the fourth day of March, 1909 (Statutes of 1909, page 1208); and

Berkeley
city charter
amendments.

WHEREAS, The legislative authority of said city, namely, the council thereof, duly proposed to the qualified electors of the city of Berkeley, three certain amendments to the charter of said city by submission of three proposals, entitled as follows, to wit:

CHARTER AMENDMENT No. 1.

Describing and setting forth a proposal to the qualified electors of the city of Berkeley, county of Alameda, State of California, to amend the charter of said city by adding thereto

Berkeley
city charter
amendments
(cont'd).

a new section to be known as section 49½ of article IX, so as to provide for the establishment and expenditure of a "Civic Celebration Fund" by the council of the city of Berkeley.

CHARTER AMENDMENT NO. 2.

Describing and setting forth a proposal to the qualified electors of the city of Berkeley, county of Alameda, State of California, to amend the charter of the said city by amending section 5½ of article III thereof, so as to clarify the preferential system of voting.

CHARTER AMENDMENT NO. 3.

Describing and setting forth a proposal to the qualified electors of the city of Berkeley, county of Alameda, State of California, to amend the charter of said city by amending section 68 of article XI of the charter of said city, so as to permit of the publication of official advertising in the official newspaper of the city of Berkeley, or by posting in the discretion of the city council of the city of Berkeley.
and,

WHEREAS, Said three proposals above mentioned containing said proposed amendments to said charter were, in accordance with the provisions of section 8 of article XI of the constitution of the State of California, published for one day after their passage in the "Berkeley Daily Gazette," a daily newspaper of general circulation published in said city of Berkeley, and the official newspaper of said city; and

WHEREAS, Copies of said proposals containing said proposed amendments were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described and as required by law, an advertisement was published in said "Berkeley Daily Gazette," that such copies could be had upon application therefor at the office of the city clerk; and

WHEREAS, Such copies could be had upon application therefor at the office of the city clerk until the date fixed for the election hereinafter described; and

WHEREAS, The legislative body of said city by its resolution No. 15475-N. S. adopted on the twenty-first day of September, 1926, did order the holding of a special municipal election in said city of Berkeley, on the second day of November, 1926, said day being at least forty days after the completion of publication of said proposed amendments for one day in said official paper of said city of Berkeley, to wit, the "Berkeley Daily Gazette," and not more than sixty days after the completion of said publication, and did provide in said resolution for the submission of the proposed charter amendments numbers one, two, and three, to the qualified electors of said city for their ratification at said election; and

WHEREAS, Said election was duly called and held on said second day of November, 1926, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify two of the proposed amendments

to said charter, to wit, charter amendment numbers two and three; and

WHEREAS, The returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found and determined and declared by the proper officers thereunto duly and properly authorized that a majority of the qualified electors of said city voting thereon had voted for and ratified two of the said proposed amendments to said charter, to wit, charter amendments number two and three; and

WHEREAS, Said amendments to the charter so ratified by a majority of the qualified electors of said city voting at said election, to wit, charter amendments numbers two and three, are in words and figures following, to wit:

CHARTER AMENDMENT No. 2.

DESCRIBING AND SETTING FORTH A PROPOSAL TO THE QUALIFIED ELECTORS OF THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, TO AMEND THE CHARTER OF THE SAID CITY BY AMENDING SECTION 5½ OF ARTICLE III THEREOF, SO AS TO CLARIFY THE PREFERENTIAL SYSTEM OF VOTING.

That Section 5½ of Article III of the Charter of the City of Berkeley be amended to read as follows:

Rules for Counting Ballots:

Section 5½. Ballots cast for the election of elective officers shall be counted and the results determined by the election authorities according to the following rules:

(1) On all ballots a cross shall be considered equivalent to the figure I. So far as may be consistent with the general election laws, every ballot from which the first choice of the voter can be clearly ascertained shall be considered valid.

(2) The ballots shall first be counted at the several voting precincts according to the first choices of the voters. At each voting precinct the ballots declared invalid by the precinct officials shall be put up in a separate package, properly marked on the outside. All the packages of the precinct, together with a record of the precinct count, shall be promptly forwarded to the central election authorities as directed by them and the counting of the ballots shall proceed under their direction.

(3) After the review of the precinct count by the central authorities and the correction of any errors discovered therein, the first-choice votes for each candidate shall be added and tabulated. This completes the first count.

(4) In all cases where only one office is to be filled (Mayor, Auditor, etc.) the candidate, the number of whose votes on the first count equals the majority of votes cast for that office, shall then be declared elected. If no candidate has a majority the lowest candidate shall be excluded and his votes only shall

Counting
of ballots

Counting
of ballots
(cont'd).

be scrutinized again and his second choice votes shall be added to the votes of the other candidates, the preferences indicate. The candidates shall in this manner be successively excluded until only two are left and the candidate having the majority vote between these two shall be declared elected.

(5) In all cases where more than one office of like character is to be filled (Council, Board of Education, etc.) all candidates the number of whose votes on the first count equal the majority of votes cast at the election shall then be declared elected.

(6) If a sufficient number of candidates do not receive the majority, provided for in the last section, to fill all the offices to be filled and there are more candidates remaining than the number of such offices to be filled, the candidate receiving the lowest vote for the office shall be excluded; his votes only scrutinized again and the second choice votes added to the votes of the other remaining candidates as the preferences indicate. The candidates shall in this manner successively be excluded until either a sufficient number of candidates have received a majority, as above defined, to fill the offices to be filled, or until there is left only one candidate more than the number of offices to be filled, and in such latter event those receiving the highest number of votes for the office, although less than a majority, shall be declared elected; and in like manner if there are no more candidates for an office than the number of places to be filled all candidates shall be declared elected although they receive less than a majority of the votes cast at the election.

(7) Any tie vote not otherwise provided for in this section shall be decided by lot.

(8) The ballots shall be preserved by the election authorities until the end of the term for which the officers are elected.

Any recount of the ballots shall be made by the central election authorities in accordance with this section except that the references to voting precincts may be neglected. In any recount every ballot shall be made to take the same course that it took in the original counting unless there is a discovered mistake that requires its taking a different course or unless some candidate has become ineligible since the original counting. In either of these cases any required changes shall be made in the courses taken by the ballot. These principles shall apply also to the correction of any error that may be discovered during the original counting.

(9) The candidates or their agents, representatives of the press, and, so far as may be consistent with good order and with convenience in the counting and transferring of the ballots, the public shall be afforded every facility for being present and witnessing these operations.

Repealed.

That subsections 21, 22, 23 and 24 of Section 5 of Article III and all portions of said Charter in conflict with the foregoing provisions be and the same are hereby repealed.

CHARTER AMENDMENT No. 3.

DESCRIBING AND SETTING FORTH A PROPOSAL TO THE QUALIFIED ELECTORS OF THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, TO AMEND CHARTER OF SAID CITY BY AMENDING SECTIONS 68 OF ARTICLE XI OF THE CHARTER OF SAID CITY, SO AS TO PERMIT OF THE PUBLICATION OF OFFICIAL ADVERTISING IN THE OFFICIAL NEWSPAPER OF THE CITY OF BERKELEY, OR BY POSTING IN THE DISCRETION OF THE CITY COUNCIL OF THE CITY OF BERKELEY.

That Section 68 of Article XI of the Charter of the City of Berkeley, California, be amended to read as follows:

ADVERTISING :

Section 68. The Council shall annually call for advertising, and a contract therefor shall be awarded to the lowest responsible bidder whose paper has a general circulation in the City of Berkeley of at least five hundred. Advertising.

Provided, that the Council may reject all bids, if in its opinion the bid of the lowest responsible bidder is not reasonable, and may again call for bids; or may designate as the official paper a newspaper of general circulation in the City of at least five hundred and which shall have been established at least one year.

Provided, that the Council may in its discretion post notices and copies of all matters required by this Charter to be published in ten prominent places in the City of Berkeley, said places to be fixed by ordinance. Such posting shall be sufficient publication of any matter required by this Charter to be published.

City of Berkeley, }
County of Alameda, } ss.
State of California. }

This is to certify that we, Frank D. Stringham, mayor of the city of Berkeley, and E. M. Hann, city clerk of said city, have compared the foregoing proposed and ratified amendments to the charter of the city of Berkeley, with the original proposals, submitting the same to the electors of the said city at a special election held on Saturday, the second day of November, 1926, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true. Certificate

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said city of Berkeley, this fourteenth day of January, 1927.

FRANK D. STRINGHAM,
Mayor of the City of Berkeley.

E. M. HANN,
City Clerk of the City of Berkeley.

[SEAL]

Approval by
Legislature.

WHEREAS, The said proposed amendments are now submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section 8, article XI of the constitution of the State of California; now, therefore, be it

Resolved by the Assembly, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the said charter herein set forth as presented and ratified by the qualified electors of said city be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to, and as part of the charter of said city of Berkeley.

CHAPTER 21.

Senate Joint Resolution No. 2—Relative to the policy of caring for the Indians of California by the expenditure of federal appropriations through state agencies.

[Filed with Secretary of State January 21, 1927.]

Caring for
Indians
by state
agencies.

WHEREAS, There is now pending in congress of the United States a bill known as the Swing-Johnson bill, numbered 8821 in the house of representatives, providing that funds appropriated for the care and relief of the Indians of California under the direction of the secretary of the interior shall be expended through certain public agencies of the State of California; and

WHEREAS, The California state board of health, state department of education and the state department of public welfare are excellently equipped to handle such federal appropriations and administer the relief which they are designed to accomplish for the Indians of California; and

WHEREAS, The health, economic welfare and education of the Indians of California is a matter in which the people of this state have a growing concern; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That the Legislature of the State of California does hereby heartily endorse the principles embodied in said Swing-Johnson bill pending before the congress of the United States and believes that the best interests of the Indians of California will be served by its speedy enactment; be it further

Resolved, That copies of this resolution be forwarded to the chairman of the committee on Indian affairs of the house of representatives, chairman of the committee on Indian affairs of the United States Senate, and to the secretary of the interior of the United States, as well as to each of the senators and representatives in congress of the State of California.

CHAPTER 22.

Assembly Joint Resolution No. 2—Relating to the time when members elected to congress shall take their seats.

[Filed with Secretary of State January 27, 1927.]

WHEREAS, Under the existing conditions, newly elected members of congress do not take their seats in congress, unless at a special session, until the elapse of more than a year after their election; and,

Time when congressmen take seats.

WHEREAS, Members of congress who are not reelected continue to serve and vote for their constituents for the duration of the short session of congress although their successors have been elected; and

WHEREAS, Such conditions are not productive of the best interests of the people of the United States; therefore be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California earnestly petitions congress to submit a constitutional amendment to the several states which would provide that members of congress should take their seats within a short time after their election; and be it further

Resolved, That the chief clerk of the Assembly is hereby directed to send copies of this resolution to the president and vice president of the United States, to each member of the senate and house of representatives of the United States and to the governors of each of the several states.

CHAPTER 23.

Assembly Joint Resolution No. 6—Relating to the re-creating of the position of United States district judge for the northern district of California.

[Filed with Secretary of State January 27, 1927.]

Resolved by the Assembly, and the Senate jointly, That owing to the death, in the month of May, 1926, of United States District Judge John S. Partridge, leaving but two United States District Judges to function in the Northern District of California, and in view of the greatly congested calendars in the federal courts both in San Francisco and in Sacramento, and the exigencies of the public interests and litigation requiring immediate relief, the congress of the United States be respectfully requested and urged to recreate, at the present session of congress, the position of United States District Judge for the Northern District of California made vacant by the death of United States District Judge John S. Partridge.

Additional U. S. district judge.

CHAPTER 24.

Assembly Joint Resolution No. 7—Relating to an act of congress of the United States restraining immigration of aliens ineligible to citizenship and a proposed act changing the right to naturalization.

[Filed with Secretary of State January 27, 1927.]

Immigration
and natural-
ization

WHEREAS, In 1921 the Legislature of the State of California by appropriate resolution urged upon the congress and federal administrative and executive officers the necessity for the continued adherence to the policy of the United States, restricting the right of citizenship and likewise protested against any attempt by treaty or otherwise to permit the immigration of ineligible aliens; and

WHEREAS, In 1924 after full investigation and consideration congress by general law prohibited the immigration of aliens ineligible to citizenship; and

WHEREAS, Various organizations have since the passage of said act persistently sought to influence congress to recede from such policy, and the adherence to said policy has been urged by the American Legion, American Federation of Labor, the Grange, and the Native Sons of the Golden West, the first three of which organizations have annually in their last three conventions by resolutions expressed their continued support of the congressional action; and

WHEREAS, There is now pending in congress a bill which is directly antagonistic to the general immigration act of 1924, and entirely out of harmony with the national policy on this subject, because said measure, to wit., the Copeland bill, S. 4505, would make eligible to American citizenship three hundred million Hindus; now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of this state protests against the passage of said bill and against any character of action designed to modify the present immigration laws and reaffirms its belief that the privilege of American citizenship should continue to be restricted as at present, and that the privilege of immigration should be extended only to those people who may become citizens of the United States; and be it further

Resolved, That the senators and representatives in congress from the State of California be urged to present the seriousness of the present situation to the attention of their colleagues and to the departments of the federal government, and to use all honorable means to prevent modification of the present naturalization and exclusion laws; and be it further

Resolved, That the chief clerk of the Assembly of the State of California be and he is hereby authorized and directed to transmit a copy of this resolution to each member of the senate and house of representatives of the United States.

CHAPTER 25.

Assembly Joint Resolution No. 9—Amending Assembly Joint Resolution No. 1, relating to the appointment of a committee to negotiate with committees from the states of Arizona and Nevada for the purpose of settling the respective rights of California, Arizona and Nevada in and to the waters of the Colorado river system, adopted January 6, 1927.

[Filed with Secretary of State January 27, 1927.]

WHEREAS, On the 6th day of January, 1927, the Legislature adopted Assembly Joint Resolution No. 1, providing, among other things, for the appointment of a committee of three to negotiate with committees from Arizona and Nevada, relative to the rights of said respective states in and to the waters of the Colorado river, and

Colorado
river
committee

WHEREAS, It is desirable that the committee representing the State of California in said negotiations be increased to five members, so as to correspond in number with the committees representing said other states; now therefore, be it

Resolved, by the Assembly and Senate of the State of California jointly, that the members of the committee provided for in and by said Joint Resolution No. 1, be and the same is hereby increased to five members, to be appointed as provided in said Joint Resolution No. 1.

CHAPTER 26.

Assembly Concurrent Resolution No. 8—Relative to joint rules of Senate and Assembly.

[Filed with Secretary of State January 27, 1927.]

Resolved by the Assembly, the Senate concurring, That the following be adopted as the joint rules of the two houses of the Legislature for its forty-seventh session:

Joint rules

JOINT RULES OF SENATE AND ASSEMBLY.

COMMITTEES AND COMMITTEE MEETINGS.

STANDING COMMITTEES.

1. Subject to the right of either house to appoint additional committees, the following standing committees shall be appointed in the Senate and Assembly, the number of members and the manner of selection to be determined by the rules of each house:

Standing
committees

- (1) Agriculture.
- (2) Banking.
- (3) Building and loan associations.
- (4) Civil service.
- (5) Commerce and navigation.

Standing
committees
(cont'd).

- (6) Conservation.
- (7) Corporations.
- (8) Constitutional amendments.
- (9) County government.
- (10) Drainage, swamp and overflowed lands.
- (11) Education.
- (12) Elections.
- (13) Federal relations.
- (14) Finance in the Senate and ways and means in the Assembly.
- (15) Fish and game.
- (16) Hospitals and asylums.
- (17) Insurance.
- (18) Irrigation.
- (19) Judiciary.
- (20) Labor and capital.
- (21) Manufactures.
- (22) Military affairs.
- (23) Mines and mining.
- (24) Municipal corporations.
- (25) Oil industries.
- (26) Prisons and reformatories.
- (27) Public health and quarantine.
- (28) Public morals.
- (29) Public utilities.
- (30) Revenue and taxation.
- (31) Roads and highways.
- (32) Rules.

JOINT COMMITTEES.

Joint
committees

2. Joint standing committees of Senate and Assembly shall be appointed as follows:

- (1) Committee on revision and printing, to consist of three (3) members from the Senate and five (5) from the Assembly.
- (2) Committee on joint rules, to consist of the members of the rules committee of each house.

JOINT MEETING OF COMMITTEES.

Joint
meetings

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

BILLS AND RESOLUTIONS.

SCOPE OF WORD "BILL."

"Bill."

4. Whenever the word "bill" is used in these rules it shall include constitutional amendments, joint and concurrent resolutions.

JOINT AND CONCURRENT RESOLUTIONS.

5. Joint resolutions are those which relate to matters connected with the federal government. All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions. Joint and concurrent resolutions.

RESOLUTIONS TREATED AS BILLS.

6. Joint resolutions, concurrent resolutions and constitutional amendments shall be treated in all respects as bills; except that they shall be read but one time in each house, and that they shall not be deemed bills within the meaning of section 2 of article IV of the constitution, and shall not be referred to the committee on introduction of bills, and shall not require a vote to authorize their introduction. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon. Resolutions treated as bills.

PREPARATION AND INTRODUCTION OF BILLS.

TITLE OF BILL.

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient. Title.

DIVISION OF BILL INTO SECTIONS.

8. Bills amending more than one section of existing laws shall contain a separate section for each section amended. Sections.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

CHANGES FROM EXISTING LAWS TO BE MARKED BY AUTHOR.

9. In case of a bill amending a code section, or general law, all omissions must be shown by the insertion of heavy parentheses or brackets without including the omitted matter; all additions must be shown by underlining the new matter. When printed, the new matter so underlined shall be enclosed in heavy brackets in the printed bill and also heavy brackets shall be retained to show omissions. Changes marked.

COMMITTEE ON REVISION AND PRINTING TO EXAMINE BILLS WHEN INTRODUCED.

10. Unless otherwise ordered by the house in which the bill was introduced, all bills before being printed shall be immediately sent to the committee on revision and printing, which shall examine the bill, with the aid of the legislative counsel bureau. The committee, by and with the written assent of the author filed with it, shall have authority to correct any clerical error such as in orthography, adding or correcting the enacting clause, mistakes in numbering sections and references Committee on revision and printing to examine bills

thereto, errors in grammar, phraseology, or in the form of the bill; *provided*, that no bill which bears the stamp of the legislative counsel bureau showing that before introduction it has been examined as to form, shall be sent to the committee on revision and printing.

NOTE.—The submission of bill copy to legislative counsel bureau for approval of form before introduction will expedite its course.

BILLS INTRODUCED TO INDICATE CHANGES IN EXISTING LAWS.

Rules to be observed.

11. The committee on revision and printing shall see to it that rules 7 and 9 of these joint rules are observed by the author, and that the bill shall not be sent to the printer until the provisions of these rules have been carried out.

REPORTS OF COMMITTEE ON REVISION AND PRINTING.

Reports of committee.

12. The committee on revision and printing shall return to the secretary of the Senate or chief clerk of the Assembly all bills in the order in which they were sent to it, but shall not retain any bill for longer than three legislative days, unless otherwise ordered.

ENDORSEMENT OF DATE OF INTRODUCTION.

Endorsement

13. Bills introduced in either house shall be endorsed with the date of introduction.

PRINTING AND DISTRIBUTION OF BILLS.

MANNER OF PRINTING BILLS, ETC.

Manner of printing bills, etc

14. The state printer shall observe the following directions in printing all bills, constitutional amendments, joint and concurrent resolutions:

(a) The body of such bills and resolutions shall be printed in solid unspaced form so that the same type shall be used both before and after enrollment.

(b) All titles of bills, resolutions, etc., shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only *provided, however*, that concurrent resolutions approving city or county or city and county charters or amendments thereto may be set in smaller type and without line numbers.

(d) Enrolled bills may be inclosed in stock cover.

PRINTING OF AMENDMENTS.

Printing of amendments.

15. All bills amended by either house shall be immediately reprinted; in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in type bearing a horizontal line through the center, and commonly known as "strike out" type.

When a bill is amended in either house, the first or previous markings shall be omitted. When a bill amendatory of a code section is engrossed, all figures or symbols shall be removed.

DISTRIBUTION OF BILLS DURING CONSTITUTIONAL RECESS.

16. All requests for mailing or distribution by the members shall be filed with the secretary of the Senate or chief clerk of the Assembly, who shall compile the same with the elimination of duplication as a general mailing list. The distribution of bills, constitutional amendments, joint and concurrent resolutions shall be systematized as follows: Members' desks and legislative officers' files one hundred fifty full sets; to authors fifty copies of their own bills; accredited newspaper representatives twenty-five; to public and law libraries, newspapers, county officials, and other civic, commercial, fraternal or industrial organizations as the secretary of the Senate and chief clerk of the Assembly may compile from the recommendations of the members of both houses, one thousand two hundred copies; to state officers, state library and secretary of state, two hundred copies; to legislative committees, bill room files and public requests—confined to single copies of bills designated, one thousand copies. The state printer shall cause to be printed in the standard form adopted by the Senate and the Assembly as many copies of all bills, constitutional amendments and joint or concurrent resolutions as may be necessary to conform to the provisions of this rule.

Distribution of bills during constitutional recess

A similar number and distribution shall be made of the semi-final history and final calendar.

DISTRIBUTION OF BILLS AFTER CONSTITUTIONAL RECESS.

17. Following the recess, new bills introduced shall be forwarded to the public libraries and law libraries only, and one copy each of amended bills as may be requested. Weekly histories and journals shall be distributed generally, following the recess, upon such schedule as the secretary of the Senate and chief clerk of the Assembly may designate.

Subsequent distribution of bills

OTHER LEGISLATIVE PRINTING.

PRINTING OF THE DAILY JOURNAL.

18. The state printer shall print one thousand copies of the journal of each day's proceedings of each house; at the end of the session he shall also print a sufficient number of copies, properly paged after being corrected and indexed by the secretary of the Senate and chief clerk of the Assembly, to bind in book form as the journal of the respective houses of the Legislature as required by law.

Printing of daily journal

WHAT SHALL BE PRINTED IN THE JOURNAL.

19. The following shall always be printed in the journal of each house:

Contents of journal

(a) Messages from the governor and messages from the other house, and the titles of all bills, joint and concurrent

resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house, and the title and text of joint and concurrent resolutions and constitutional amendments when adopted by the house; *provided*, that in the case of a concurrent resolution approving the adoption of a charter or charter amendments of any kind, the text of such charter or charter amendments need not be printed in the journal.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial, or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a committee of the whole.

PRINTING OF THE DAILY FILE.

Printing of
daily file

20. A daily file of bills ready for consideration shall be printed each day for each house, and copies of the file of each house shall be distributed each day to all of the members of both houses.

PRINTING OF HISTORY.

Printing
of history.

21. Each house shall cause to be printed on Monday of each week, during the session, a complete history of all bills, joint or concurrent resolutions and constitutional amendments originating in, or acted upon by the respective houses.

Such history shall show the action taken upon each measure up to and including the legislative day preceding its issuance.

For each legislative day intervening there shall be printed a supplementary history showing the action taken upon any measure since the issuance of the complete history. A regular form shall be prescribed and no other form shall be used.

Immediately following the adjournment for the constitutional recess the history shall be compiled and printed to date of recess.

AUTHORITY FOR PRINTING ORDERS.

Authority
for printing
orders.

22. The superintendent of state printing shall not print for use of either house any matter other than provided by law or by these rules, except upon a written order signed by the secretary of the Senate or the chief clerk of the Assembly. The secretary of the Senate and the chief clerk of the Assembly may also, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

RECORD OF BILLS.

SECRETARY AND CHIEF CLERK TO KEEP REGISTER.

Register.

23. The secretary of the Senate and the chief clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

SECRETARY AND CHIEF CLERK SHALL ENDORSE BILLS.

24. The secretary of the Senate and the chief clerk of the Assembly shall endorse on every original bill a statement of any action taken by the Senate and Assembly. Endorsing bills

ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER.

BILLS READ AND REFERRED TO COMMITTEE.

25. When a Senate bill has been received by the Assembly or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the secretary or the chief clerk and referred to a standing committee by the presiding officer, unless otherwise ordered by the house. Bills read and referred.

AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY.

26. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate messages" or "Assembly messages"), read the first time, unless otherwise ordered by the house, and shall then be assigned to the proper committee, unless otherwise ordered, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with observance of this rule. After bill has passed one house

SPECIAL FILE.

27. On the second day after the close of the recess provided for in section 2, article IV of the constitution, the Senate and Assembly shall each adopt and provide a special file upon which shall be placed: In the Senate, only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock p.m. of each day in the Assembly and at two o'clock and thirty minutes p.m. of each day in the Senate and be considered at least one hour and a half after being so taken up unless its consideration shall be completed in a lesser period of time. This rule shall not be suspended in either house except by a three-fourths vote of such house. Special file.

REPORTS FROM ONE HOUSE TO THE OTHER AS TO ACTION ON BILL.

BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER, REQUIRES NOTICE.

28. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed. Notice of rejection.

EACH HOUSE TO TRANSMIT PAPERS.

29. Each house shall transmit to the other papers on which any bill or resolution shall be founded. Transmittal of papers.

NOTICES TO BE IN WRITING UNDER PROPER SIGNATURES.

Notices in writing and signed.

30. Notice of the action of either house to the other shall be in writing, and under the signature of the secretary of the Senate or the chief clerk of the house from which such notice is to be conveyed.

SECRETARY, CHIEF CLERK, ETC., TO DISPATCH MESSAGES.

Dispatch of messages.

31. Messages shall be sent to the other house by an officer or attache to be designated by the secretary, if it be a Senate message, or by the chief clerk if it be an Assembly message.

MESSAGES MUST BE ANNOUNCED BY THE SERGEANT-AT-ARMS.

Announcement of message.

32. When a message shall be sent from either house it shall be announced at the door by the sergeant-at-arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

PASSAGE AND ENROLLING OF BILLS.

PASSAGE OF BILLS TAKING EFFECT IMMEDIATELY.

Bills to take effect at once.

33. Each house shall act in the usual course upon all bills that may be made to take effect immediately, under the provisions of section 1, article IV of the constitution.

PASSAGE OF URGENCY PROVISIONS IN BILLS.

Passage of urgency provisions

34. Upon the third reading of an act which is an urgency measure within the meaning of section 1, article IV of the state constitution, the presiding officer shall direct that the section of said act setting forth the facts constituting the necessity for such urgency (which shall be known as the urgency section) be then read and put to vote. The question shall be thus stated: "Shall this section setting forth the urgency features of this bill be passed?" If upon such final vote two-thirds of all the members elected to the house in which the vote is being taken shall not vote in the affirmative, no further action shall be taken on the bill; but, in case an identical bill without such an emergency clause be again introduced into such house, such bill shall be placed on file without reference to any committee.

PASSAGE OF BILLS PRECEDING FINAL ADJOURNMENT.

Passage of bills preceding final adjournment

35. No Senate bill shall be passed by the Senate and no Assembly bill shall be passed by the Assembly within seven days of the time set for adjournment sine die of the two houses of the Legislature, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the presiding officer thereof.

ENROLLMENT OF BILL AFTER PASSAGE.

Enrollment.

36. After a bill shall have passed both houses, it shall be duly enrolled after being carefully compared, by the engrossing and enrolling clerk and committee of the house in which it originated, with the engrossed bill, as passed in the two houses.

It shall then receive the signatures provided for in joint rule 37, and be presented to the governor of the state.

ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.

37. After a bill shall have been thus passed in each house, it shall be presented by the engrossing and enrolling committee of the house in which it originated to the governor of the state for his approval (it being first endorsed by the presiding officers of the two houses, and by the secretary of the Senate and the chief clerk of the Assembly). The said committee shall report the day of presentation to the governor, which time shall be carefully entered on the journal of the house in which the bill originated. Presentation of bill to governor.

AMENDMENTS AND CONFERENCES.

AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED.

38. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the secretary or assistant secretary of the Senate, or the chief clerk or assistant clerk of the Assembly, as the case may be; *provided, however*, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated. Amendments to be attached

TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

39. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the secretary or chief clerk shall notify the house making the amendments and the bill shall be ordered to enrollment. To concur or refuse to concur in amendments

WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR.

40. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the secretary or the chief clerk shall notify the house making the amendments of such refusal, and ask that they recede from their amendments. If they refuse to recede, the presiding officer shall appoint a committee of three (3) on conference and the secretary or the chief clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the When other house refuses to concur

difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first senator named on the conference committee shall act as chairman of the committee from the Senate, and the first assemblyman named on such committee shall act as chairman of the committee from the house, and the chairman thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The committee on conference shall report to both the Senate and Assembly.

COMMITTEE ON CONFERENCE.

Committee
on
conference.

41. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective chairmen of the committees.

COMMITTEE ON FREE CONFERENCE.

Committee
on free
conference

42. If the conference fail to agree or either house refuse to adopt the report of the committee, a committee on free conference shall then be appointed, which shall consist of three members from each house, to be constituted and appointed in the same manner as a committee on conference. The committee on free conference is hereby directed to include in its report any amendments which it may adopt as a committee, and such amendments shall be attached to the bill.

The report of the committee on free conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a committee on conference shall be appointed a member of a committee on free conference on the same bill.

WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER.

When
conference
committee
report is
in order.

43. The presentation of the report of a committee on conference or free conference shall always be in order, except when the journal is being read or a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

MISCELLANEOUS PROVISIONS.

Miscel-
laneous
provisions

44. The committee on joint rules shall be empowered to compile a list of suggestions as to the form of bills and resolutions prepared for introduction into the Legislature.

PRESS RULES.

45. A person desiring recognition by the Senate or Assembly ^{Press rules.} as a newspaper correspondent shall make application in writing to the president of the Senate or speaker of the Assembly.

(a) The applicant shall state in writing the name of the newspaper or newspapers he represents and that he is not engaged, and will not become engaged as a lobbyist for any person, copartnership, corporation or interest and that he is not and will not become the agent or representative of any person, copartnership, organization or corporation in advocating or attempting to defeat any measure pending in either branch of the Legislature, that he is not employed in any executive, administrative or legislative department of the state government and will not become so employed while accepting the privileges of a press representative.

(b) It shall be the duty of the president of the Senate and the speaker of the Assembly to assign one or more rooms for the exclusive use of correspondents during the legislative session, which room shall be known as the press room. The press room shall be under the control of the superintendent of the capitol building and grounds; *provided*, that all rules and regulations shall be approved by the president of the Senate and speaker of the Assembly.

ADJOURNMENT.

46. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution; ^{Adjournment} and the resolution for adjournment sine die shall be passed by both houses at least fourteen days before the date of such adjournment.

JOINT ADDRESS TO GOVERNOR.

47. When the Senate and Assembly shall judge it proper to make a joint address to the governor, it shall be presented to him in his audience chamber by the president of the Senate in the presence of the speaker of the Assembly and a select committee of six members from each house appointed by the respective presiding officers. ^{Joint address to governor.}

DISPENSING WITH JOINT RULES.

48. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and joint rules twenty-seven and thirty-five can be dispensed with only in the manner provided for in said joint rules. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the president or speaker may direct the secretary or the chief clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived. ^{Dispensing with joint rules.}

CHAPTER 27.

Assembly Concurrent Resolution No. 5—Approving the charter of the city of Porterville, State of California, ratified by the qualified electors of said city at a special election held therein on the fifth day of October, 1926.

[Filed with Secretary of State January 27, 1927.]

Porterville
city charter.

WHEREAS, The city of Porterville, in the county of Tulare, State of California, is now and at all times herein referred to was a city containing a population of more than three thousand five hundred (3500) inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

WHEREAS, Said city of Porterville is now, and at all times herein mentioned was a municipal corporation duly organized and existing under the general laws of the State of California, as a city of the sixth class; and

WHEREAS, Proceedings have been duly had in and by the said city of Porterville for preparation, proposal, adoption and ratification of a charter for the government of the said city of Porterville, all as set out in the following certificate of the president of the board of trustees, and the city clerk of the said city of Porterville, to wit:

State of California, }
County of Tulare, } ss.
City of Porterville, }

That we, the undersigned, A. F. Kessing, President of the Board of Trustees of the City of Porterville, State of California, and W. R. Means, City Clerk of said City of Porterville, do hereby certify and declare as follows:

That the City of Porterville, County of Tulare, State of California is now, and at all times hereinafter referred to, was a city containing a population of more than thirty-five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said City of Porterville is now and at all the times herein mentioned was duly organized and existing under the general laws of the State of California, as a city of the sixth class;

That pursuant to the provisions of Section VIII of Article XI of the constitution of the State of California, the Board of Trustees of the City of Porterville which was then and there the legislative body of said city, did by two-thirds vote of all its members, pass a resolution calling a special election to be held in said City of Porterville on the 2nd day of February, 1926, for the purpose of choosing a board of fifteen freeholders to prepare and propose a charter for the government of said City of Porterville;

That due notice of such election was given as required by law; Porterville
city charter
(cont'd)

That at said election held on the 2nd day of February, 1926, a Board of fifteen Freeholders was chosen by the electors of said city, to prepare and propose a charter for the government of said city, the names of said freeholders so chosen being as follows:

E. M. Hammond,	W. C. Little,
John A. Scott,	Marcus M. Jones,
Lois Shippey,	J. F. Wright,
Cora Lee Baker,	Guy Knupp,
Olive A. Bell,	E. L. Long,
Alice E. Lamkin,	C. C. Howell,
Waldo E. Burford,	and
Marcus Elmo DeWitt,	Thomas B. Coull;

That the returns of said election were canvassed, and the result thereof declared by the Board of Trustees of the City of Porterville, on the 8th day of February, 1926, and all of said electors thereafter duly qualified as such freeholders in accordance with law;

That before the expiration of one hundred twenty (120) days after the result of said election was declared, to-wit, on the 17th day of May, 1926, said Board of Freeholders did determine and declare that the period of one hundred twenty (120) days was insufficient for the preparation and proposal of a charter for the government of said city, and did thereupon on said 17th day of May, 1926, with the consent of the legislative body of said City, to-wit, the Board of Trustees of said city, extend the said period of one hundred twenty (120) days for an additional period of sixty days;

That prior to the expiration of said period as so extended, the Board of Freeholders did prepare and propose a charter for the government of said City of Porterville, which charter was signed by all of the members of said Board of Freeholders, and was filed in the office of the City Clerk of the City of Porterville on the 31st day of July, 1926, and that said Board of Freeholders did before such filing, fix and designate on said charter the 5th day of October, 1926, as the date upon which said charter should be submitted to the electors of the City of Porterville for their ratification;

That thereupon said Board of Trustees of the City of Porterville by resolution duly called and ordered the holding of a special election in the City of Porterville on the 5th day of October, 1926, and gave notice of the holding of said election as required by law, and that at said election there was submitted to the qualified electors of the said city the question whether said proposed charter as prepared and filed by said Board of Freeholders should be ratified and adopted as the charter for the government of the City of Porterville;

That within fifteen days after the filing of said charter, said Board of Trustees caused the same to be published one time, to-wit: on the ----- day of -----, 1926, in the

Porterville Daily Recorder, which was then and there a newspaper of general circulation printed and published in said city, and the official paper of said city;

That said Board of Trustees caused copies of said proposed charter to be printed in convenient pamphlet form and kept in the office of the City Clerk of said city, which printing was completed not later than fifteen days after the filing of said proposed charter, and also from the date of the printing of said pamphlet copies of said charter until the date fixed as aforesaid for the election upon said charter, said Board of Trustees gave notice that such copies of said charter could be had from the City Clerk upon application therefor, which said notice was published in the Porterville Daily Recorder, a newspaper of general circulation published in said City of Porterville;

That said election was duly and regularly called and held on the 5th day of October, 1926, and that at said election a majority of the qualified electors voting thereon voted for and in favor of such proposed charter and for the ratification and adoption thereof;

That the Board of Trustees of said City of Porterville at a meeting thereafter held, as required by law, did duly canvass the returns of said election, and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of such proposed charter, and for the ratification and adoption thereof, and that the same was ratified by a majority of the qualified voters of the said City of Porterville;

That said charter so prepared, proposed and filed and ratified, as herein set forth, together with the certificate and signatures of said Board of Freeholders attached thereto, are in words and figures as follows, to-wit:

“SECTION 1. NAME.

Name.

The municipal corporation now existing and known as the “City of Porterville” shall remain and continue a body politic and corporate, as at present, in fact and in law, by the name of the “City of Porterville,” and by such name shall have perpetual succession.

SECTION 2. BOUNDARIES.

Boundaries.

The boundaries of the City of Porterville shall continue as now established until changed in some manner authorized by law.

SECTION 3.

Existing rights, etc.

The City of Porterville shall remain vested with and continue to have, hold and enjoy, all property, rights of property, and rights of action of every nature and description, now pertaining to said municipality, and is hereby declared to be the successor of the same. No right, liability, pending suit or prosecution on behalf of, or against, the city shall be affected by the adoption of this charter. All contracts entered into by

the city prior to the taking effect of this charter shall continue in full force and effect.

SECTION 4.

The City of Porterville, by and through its Council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the constitution and which it would be competent for this charter to set forth particularly or specifically; and the specification herein of any particular powers shall not be held to be exclusive or any limitation upon this general grant of powers. The City shall have and use a common seal and the official seal heretofore adopted and now in use by said City shall continue to be the official seal of said City.

General
grant of
powers.

SECTION 5. ELECTIONS.

General municipal elections shall be held in said City on the first Tuesday in April of each odd-numbered year under and pursuant to the provisions of the general laws of the State of California governing elections in cities of the sixth class, so far as the same may be applicable, and except as herein otherwise provided. The first general election in said City under this charter shall be held on the first Tuesday of April, 1927. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections, and shall be held substantially as in this charter provided for general municipal elections; provided, however, that special elections to authorize any municipal or local public improvement, or the levy of assessments therefor, or to create a municipal bonded indebtedness, shall be held in conformity with any general law of the state relative thereto under which any such proceeding is instituted by the Council, in case such general law provides for the procedure and manner of holding elections thereunder.

Elections.

SECTION 6. INITIATIVE, REFERENDUM AND RECALL.

Ordinances may be initiated, or the referendum exercised on ordinances passed by the Council, under and in accordance with the constitution and general laws of the state, and any elective officer may be recalled from office under and in pursuance of the provisions of the constitution and general laws; provided, however, that in no case shall candidates be elected to fill the place or places of any officer sought to be recalled, but in case of such recall such office shall be deemed vacant and shall be filled by appointment like other vacancies in elective offices; provided, further, that should a majority, or more, of the Council be recalled, the City Clerk shall call a special election to fill such vacancies, which shall be held within sixty days of the existence thereof. Petitions for exercising the initiative, referendum or recall, shall not be circulated, but shall be deposited for signatures in the office of the City Clerk. Notice of the deposit thereof shall be given by

Initiative,
referendum
and recall.

publication three or more times in one or more newspapers published and circulated in said City. The Council shall provide by ordinance the detailed procedure for carrying out the provisions of this section.

SECTION 7. ELIGIBILITY OF ELECTIVE OFFICERS.

Eligibility
of elective
officers

No person shall be eligible to hold any elective office in said city unless he be a resident and elector therein, and shall have resided in said city for at least one year next preceding the date of his election.

Except as otherwise provided in this charter, all administrative officials, and where practicable, all employees of the City, shall be, or shall become within sixty days after appointment, residents of the city.

In employment, married men shall be given preference over unmarried men.

SECTION 8. ELECTIVE OFFICERS.

Elective
officers

The elective officers of the City of Porterville shall be five Councilmen, who shall be elected from the City at large at a general municipal election therein.

SECTION 9. THE COUNCIL.

Council.

The legislative body of the City shall consist of five persons elected at large, which body shall be known as the Council.

The members of the Council shall be elected by the qualified voters of the City at a general municipal election to be held therein every odd-numbered year as hereinbefore provided. They shall hold office for the period of four years from and after the Monday next succeeding the day of their election, and until their successors are elected and qualified; provided, the respective terms of the members of the first Council elected under this charter shall be as follows: the two persons elected by the highest number of votes shall hold office for four years, and the three persons elected by the lowest, number of votes shall hold office for two years. In the event that two or more persons shall be elected by the same number of votes, their terms shall be fixed by lot.

The members of the Council shall not receive any compensation, nor shall they be eligible to any other office or employment with the City.

The Council shall choose one of their number to serve as President of the Council to be known as Mayor. The Council shall also choose one of the number to serve as Vice President, and he shall act as Mayor pro tempore in case of the absence, sickness or other disability of the Mayor.

The Council shall meet at its usual meeting place on the first Monday after any municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers, if any.

All powers granted to and vested in the City of Porterville by law or by the provisions of this charter, shall, except as herein otherwise provided, be exercised by the Council to be

designated the "Council of the City of Porterville." The Council shall be the governing body of the City and subject to the express limitations of this Charter shall be vested with all the powers necessary or convenient for a complete and adequate system of municipal government, consistent with the constitution of the State.

SECTION 10. MEETINGS OF THE COUNCIL.

The Council shall provide by ordinance for the time and place of holding its meetings and the manner in which its special meetings may be called; provided, however, that there shall be at least one regular meeting in each month. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes.

All meetings of the Council shall be held in the City Hall, unless by reason of fire, flood or other disaster, the City Hall cannot be used for that purpose, and all meetings shall be open to the public. The Council shall adopt rules for conducting its proceedings and may punish its members or other persons present at any meeting for disorderly conduct.

SECTION 11. QUORUM.

A majority of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of or action upon, pending business in like manner. Attendance at meetings of absent members of the Council may be compelled in such manner and under such penalties as may be prescribed by ordinance.

SECTION 12. LEGISLATION.

The Council shall act in legislative matters by ordinance or resolution only. Other action of the Council, unless herein otherwise provided, may be taken by resolution, motion, or order.

The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the record of the proceedings of the Council. Upon the request of any member of the Council the ayes and noes shall be taken and recorded upon any vote. All members present at any meeting must vote.

No ordinance or resolution shall be passed without receiving the affirmative votes of at least three members of the Council.

Each ordinance shall be headed by a brief title which shall indicate the purport thereof.

The ordaining clause of all ordinances adopted by the Council shall be, "The Council of the City of Porterville do ordain as follows:"

The ordaining clause of all ordinances passed by the vote of the electors of the City, through the exercise of the initiative

shall be, "The People of the City of Porterville do ordain as follows:"

No ordinance shall be passed by the Council at any time other than at a regular meeting, or until its publication at least once in the official newspaper of the City at least three days before its final passage.

Except an ordinance calling or otherwise relating to an election, no ordinance passed by the Council of the City of Porterville, except when otherwise specially required by the laws of the State, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of, and the facts constituting its urgency and is passed by a four fifths vote of the Council, and no ordinance granting a franchise, shall go into effect before thirty days from its final passage.

Except as otherwise provided by general law, or this charter, no action providing for any specific public improvement, or the granting of any franchise, or for the establishing or changing fire limits, or business or residential zones, or for the imposing of any penalty, shall be taken except by ordinance.

No ordinance, or portion thereof, shall be repealed except by ordinance. No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or, re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto shall be set forth and adopted according to the method provided in this section for the enactment of ordinances, and such revision, re-enactment, amendment, or addition, shall be made by ordinance only.

All ordinances shall be signed by the Mayor and attested by the City Clerk.

SECTION 13. OFFICERS AND EMPLOYEES.

Officers and
employees

The Officers of the City of Porterville shall consist of five members of the Council, one of whom shall act as Mayor and the following officers, boards and commissions, who shall be appointed by the Council; a board of three Park Commissioners, a board of five Library Trustees, a City Manager, a City Clerk and Assessor, a Judge of the City Court, a City Attorney and a City Treasurer;

There shall also be the following officers appointed by the City Manager; an Auditor, a Collector, a City Engineer, a Street Superintendent, a Health Officer, a Chief of Police, and a Fire Chief; provided, that if the City Manager shall act as City Engineer his appointment to that office shall be made by the Council.

The Council may by ordinance provide for such subordinate officers, assistants, deputies, clerks and employees as they deem necessary.

All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this charter, or as the Council may provide by ordinance in case no provision for their appointment is herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power, except as otherwise herein provided. Where the appointment of any officers, assistants, deputies, clerks or employees is vested in the Council, the Board of Library Trustees, or any other body, the appointment and removal must be made by a majority vote of the members of such body.

The Council may, at any time, when in its judgment the interest of the City so demands, by a four-fifths vote thereof, consolidate by ordinance the powers and duties of two or more city officers and place the same in charge of one such officer. The Council shall by ordinance prescribe the powers and duties of all said officers, except where the same are prescribed by this charter, and in such case, may, by ordinance, prescribe additional powers and duties therefor consistent with the provisions hereof.

SECTION 14. OFFICIAL BONDS.

When in this charter not otherwise prescribed the Council shall determine which officers shall give bonds for the faithful performance of their official duties, and shall fix the amount of said bonds. Such officers before entering upon their official duties, shall execute a bond to the City in the penal sum required, which bond shall include any other office of which they may be ex-officio incumbent. Said bonds shall be approved by the Council, filed with the City Clerk, and paid for by the City; provided, however, that the bond of the City Clerk when approved as aforesaid shall be filed with the City Treasurer.

SECTION 15. OATH OF OFFICE.

Every officer of the city, before entering upon the duties of his office, shall take and subscribe the oath of office as provided for in the constitution of the state, and shall file the same forthwith with the City Clerk.

SECTION 16. VACANCIES.

A vacancy in any elective office, from whatever cause arising, shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term; provided, that if the Council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the Mayor; provided, however, that if for any reason the seats of a majority of the Council shall become vacant, then the City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any officer of the City shall remove from the City or absent himself therefrom for more than thirty days consecutively without the permission of the Council, or for said period shall wilfully fail or refuse to perform the duties of his office, though able so to do, or shall fail to qualify, or shall resign, or be convicted of a felony, or be adjudged insane, his office shall thereupon become vacant.

SECTION 17. APPOINTMENT AND REMOVAL OF OFFICERS AND EMPLOYEES.

Appoint-
ments and
removals.

Except as may be otherwise in this charter provided, the affirmative vote of three members of the Council shall be required for the appointment of or the removal of any appointive official for cause.

The Board of five Library Trustees and Board of three Park Commissioners shall be appointed by the recommendation of the Mayor subject to the confirming vote of a majority of the Council as hereinafter prescribed.

Except as otherwise provided in this charter, all other city officers and employees shall be appointed and may be removed by the City Manager, as in this section provided, except municipal boards and commissions where a different mode of appointing the members thereof is prescribed by general law.

The Council may remove any of its appointees, except members of the Board of Library Trustees, and members of the Park Commission at its pleasure, without cause stated or at hearing, had, by the affirmative vote of four members in favor of such removal, and the determination of the Council in such matter shall be final and conclusive.

Removal of any such officer for cause shall be based on one or more of the following grounds, namely:

Incompetency or physical incapacity to properly discharge the duties of his office; insubordination to a superior officer in the course of his municipal employment; willful neglect of official duty, willful failure or refusal to properly perform the same; gross carelessness in the discharge thereof; notorious misconduct of a disgraceful or scandalous nature; habitual intemperance; malfeasance in office; insanity or conviction of felony. No such officer so accused shall be removed for cause, except upon the filing of a verified complaint in writing with the City Clerk, subscribed by his accuser, specifying in detail the charges alleged against such officer, or without a public hearing thereof by the Council. Upon the filing of such complaint, the Mayor shall fix the time and place of said hearing. Thereupon the City Clerk shall give to the accused official written notice of such hearing at least three days prior thereto, and to such notice shall be annexed a full and correct copy of the complaint on file. Said notice, with a copy of the complaint, shall be served on the accused personally, or in lieu thereof may be published once in the official newspaper of the city at least three days prior to the time fixed for the hearing, in which case reference shall be made in such published notice

to the complaint on file for further particulars. Evidence for and against the accused may be introduced at such hearing, and the accused may testify in his own behalf; provided, however, that the testimony of all witnesses shall be under oath; and provided further that hearsay testimony shall be inadmissible.

Appoint-
ments and
removals
(cont'd).

Should the accused be found guilty as charged in the complaint by the affirmative votes of three members of the Council after such hearing, said determination shall be final and conclusive, and the accused shall forfeit his office forthwith. The Council may dispense with such hearing, and notice thereof, and remove any such officer forthwith, should he be found guilty upon any of said grounds of removal in a court of competent jurisdiction, or upon any charge directly embracing any of such grounds.

The City Manager may remove at his pleasure at any time any officer or employee of the City appointed by him, after a public hearing and at least three days written notice to such officer or employee of the time and place thereof and the offense of which he is accused, of which service shall be made as provided in this section for hearings of officers appointed by the Council provided, however, that no written complaint or charges by the City Manager against such officer or employee need be filed with the City Clerk. Should the City Manager determine to remove such officer or employee, after such hearing, his written decision shall state such fact and his reasons therefor. Such decision shall be final and conclusive unless within ten days from the filing thereof, it is disapproved in writing by four-fifths of the members of the Council in which case such decision shall be of no effect.

Provided, however, that no removal except for cause stated shall be made by the Council within three months next succeeding a general municipal election, or by the City Manager within three months next succeeding his qualification as such; provided, further, that removals for cause stated may be made, as herein prescribed at any time.

Any officer or employee, upon notification of any pending charge against him, may waive any hearing provided for in this section by tendering his resignation in writing, and in such case, and upon the acceptance thereof, said hearing shall be dispensed with.

City officers and employees holding office at the time of the approval of this charter by the Legislature shall continue to hold and discharge the duties of the same until removed as provided in this section, or by a court of competent jurisdiction, or until such office is abolished as prescribed by this charter; provided, that the Council or City Manager, as the case may be, shall have power, subject to the provisions hereof to remove any present or future city officer or employee from any office to which said Council or City Manager has the appointing power.

SECTION 18. COMPENSATION OF APPOINTIVE OFFICERS AND EMPLOYEES.

Compensation of appointees.

The Council shall fix the compensation of all its appointees, also the compensation of all deputies, assistants and employees of its appointees, except officials and members of boards, commissions and committees, serving gratuitously. Said compensation shall be fixed, increased or changed by ordinance, adopted by the four-fifths vote of the Council, only subject to the provisions of this charter regarding minimum compensation.

The City Manager shall fix the compensation of all officers, deputies, assistants and employees of the City appointed by him, except as in this charter otherwise provided, subject to the approval of the Council.

The duties or the minimum compensation of any appointive official shall not be so established by the Council as to in effect abolish the office.

The salary of any appointive official or employee of the city shall cease forthwith with his removal or resignation from office or employment, and he shall only be entitled to compensation for that expired proportion of the month or term of service during which he shall have performed his duties.

No officer or employee shall be allowed any fee, perquisite, emolument, or stipend, in addition to, or save as embraced in the salary or compensation fixed for such office by the Council, if a Council appointee, or the Manager if a Manager appointee, and all fees received by such officers or employees in connection with his official duties shall be paid by him into the city treasury, and a written report made of same, provided, however, that rewards which have been publicly offered for the apprehension of criminals may be received by the officer or officers making the apprehension, after deducting therefrom any expense that the city may have been sustained in the matter.

SECTION 19. MAYOR.

Mayor.

The Mayor shall be the executive head of the City. In case of riot, insurrection or extraordinary emergency he shall assume general control of the city government and all of its branches and be responsible for the suppression of disorders and the restoration of normal conditions. In the name and on behalf of the City he shall sign all contracts, deeds, bonds and other legal instruments in which the City is a party. He shall represent the City at all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the City represented officially thereat. He shall not receive any compensation for his services.

SECTION 20. CITY ATTORNEY.

Attorney.

The City Attorney shall be an attorney at law, admitted to practice as such before the Supreme Court of the State, and who has been in actual practice therein for at least three years next preceding his appointment.

All other things being equal, an attorney who has had special training or experience in municipal corporation law shall be appointed to this office if practicable. The City Attorney shall be legal advisor of the Council, and all other city officials. He shall prosecute all violations of City ordinances, and shall draft all contracts and other legal documents and instruments required by the Council or the City Manager. He shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.

When from any cause the City Attorney is unable to perform the duties of his office, he may, with the consent of the Council, appoint some other qualified attorney to temporarily act in his place and whenever, in the judgment of the Council, the interests of the City require it, it may employ assistant counsel.

The City Attorney shall deliver all books, records, papers, documents and personal property of every description, owned by the City, to his successor in office, and the City shall provide a means of safe-guarding the same.

He shall possess such other powers, and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance.

SECTION 21. CITY MANAGER.

The City Manager shall be the administrative head of the ^{Manager.} City government. It shall not be necessary that he reside in the city at the time of his appointment, but he shall become a resident thereof within sixty days thereafter and thereafter during his incumbency actually reside in said city. His powers and duties shall be as follows:

(A) To see that all ordinances are enforced.

(B) To appoint, except as otherwise provided in this charter, all heads of departments, subordinate officials and employees, and remove the same, except as otherwise herein provided, and have general supervision and control over the same.

(C) To exercise general supervision over all privately owned public utilities operating within the City so far as the same are subject to municipal control.

(D) To see that all the provisions of all franchises, permits, and privileges granted by the City are fully observed, and report to the Council any violations thereof.

(E) To act as purchasing agent for the City, should he be so appointed by the Council.

(F) To attend all meetings of the Council unless excused herefrom by the Council or the Mayor.

(G) To examine or cause to be examined, without notice, the conduct of any officer or employee of the City.

(H) To keep the Council advised as to the needs of the City.

(I) To devote his entire time to the interests of the City.

(J) To have under direction of the Park Commission general supervision over all the public parks and playgrounds of the City.

(K) To appoint such advisory boards as he may deem desirable to advise and assist him in his work, provided such boards shall not receive any compensation.

(L) To supervise generally the preparation of the assessment roll by the Assessor, and make such recommendations to the Council or Board of Equalization regarding the same as he may deem advisable.

(M) To possess such other powers and perform such additional duties as are prescribed by this charter or may be prescribed by ordinance; provided, however, that the powers or duties of any City office or employment created by the provisions of this charter shall not be consolidated with those of the City Manager, other than that of City Purchasing Agent and City Engineer.

(N) Before entering upon his duties the City Manager shall file with the City Clerk an official bond for the faithful performance thereof, payable to the City of Porterville in such sums as may be fixed by ordinance, the premium of which shall be paid by the City. Such bond shall be to the satisfaction of the Mayor and his approval shall be endorsed thereon.

SECTION 22. CITY MANAGER PRO TEM.

Manager
pro tem.

In case of the absence from the city of the City Manager, or his temporary disability to act as such, the Council shall appoint a City Manager pro-tem, who shall possess the powers and discharge the duties of the City Manager during such absence or disability only; provided, however, that a City Manager pro-tem shall have no authority to appoint or remove any city officer or employee except with the unanimous formal approval of all of the members of the Council.

SECTION 23. CITY CLERK AND EX OFFICIO ASSESSOR.

Clerk and
assessor.

The City Clerk shall be ex-officio Assessor of the City, and Clerk of the Council and of the Board of Equalization.

It shall be the duty of the City Clerk to attend all sessions of the Council and the Board of Equalization, and keep a full and correct record of the proceedings of each of said bodies. The proceedings of the Council shall be kept in a book marked "Minutes of the Council" and the proceedings of the Board of Equalization shall be kept in a separate book marked "Minutes of the Board of Equalization." He shall keep a book marked "Ordinances" into which he shall copy all City ordinances certifying that each such copy is a full and correct copy of the original ordinance, and stating that the same has been published as required by law. Said record copy, so certified, shall be prima facie evidence of the contents of the ordinance, and of its passage and publication and shall be admissible as such evidence in any court or proceeding. Such

record shall not be filed but shall be returned to the custody of the City Clerk. He shall also keep a book marked "Resolutions," into which he shall copy all resolutions passed by the Council. Both the books containing ordinances and resolutions, shall be adequately and comprehensively indexed. He shall conduct promptly and keep a systematic record of, all correspondence between the Council and third parties relating to city business.

He shall be the keeper of the corporate seal of the city, and shall affix the same to instruments or writings requiring authentication. He shall safely keep all records, documents, ordinances, resolutions, books and such other papers and matters, as may be regularly delivered into his custody or required by law or ordinance to be filed with him.

It shall be the duty of the City Clerk, as ex-officio Assessor, between the first Monday in March and the first Monday of August of each year, to assess all taxable property within the City of Porterville at the time and in the manner prescribed by the general laws of the State, except as may be otherwise provided by ordinance. Prior to the first Monday in August of each year he shall make out a list of all taxable property within the city, which list shall describe the property assessed and the value thereof, and shall contain all other matter required to be stated in such list by ordinance. The Assessor shall verify such list by his oath and deposit the same with the Council on or before the first Monday of August of each year. The Assessor shall possess such other powers and perform such additional duties, not inconsistent with this charter, as may be prescribed by ordinance.

SECTION 24. AUDITOR.

The Auditor shall be the general accountant of the City. ^{Auditor} He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts of the City, its debts, revenues and other financial affairs. He shall keep an account of all moneys paid into and out of the treasury; and keep informed as to the exact condition of the treasury at all times.

Every demand upon the treasury, before its approval by the Council, must be presented to the Auditor, who shall satisfy himself whether the money is legally due, and its payment authorized by law. If satisfactory he shall draw a warrant upon the treasury for the payment thereof. Every demand approved by the Auditor shall specify on its face the several items composing it, with the amounts and dates thereof. The approval of the Council shall not be necessary to draw warrants for the payment of the regular salaries of officials and employees of the City, or for the payment of any obligation previously authorized by law, or by resolution or order of the Council.

He shall render each month a statement to the Council showing the financial condition of the City, and annually a

like statement covering all of the financial transactions of the City during the year previous.

After the annual tax roll has been completed by the Assessor, and before it is deposited with the Collector, the Auditor shall make a check of the roll, correcting any errors that may be found and endorse same with his approval.

SECTION 25. CITY TREASURER.

Treasurer.

The City Treasurer shall be appointed by the Council and hold office at their pleasure.

It shall be the duty of the Treasurer to receive and safely keep all moneys of the City, or deposited with him in connection with any business thereof, for all of which he shall give duplicate receipts, one of which shall be filed forthwith with the Auditor. Before any money is accepted or received by him on account of any indebtedness due to the City, he shall receive a certificate from the Auditor specifying the amount thereof to be paid and the fund to which said sum shall be credited. He shall pay out all moneys, except the principal and interest due on bonds of the City, including improvement bonds thereof, on warrants signed by the proper officers, and not otherwise. He shall make monthly statements showing receipts and disbursements. Such statements shall show in detail the conditions of each and every fund required to be set apart by him. All statements shall be made in duplicate, one copy of which shall be filed with the City Clerk, and one delivered to the City Manager, within ten days after the end of each month. He shall make monthly settlements with the Auditor and shall possess such other powers and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance.

Before entering upon his duties, the Treasurer shall file with the City Clerk an official bond for the faithful performance thereof, payable to the City of Porterville in such sum as may be fixed by ordinance. Said bond shall be to the satisfaction of the Mayor and his approval of such bond shall be paid by the City.

SECTION 26. POLICE JUDGE AND POLICE COURT.

Police judge
and police
court.

There shall be a Police Judge appointed by the Council. He shall be the judge of the Police Court, which is hereby established. The Police Court shall have jurisdiction, concurrently with the Justice's Court of all actions and proceedings, civil and criminal, arising within the corporate limits of the City, and which might be tried in such Justice's Court; and said Police Court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said City, of all actions founded upon any obligation created by any ordinance thereof, and of all prosecutions for the violation of any such ordinance. In all civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the City is not more

than one hundred dollars, the trial must be by the court. In civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the City is over one hundred dollars, the defendant is, upon his demand, entitled to a jury. Except as in this section otherwise provided, the rules and practice and more of proceeding in said Police Court shall be the same as are, or may be, prescribed by law for Justices Courts in like cases; and appeals may be taken to the Superior Court in like manner and with like effect as in cases of appeals from Justice's Courts.

The Police Judge shall have all powers and perform the duties of a magistrate and may administer and certify oaths and affirmations and take and certify acknowledgments. All fines, fees, and costs collected by him shall be paid into the city treasury within forty-eight hours from and after the receipt thereof. He shall make such periodical reports as the Council may require.

In all cases in which the Police Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in cases of sickness or inability to act, he may call upon any Justice of the Peace, residing in the County of Tulare, to act in his stead.

The Council may appoint the Justice of the Peace of the township in which the City of Porterville is located, as Police Judge thereof.

The Police Judge shall keep a record of the proceedings of the Police Court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases.

All records, files, and other property of the Recorder's Court of the City of Porterville, shall be the records, files and property of the Police Court of said city created by this charter.

All actions and proceedings pending and undetermined in the said Recorder's Court shall be proceeded with, heard, tried, and determined in said Police Court herein established, before the Police Judge thereof, as if such action or proceeding had been originally commenced therein.

SECTION 27. CHIEF OF POLICE.

The Chief of Police shall be the head of the police department of the City, which is hereby created and he shall have all the powers that are now, or may be hereafter, conferred upon sheriffs and other peace officers by the laws of the State. It shall be his duty to preserve the public peace, and to suppress riots, tumults, and disturbances. His orders shall be promptly executed by the police officers, or watchmen, of the city, and every citizen shall lend him aid, when requested, for the arrest of offenders, the maintenance of public order, or the protection of life or property.

He shall execute and return all process issued to him by legal authority. He shall have the power, and it is hereby

Chief of
Police.

made his duty, to arrest persons violating any law of the state, or ordinance of the City. Those arrested for violating City ordinances may, before or after trial, be confined in the county jail of Tulare County, or in the city prison of said city. The Chief of Police shall possess such other powers and perform such additional duties, not in conflict with this charter as may be prescribed by ordinance.

He shall appoint and remove all subordinates in the department, make rules and regulations for the management of the department and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this charter, and subject to the approval of the City Manager.

SECTION 28. FIRE CHIEF.

Fire chief.

There shall be a Fire Chief appointed by the City Manager. He shall be the head of the fire department of the City, which is hereby created, and shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby. During the time of a fire he shall have supreme authority over the territory involved therein, and all persons in the immediate vicinity of the fire during such time, including policeman, shall be subject to his orders. He shall appoint and remove all subordinates in the department and make rules and regulations for the government thereof, subject to the approval of the City Manager.

SECTION 29. COLLECTOR.

Collector.

It shall be the duty of the Collector to collect all taxes levied by the Council and other moneys due the City. He shall at the close of each business day pay to the Treasurer all taxes or other funds of the City collected by him during such day, or in his possession. Upon receipt of any tax list he shall give his receipt therefor to the Auditor, and shall upon delivery to the Auditor of the delinquent tax list, take his receipt for the same. He shall be charged with all taxes levied upon real and personal property within the City, upon his receipt of the tax list from the Auditor. He shall be charged with, and indebted to the City for, the full amount of all taxes due upon delinquent lists delivered to him for collection, unless the Council determine by resolution that he is unable to collect the same by levy and sale of the property assessed therefor. He shall possess such other powers and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance.

SECTION 30. CITY ENGINEER.

Engineer

The City Engineer, at the time of his appointment, shall have been a practicing civil engineer for a period of at least five years. All other things being equal, an engineer who has had special training and experience in municipal engineering shall be appointed to this office, if practicable.

As City Engineer he shall be the custodian of, and responsible for all maps, plans, profiles, field notes, and other records and memoranda belonging to the City and pertaining to his office and the work thereof, all of which he shall keep in proper order and condition. He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him, or under his direction or control, for or on behalf of the City during his term of office, shall be the property of the City. He shall perform all engineering work and surveying in prosecuting public improvements in or for the City, and shall possess such other powers and perform such additional duties not in conflict with this charter, as may be prescribed by ordinance or the general laws of the state.

SECTION 31. PURCHASING AGENT.

The council may create the office of purchasing agent and may provide that such office be consolidated with some other office, excepting, however, that of auditor or treasurer. In case such office is created it shall be the duty of the head of each office or department, at the beginning of each fiscal year, to furnish the purchasing agent with an estimate of the supplies and materials needed for the ensuing year. It shall be the duty of the purchasing agent to buy from time to time supplies and materials to the credit of the store fund, except as otherwise herein provided. It shall be his duty to acquaint himself with the needs and requirements of the City and to procure and retain samples of all materials, fabrics and supplies of every kind necessary for its use. It shall be his duty to take advantage, for the benefit of the City of all trade and cash discounts and favorable trade conditions that may rise. He shall inspect all purchases upon delivery and must reject any articles which fail to comply with the provisions of the contract as to weight, quantity or quality, and he shall not approve any invoice or claim against the city unless the weight, quantity or quality, and he shall not approve any invoice or claim against the City unless the weight, quantity, quality and price of the articles therein enumerated are correctly stated according to the terms of the contract of purchase. He shall keep accurate records of all supplies purchased and the disposition thereof. He shall have the custody of all supplies in the City store, and shall deliver the same from time to time on the written requisition of the officer or department requiring them. The council may in the first annual appropriation ordinance after the adoption of this charter, appropriate a sum sufficient to create a revolving store fund. Supplies drawn from the store shall be paid for by warrants payable to the store fund, and countersigned by the auditor.

The purchasing agent shall also conduct all sales of personal property which the council may authorize to be sold as having

become obsolete or unfit for the city's use. All purchases and sales shall conform to such other regulations as the council may from time to time prescribe, providing that if an amount in excess of \$500.00 is involved, opportunity shall be given for competitive bidding.

Where purchases or sales are made on joint account of separate departments, the purchasing agent shall apportion the charge or credit to each department. He shall see to the delivery of supplies to each department and take and retain the receipt of each department. Until otherwise provided by the council, the City Manager shall act as purchasing agent.

When making purchases for all departments of the City, local merchants shall be given preference, quality and prices being equal.

SECTION 32. STREET SUPERINTENDENT.

Street super-
intendent.

The Street Superintendent shall possess such powers and perform such duties as may be prescribed by ordinance or the general laws of the State.

SECTION 33. HEALTH OFFICER.

Health
officer.

The Health Officer shall be a person licensed to practice medicine in this state, or who has received special training, or has had practical experience, in public health work. He shall exercise general supervision over the health and cleanliness of the City, and take all necessary measures for the preservation and promotion thereof. He shall enforce all laws, ordinances, and regulations relative to the preservation and improvement of the public health, including those provided for the prevention of diseases, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage, and sale of food stuffs. He shall possess such other powers and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance.

SECTION 34. VACATIONS.

Vacations.

All officers and regular employees of the City after serving at least one year as such, shall be entitled to two weeks vacation annually. Such vacation shall be at a time to be fixed by the executive head of the department wherein the officer or employee is serving, and shall be without loss of pay. The City Manager shall fix such vacation periods for the chief officials and department heads of the City.

SECTION 35. ADDITIONAL DUTIES OF OFFICERS.

Additional
duties

Besides the duties herein specified, all officers and boards shall perform such other appropriate duties as may be prescribed by ordinance or the general laws.

SECTION 36. CONTINUING OFFICERS AND EMPLOYEES.

Incumbents.

Until the election or appointment and induction into office of the officers and employees in this charter provided for, the

present officers and employees shall without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by existing ordinances or laws.

SECTION 37. RESIGNATIONS.

No candidate for any city office or employment shall be required to tender his resignation in writing or otherwise to any other persons at, or prior to, his appointment and qualification, and no resignation in writing, or otherwise, shall be valid or binding unless filed, within three days from and after the execution thereof, in the office of the City Clerk. ^{Resignations}

SECTION 38. ADMINISTERED OATHS AND SUBPOENAS.

Every elective officer and every chief appointed official, including all members of boards and commissions provided for in this charter, or by ordinance, shall have the power to administer oaths and affirmations, and every such board and commission shall have power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such board or commission. ^{Oaths and subpoenas.}

If any person so subpoenaed neglects or refuses to appear, or to produce any book, paper or document, as required by such subpoena, or shall refuse to testify before any such board or commission, or to answer any question which a majority of any such body shall decide to be proper or pertinent, he shall be deemed in contempt, and any such board or commission shall have the power to take the proceedings in respect thereto provided by the general laws of the State. The Chief of Police must, on request of any member of such board or commission, detail a police officer or officers to serve such subpoena.

SECTION 39. FISCAL YEAR.

The fiscal year of the City shall commence on the first day of January of each year, or at such time as may be fixed by ordinance. ^{Fiscal year.}

SECTION 40. TAXATION.

Except as otherwise herein provided the Council shall, by ordinance, provide a system for the assessment, equalization, levy, and collection of taxes, which, as nearly as may be, shall conform to the system provided by the general laws of the State; provided, that all sales for delinquent taxes shall be made to the City of Porterville. Should the Council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate for the current year. ^{Taxation.}

SECTION 41. BOARD OF EQUALIZATION.

The Council shall meet at its usual meeting place on the second Monday in August of each year at ten o'clock A. M., and sit as a Board of Equalization, and shall continue in session ^{Board of equalization.}

by adjournment from day to day until all returns of the Assessor have been rectified and assessments equalized: The Board of Equalization shall have the power to hear complaints, to take testimony under oath, and to correct, modify, strike out, or raise any assessment, provided that notice shall first be given to any one whose assessment is proposed to be raised.

SECTION 42. ANNUAL TAX LEVY.

Annual
tax levy

The Council not later than its first regular meeting in September, shall fix a rate of taxation sufficient to raise the amounts estimated to be required in the annual budget and as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue. The Council shall then deliver the assessment roll to the Assessor who shall thereupon compute and carry out the amount of tax so levied on each parcel of property contained in the assessment roll.

SECTION 43. LIMIT OF TAX LEVY.

Maximum
tax levy.

The tax levy authorized by the Council to meet the municipal expenses for each fiscal year shall not exceed the rate of one dollar on each one hundred dollars of the assessed valuation of the real and personal property with the city, except as in this charter otherwise provided. The moneys collected from such levy shall be placed in the general fund of the City and may be apportioned as determined by the Council.

The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended; provided, that no increase over said limit, except as herein prescribed, shall be made in any fiscal year, unless authorized by ordinance adopted by the vote of the electors of the City.

SECTION 44. SPECIAL TAX LEVY.

Special
tax levies.

The Council shall have the power to levy and collect taxes, in addition to the taxes herein or by general law authorized to be levied and collected, sufficient to pay and maintain the sinking fund of the bonded indebtedness of the City; and for the following purposes at not to exceed the following rates:

(a) For the support and maintenance of the fire department, for fire protection purposes, and for a fireman's relief fund to aid firemen who have become incapacitated in the course of duty, at the rate of not more than three mills on each dollar of the assessed valuation of the real and personal property within the city;

(b) For the acquisition, construction and maintenance, as the case may be, of permanent public improvements, of real property, of public buildings and structures, and of public offices, including equipping and furnishing the same, at the rate of not more than two mills on each dollar thereof;

(c) For the maintenance and support of free public libraries and reading rooms in said city, at the rate of not more than one mill on each dollar thereof;

(d) For the maintenance and support of free public parks and playgrounds in said City, at the rate of not more than two mills on each dollar thereof;

(e) For music, entertainment, and promotion at the rate of not more than one mill on each dollar thereof.

SECTION 45. TAX LIENS.

All taxes and assessments levied, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided in this section shall attach as of the first Monday in March of each year, and may be enforced by actions to foreclose such liens in any court of competent jurisdiction, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for city taxes due thereon, the same shall be sold to the City in like case and manner, and with like effect and right of redemption, as it may be struck off and sold to the State when offered for sale for county taxes; and the Council shall have power to provide by ordinance for the procedure to be followed in such sales to the City and redemption thereafter.

SECTION 46. DISPOSITION OF CITY MONEYS.

All moneys collected for the City by any officer or department thereof shall be paid into the treasury daily if possible, and at least once each week.

SECTION 47. SURPLUS BOND MONEY.

All moneys derived from the sale of bonds, including premiums and accrued interest, shall be applied to the purposes for which the bonds were voted. After such purposes have been fully completed and paid for, any remaining surplus shall be transferred to the bond and interest redemption fund.

SECTION 48. PAYMENT OF CITY MONEYS.

EXPENDITURES AND INDEBTEDNESS. No money shall be expended and no indebtedness shall be incurred on behalf of the City, for any purpose, unless and until the same shall have been authorized by ordinance, resolution or order of the Council.

PRESENTATION OF DEMANDS. All demands against the City shall before being paid, be presented to and approved by the proper Board, Commission or Officer, as herein provided. Demands against the library fund shall be presented to the Board of Library Trustees; demands against the park fund shall be presented to the Park Commission; demands for which no appropriation has been made shall be presented to the Council, and all other demands shall be presented to the

City Manager, provided, that any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the Council, and the approval of such demand by the Council shall have the same effect as its approval by the City Manager; and provided further, that if the Council shall provide for other boards or commissions, it may make provision for the presentation to and approval by any such board or commission of demands for liabilities incurred by them.

The Council may provide for a revolving Petty Cash Fund of not more than One Hundred (\$100.00) Dollars, to be paid to the City Manager, and used by him for the payment in cash, of expenditures provided for in the budgets that cannot conveniently be paid otherwise. He shall account to the Council for all payments by him out of said fund when making demand for the replenishment of the same, and at such other times as the Council may require, and they shall thereupon be charged against the proper appropriations.

Audit and
payment
of demands.

WARRANTS ON TREASURY. All demands approved by the proper board, commission or officer shall be presented to the City Auditor, who shall examine the same, and if the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he shall approve such demand and draw and sign his warrant on the Treasurer therefor, payable out of the proper fund. Objections of the Auditor to any demand may be overruled by the Council, and the Auditor shall thereupon draw his warrant as directed by the Council. Such warrants, when presented to the Treasurer, shall be paid by him out of the fund therein designated, if there be sufficient money in such fund for that purpose. A warrant not paid for lack of funds shall be registered and all registered warrants shall be paid in the order of registration when funds are available therefor; all such registered warrants shall bear interest at the rate of six per cent per annum. The Auditor shall draw his warrants for payment of municipal or other bonds payable out of the funds in the treasury upon presentation and surrender of the proper bonds or coupons, without approval of anybody or officer. The Council may make further regulations by ordinance regarding the presentation, approval and payment of demands against the City.

SECTION 49. MONTHLY FINANCIAL REPORTS.

Monthly
financial
reports.

All officers required by this charter or by ordinance to submit monthly financial reports to the Council, shall submit the same in duplicate, and upon their approval by the Council, one of each of such duplicate reports shall be posted forthwith in the office of the City Clerk in such manner as to be readily assessable to the public, and shall remain so posted until the approval by the Council of the next succeeding financial report when the same procedure shall be followed in relation thereto. The Council, in addition to such posting, may, in its

discretion, cause any of such reports to be published at any time.

SECTION 50. APPROVING ILLEGAL CLAIMS.

Every officer who shall wilfully approve, allow or pay, any demand on the treasury not authorized by law, shall be liable to the City individually and on his official bond for the amount of the demand so approved, allowed, or paid, and shall forfeit his office and be forever disbarred from holding any position in the service of the City.

Approving
illegal
claims.

SECTION 51. BUDGET.

Not later than thirty days before the time for fixing the annual tax levy, the City Manager shall submit to the Council an estimate of the expenditures and revenues of the city departments for the ensuing year.

Budget

This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give in parallel columns the following information:

(a) A detailed estimate of the expense of conducting each department as submitted by the department.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.

(d) Amount of supplies and material on hand at the date of the preparation of the invoice.

(e) Increase or decrease of requests compared with the corresponding appropriations for the current year.

(f) Such other information as is required by the Council or that the manager may deem advisable to submit.

(g) The recommendation of the manager as to the amounts to be appropriated with reasons therefor in such detail as the Council may direct.

Sufficient copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the Council for inspection by the public, unless the Council shall publish the same in a newspaper.

After duly considering the estimate and making such corrections or modifications thereto as shall seem advisable to it, the Council shall by resolution adopt a general budget and such resolution shall operate as an appropriation of funds to the amounts and for the purposes set forth in the budget so adopted. At any meeting after the adoption of the budget the Council, by a vote of three members, may amend or supplement so as to authorize the transfer of unused balances for one purpose to another purpose or to appropriate available revenues not included in the budget.

SECTION 52. UNIFORM ACCOUNTS AND REPORTS.

Uniform
accounts

The Council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the City which receive or disburse City moneys. Whenever an act shall be passed by the legislature of the state providing for uniform municipal accounts or reports, the city authorities shall be governed thereby.

SECTION 53. COUNTING THE CITY'S MONEY.

Counting
money and
securities.

The Mayor, City Clerk, and City Manager shall together count the money and other securities, in the treasury at least once every three months, and ascertain if the amounts on hand tally with the amounts that should be in the treasury according to the books of the City. They shall make a written report thereof to the Council at its first regular meeting thereafter.

SECTION 54. GENERAL LAWS APPLICABLE.

General laws
applicable.

All general laws of the State applicable to municipal corporations now or hereafter enacted, and which are not in conflict with the provisions of this charter or the ordinances of the City hereafter enacted shall be applicable to the City. The Council, may adopt and enforce ordinances which in relation to municipal affairs, shall control as against general laws of the State.

SECTION 55. SOCIAL SERVICE.

Social
service.

There shall be a board of Social Service appointed by the City Manager, which shall have charge of all matters relating to the care and relief of the needy. Said board may establish and maintain an employment bureau, day nursery, free clinics, and similar institutions. It shall consist of as many members as the manager may deem advisable. They shall serve without compensation.

SECTION 56. PUBLIC LIBRARY AND BOARD OF LIBRARY TRUSTEES.

Library.

The free public library of the City shall be managed under and in accordance with the provisions of the general laws of the State relating to free public libraries.

SECTION 57. PARK COMMISSION.

Park
commission.

The Council shall appoint a Park Commission consisting of three members who shall serve for a term of three years, provided, that of the first appointments under this charter, one member shall serve for one year, one member shall serve for two years and one member shall serve for three years.

The Park Commission shall have full care, supervision, direction and management of all parks and playgrounds which now are, or in the future may become, the property of the City wherever located, and, on behalf of the City, the trees and shrubbery upon all public streets and highways. They shall make rules and regulations for the care and supervision of the properties under their care and see that the same are enforced

and shall make or suggest such improvements as shall in their judgment be for the betterment of and for beautifying the properties under their supervision for the purposes for which such properties were intended.

The Park Commission may accept donations, legacies or bequests for the improvement of the parks and playgrounds under their control, provided that all moneys that shall be derived from such donations, legacies or bequests, shall, unless otherwise provided for under the terms of such donations, legacies or bequests, be deposited in the treasury of the City of Porterville to the credit of the Park Fund.

Provided, further, however, that the Park Commission may invest such donations, legacies or bequests, if not in their judgment needed for immediate use, in acceptable interest bearing securities.

The Park Commission shall have the management and disbursement of funds regularly appropriated for the support of the parks and playgrounds under its control, provided, however, that all bills, demands or claims, after having been audited by the said Commission, shall be presented to the City Auditor who shall examine the same, and if the amount thereof is legally due and there remains on his books an unexhausted balance or appropriation against which the same may be charged, he shall approve and pay such demand out of the Park Fund, which Fund is hereby created, and further provided, the Park Commission shall not at any time incur greater expenditures than have been provided for in the annual budget for their use.

SECTION 58. PENSIONS.

No pensions of any kind shall be awarded or paid to any active or retired city official or employee, including any member of the police or fire department, unless authorized by an initiative ordinance adopted by the electors of the City.

SECTION 59. EXPERT ACCOUNTANT.

The City shall employ a certified public accountant annually to investigate the accounts and transactions of all City officers and employees having the collection, custody or disbursement, of public money or property, or the power to approve, allow or audit demands on the City treasury.

SECTION 60. ILLEGAL CONTRACTS.

No officer or employee of the City shall be or become directly or indirectly interested in any contract, work, or business, or in the sale of any article, the expense, price, or consideration of which is payable from the City treasury, nor shall he receive any gratuity or advantage from any contract or person furnishing labor or material for the same. Any contract with the City in which any such officer is or becomes interested may be declared void by the Council.

No officer or employee of the City shall aid or assist a bidder in securing a contract to furnish labor, material, or other supplies, at a higher price or rate than that proposed by any

other bidder, or favor one bidder over another, or give or withhold information from any bidder not given or withheld from all other bidders, or wilfully mislead any bidder in regard to the character of the materials or supplies called for, or knowingly accept materials or supplies of a quality inferior to that called for by the contract or knowingly certify to a greater amount of labor performed or material or supplies furnished, than has, respectively, been performed or received.

Any officer or employee violating any of the provisions of this section shall be guilty of a misdemeanor and shall automatically forfeit his office or employment.

If at any time it shall be found that any person, firm, or corporation to whom a contract has been awarded by the City has, in presenting any bid, colluded with any other party or parties, then the contract so awarded shall, if the City so elect, be null and void and the contractor and his bondsmen shall be liable to the City for all loss and damage which the City may suffer thereby. In such event the Council may advertise anew for bids for said work or supplies.

SECTION 61. CONTRACT WORK.

Contract
work.

In the erection, improvement and repair of all public buildings, structures, and works, in all street and sewer work and improvements, and works and embankments for the protection against overflow, and in furnishing supplies or materials for the same, or for other use or purpose, when the expenditure required for the same shall exceed the sum of five hundred dollars, the same shall be awarded by contract, and shall be let, by the Council, to the lowest responsible bidder, after notice by publication in the official newspaper; and security for the due execution and performance of any such contract may be required of the bidder and successful contractor, respectively. The detailed procedure for carrying out the provisions of this section shall be prescribed by ordinance.

Provided that the Council may reject any and all bids presented, and may, in its discretion, re-advertise for other bids.

Provided, further, that after rejecting bids, the Council may determine and declare by a four-fifths vote of all its members, that the work in question may be more economically or satisfactorily performed by day labor, or the materials or labor purchased at a lower price in the open market, and after the adoption of a resolution to this effect, if may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

Provided, further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster the Council may, by resolution passed by a vote of four-fifths of all its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed, without advertising for bids or receiving the same, to expend, or enter into a contract

involving the expenditure of, any sum required in such emergency, on hand in the City treasury and available for such purpose.

SECTION 62. PUBLIC IMPROVEMENTS.

The improvement, widening and opening of streets, the planting, care, and maintenance of trees, and the making of any other public improvement may be done and assessments therefor may be levied in conformity with and under the authority conferred by general laws; provided, however, that the Council may by ordinance adopt a procedure for the improvement and repair of streets, alleys or other public places, the laying of pipes, or conduits or for the planting, care or maintenance of trees, or for the removal of dirt, rubbish, weeds and other rank growths and materials which may injure or endanger neighboring property or the health or the welfare of inhabitants of the vicinity, from buildings, lots or grounds and the sidewalks opposite thereto, and for making and enforcing assessments against property benefited or affected thereby or from which such removal is made, for the cost of such improvements or removal and may make such assessments a lien on such property superior to all other claims or liens thereon, except State, County and Municipal taxes, but no such ordinance shall prevent the Council from proceeding under general laws for said purposes.

SECTION 63. FRANCHISES.

Every franchise or privilege to construct, maintain, or operate, any means or method of transportation in or over any street, lane, alley, or other public place within the City or to lay pipes or conduits, or erect poles or wires or other structures in or across any such public way or place, for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter owned by the City, shall be granted under and in pursuance of the general franchises; provided, no new franchise shall be granted except upon the condition that at least two per cent of the gross annual receipts derived from the use of such franchise shall be paid to the City. In all cases the applicant for a franchise shall advance the cost of advertising the same.

Every such franchise shall require the grantee thereof to agree to a joint use of its property with others, wherever practicable, and nothing herein shall be construed as prohibiting the Council from requiring other conditions in granting the same not inconsistent with the constitution and general laws.

No franchise or privilege so granted shall be sold, leased, assigned, or otherwise alienated, without the express consent of the Council given by ordinance and subject to referendum.

SECTION 64. FRANCHISE REQUIRED WHEN.

No person, firm, or corporation shall exercise any franchise or privilege, except to the extent he or it may be entitled

to do so by the constitution of the State or of the United States, in, upon, under, over, or along any street, public way, or public place in the City without having first obtained a grant therefor as provided in this charter and by general law.

SECTION 65. NEWSPAPER ADVERTISING AND PRINTING.

Newspaper
advertising
and printing

The Council shall advertise annually for the submission of sealed proposals or bids for all newspapers of general circulation in the City, for the publication of all ordinances and other legal notices required to be published. The newspaper to whom such contract is awarded shall be known and designated as the Official Newspaper. The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

Contracts for advertising shall be awarded to the lowest responsible bidder, provided no contract for advertising shall be awarded to any newspaper except a daily newspaper of general circulation as that term is defined by Section 4460, of the Political Code.

Required printed office supplies may be purchased either through bids and contract, or by purchase in the open market.

SECTION 66. OFFICIAL RECORDS.

Official
records.

All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to proper rules and regulations for the efficient conduct of the business of such department; provided, that the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

All officers and boards shall deliver to their successors all papers, books, records, archives, and other properties pertaining to their respective offices or departments, in the possession or control of any such officer or department, and the Council shall provide adequate means for their safekeeping.

SECTION 67. INTERFERENCE WITH OR BY THE CITY MANAGER.

Interference
with or by
city manager.

No member of the Council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the City Manager in the making of any appointment or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for city manager, or discuss, directly or indirectly, with any such candidate, the matter of appointment to city offices or employments. Any violation of the foregoing provisions of this section shall constitute a misdemeanor and shall work a forfeiture of the office of the offending member of the Council, who may be removed therefrom by the Council or by any court of competent jurisdiction.

The Council shall deal with the administrative functions of the City through the City Manager.

Neither the City Manager, nor any appointive officer or employee of the City, shall take any active part in securing, or shall contribute money toward, the nomination or election of any elective candidate for municipal office.

SECTION 68.

In every lease of City property for a term of over five years, the basic amount of the rental shall be fixed by the Council, and the indenture of lease shall provide that such amount shall in no event be lowered during the term thereof. Provision shall be made in all such indentures for a revision of the amount of the rental at stated periods of not less than three nor more than five years each during the term of any such lease, and that such revision shall be made by a board of appraisers consisting of one appraiser appointed by the lessee. Any increase in the amount of any such rental agreed upon by said appraisers shall bind their principals. In the event of their failure to agree upon the amount of such increase within twenty days from and after their appointment, said two appraisers may appoint a third appraiser as a member of said board, and the determination of the majority of said board of appraisers as to the amount of the increase of such rental shall be final and conclusive and binding upon all concerned. Should the two appraisers appointed by the Council and lessee respectively, fail for thirty days from and after their appointment to agree upon the amount of the increase of the rental or to appoint a third appraiser, in any case, then upon the petition in writing of either party to any such lease, the Superior Judge of Tulare County is hereby empowered to appoint the third appraiser upon such a board. In the event that the Council demands a revision of the amount of the rental set forth in any such indenture of lease, as herein provided, the lessee shall within ten days from and after receiving notice in writing of such demand, appoint its appraiser as in this section provided, and forthwith notify the Council in writing of such appointment; provided, that should the lessee fail for said period last named to make and give notice of such appointment, as aforesaid, then, upon application of the lessor, said Superior Judge is hereby empowered to make the same, and the determination of such board so constituted shall bind and be conclusive upon all parties to the lease; provided further, that in no case, shall any such board of appraisers be authorized to lower the amount of the basic rental fixed by the Council.

Leases
of city
property.

All such indentures of lease shall provide, also, that the Council may terminate the same at its pleasure and repossess the premises therein described upon three months notice thereof and upon paying to the lessee the market value of any improvements made or put upon said premises by the lessee. The market value of such improvements shall be determined by a board of appraisers appointed as aforesaid, and the determination of such board shall be binding on all parties in

interest; provided, however, that the Council shall not terminate any such lease or repossess any such premises except for a public use and purpose; provided, further, that no lease of City property shall be made for a term of more than twenty-five years.

SECTION 69. INVENTORY OF CITY PROPERTY.

Inventory
of city
property.

At the time for preparing and submitting the budget, as prescribed by this charter, a complete inventory of all personal property belonging to the City shall be prepared and filed with the City Clerk, and such inventory shall be submitted to the Council by the City Manager at the time of the submission of the annual budget. Such inventory shall be prepared under the direction of the City Manager, and all chief officials and department heads of the City shall be responsible for making and transmitting to the City Manager a full and correct inventory of all City personal property in their possession or under their control.

SECTION 70. EQUIPMENT.

Equipment.

The City of Porterville is hereby empowered to supply all officers and employees thereof with the tools, equipment, books, records, and other personal property, necessary to properly discharge the duties of their respective offices and employments, and it shall be discretionary with the Council or City Manager to acquire or purchase the same for any office or employment to which they have, respectively, the appointing power.

SECTION 71. ZONING SYSTEM.

Zoning
system.

The City of Porterville is hereby declared to be primarily a residential city and the Council shall have power to establish such zoning systems within the city as may in its judgment be most beneficial, and in such zoning systems may prohibit the erection or maintenance of any class or classes or building within certain areas, and may classify and reclassify the zones established. The Council may also prescribe the character of materials and method of construction of buildings erected within any zone area, and may establish set-back lines as it may consider necessary and proper.

SECTION 72. SUSPENSION AND FINES.

Suspension
or fining of
employees.

For cause stated, and after a hearing as provided herein for cases of proposed removals, the appointing power, in lieu of removal, shall have authority to suspend without pay for a period not exceeding thirty days, or fine in any amount not exceeding one month's pay, any appointive officer or employee of the City, for any violation of the rules or regulations of the department in which he is serving, or upon being found guilty of any act or omission prescribed in this charter as a ground of removal for cause.

SECTION 73. WHEN CHARTER EFFECTIVE.

For the purpose of holding the municipal election and electing the officers provided herein, this charter shall go into effect upon its approval by the legislature. For all other purposes it shall go into full force and effect from and after the seating of the new Council elected hereunder. Within sixty days after their election and induction into office said Council shall appoint a City Manager as herein provided. Should the legislature fail to approve this Charter before February 1, 1927, the first election hereunder shall be held on the first Tuesday in June, 1927, and the officers elected thereat shall be seated on the Monday following. Thereafter the elections and terms of officers shall be as hereinbefore provided.

Charter effective.

SECTION 74. CONTINUING ORDINANCES IN FORCE.

All lawful ordinances, resolutions and regulations in force at the time this charter shall take effect and not inconsistent with its provisions are hereby continued in force until the same shall have been duly amended, repealed or suspended.

Existing ordinances.

SECTION 75. CONTINUING OFFICERS AND EMPLOYEES.

Until the election or appointment and induction into office of the officers and employees in this Charter provided for, the present officers and employees shall without interruption continue to perform the duties of their respective offices and employments for the compensation provided by the existing ordinances and laws.

Incumbents

WHEREAS, The City of Porterville is a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

WHEREAS, On Tuesday the 2d day of February, 1926, at special election which was duly called and held in said city on that day under and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said city did choose and elect Cora L. Baker, Olive A. Bell, Waldo E. Burford, T. B. Coull, Marcus Elmo DeWitt, E. M. Hammond, C. C. Howell, Marcus M. Jones, Guy Knupp, Alice E. Lamkin, W. C. Little, Elmer L. Long, John A. Scott, Lois E. Shippey and J. F. Wright, who were and are all electors of said city and eligible as candidates, under said election, as a board of fifteen freeholders to prepare a new charter for the government of said city; and

WHEREAS, The result of said election was duly declared by the legislative body of said city, to-wit: The Board of Trustees thereof, on the 8th day of February, 1926, and all of said electors thereafter duly qualified as such freeholders in accordance with law; and

WHEREAS, The said Board of Freeholders did on the 17th day of May, 1926, determine and declare that the period of one hundred and twenty days was insufficient time for the preparation and proposal by said Board of Freeholders, of a

charter for the government of said City, and did thereupon, on the said 17th day of May, 1926, with the consent of the legislative body of said city to-wit, the Board of Trustees of said City, extend the period of one hundred and twenty days for an additional period of sixty days; and

WHEREAS, The period as so extended since the result of said election was declared, has not expired;

Now, THEREFORE, in pursuance of the said provisions of the Constitution of the State of California, and within the period as so extended after the result of said election was so declared, the said Board of Freeholders has prepared and does now propose the foregoing charter as and for the charter of the City of Porterville.

And the Board of Freeholders does hereby fix and designate Tuesday the 5th day of October, 1926, as the date for holding a special municipal election in said City, at which the said proposed charter shall be submitted to the electors of said City for their ratification and adoption.

IN WITNESS WHEREOF, the undersigned freeholders hereunto set our hands at the City of Porterville, in the State of California, this 28th day of July, 1926.

E. M. Hammond,
President of the Board of Freeholders.

J. A. Scott
Secretary of the Board of Freeholders.

Lois Shippey.

Cora Lee Baker.

Olive A. Bell.

Alice E. Lamkin.

Waldo E. Burford.

Marcus Elmo DeWitt.

W. C. Little.

Marcus M. Jones.

J. F. Wright.

Guy Knupp.

E. L. Long.

C. C. Howell.

Thos. B. Coull.

Certificate.

We do hereby certify that the foregoing constitutes a full and true statement of all of the facts and proceedings had by the City of Porterville in the matter of the election of the Board of Freeholders and in the preparation, proposing, filing, voting upon and canvassing the returns, and declaring the result of the election in the matter of the proposed charter for the government of the said City of Porterville, and that said charter as hereinbefore set forth is a full, true and correct copy of the charter as prepared and proposed by said Board of Freeholders, and of the certificate of said Board of Freeholders thereto attached, and filed in the office of the City Clerk of the City of Porterville on the 31st day of July, 1926,

IN WITNESS WHEREOF, we have hereunto set our hands and hereunto affixed the seal of the City of Porterville, this 6th day of December, 1926.

[SEAL]

A. T. KESSING,
President of the Board of Trustees
of the City of Porterville.

W. R. MEANS,
City Clerk of the City of Porterville.

WHEREAS, Said charter has been submitted to the Legislature of the State of California for approval or rejection without alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it Approval by
Legislature.

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said charter as presented to, adopted and ratified by the qualified electors of said city and as hereinabove fully set forth, be and the same is hereby approved as a whole as and for the charter of the city of Porterville.

CHAPTER 28.

Assembly Concurrent Resolution No. 12—Approving the charter of the city of Inglewood, State of California, voted for and ratified by the qualified voters of the said city of Inglewood, upon a special municipal election held therein on the fourteenth day of December, one thousand nine hundred twenty-six.

[Filed with Secretary of State January 27, 1927.]

WHEREAS, The city of Inglewood, in the county of Los Angeles, State of California, is now, and at all times herein referred to was a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the Legislature of the State of California, and which said census is now on file in the office of the secretary of state of the State of California at Sacramento, California; and Inglewood
city charter

WHEREAS, Said city of Inglewood is now, and at all times herein mentioned was a municipal corporation duly organized and existing under the general laws of the State of California as a city of the sixth class; and,

WHEREAS, Proceedings have been duly had in and by the city of Inglewood for the preparation, proposal, adoption and ratification of a charter, all as set out in the following certificate of the president of the board of trustees and the city clerk of said city of Inglewood, to wit:

State of California,
County of Los Angeles, } ss.
City of Inglewood.

We, the undersigned, Charles M. Miller, president of the board of trustees of the city of Inglewood, State of California,

Inglewood
city charter
(cont'd).

and Otto H. Duelke, city clerk of said city of Inglewood, do hereby certify and declare as follows:

That the said city of Inglewood, in the county of Los Angeles, State of California, is now and at all times herein referred to was a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the Legislature of the State of California, and which said census is now on file in the office of the secretary of state of the State of California, at Sacramento, California, and hereby expressly referred to for all further particulars in that regard;

That said city of Inglewood is now, and at all times herein mentioned was, duly organized and existing under the general laws of the State of California, as a city of the sixth class;

That on the eighth day of March, A. D. 1926, pursuant to the provisions of section 8, of article XI of the constitution of the State of California, the board of trustees of the said city of Inglewood, which was then and there the legislative body of said city, did by a vote of more than four-fifths of all of its members, to wit, by a unanimous vote of all of the members thereof, pass and adopt a resolution calling a special election to be held in said city on the twelfth day of April, 1926, for the purpose of choosing a board of fifteen freeholders to prepare and propose a charter for the government of said city of Inglewood, and gave due notice of said election as required by law;

That at said election held on said twelfth day of April, 1926, a board of fifteen freeholders, all of whom were electors of said city of Inglewood and had been such electors for more than five years next preceding their election, and all of whom were eligible as candidates under said election, was chosen or elected by the qualified electors of said city of Inglewood as such board of freeholders, to prepare and propose a charter for the government of said city, the names of said freeholders so chosen being as follows:

Dr. E. O. Campbell, George C. England, George M. Green, Samuel M. Greene, O. P. Allen, Sanford M. Anderson, John G. Baum, C. C. Griffin, Clarissa P. Mosher, Arthur W. Cory, Frank D. Parent, Frank A. Zillgitt, Thomas G. Stevens, Harry Spaulding, Minnie M. Baum;

That the returns of said election were canvassed and the result thereof declared by the board of trustees of said city of Inglewood on the nineteenth day of April, 1926;

That the said board of freeholders did on the twentieth day of July, 1926, determine and declare that the period of one hundred twenty days referred to in section 8 of article XI of the constitution of the State of California, was an adequate time for the preparation and proposal by said board of freeholders of a charter for the government of said city, and did thereupon on said twentieth day of July, 1926, with the consent of the legislative body of said city, to wit, the board of

trustees of said city, extend said period of one hundred twenty days for an additional period of sixty days;

Inglewood
city charter
(cont'd)

That in pursuance of said provisions of said constitution of the State of California, and of the proceedings theretofore had, and within the period as so extended, after the result of said election was so declared, the said board of freeholders did prepare and propose a charter for the government of said city of Inglewood, which said charter was signed by all, to wit, fifteen members of said board of freeholders, and was filed in the office of the city clerk of said city of Inglewood on the eleventh day of October, 1926;

That said board of freeholders did before such filing, fix and designate on such charter the fourteenth day of December, 1926, as the date upon which said charter should be submitted to the electors of said city of Inglewood for their ratification;

That thereupon said board of trustees of said city of Inglewood, by resolution, duly called and ordered the holding of a special municipal election to be held in said city of Inglewood, on the fourteenth day of December, 1926, and gave notice of the holding of said election as required by law, at which election there was submitted to the qualified electors of said city, the question whether said proposed charter prepared and filed by said board of freeholders should be ratified and adopted as the charter for the government of the said city of Inglewood;

That within fifteen days after the filing of said charter, said board of trustees caused the same to be published once, to wit, on the thirteenth day of October, in The Inglewood Daily News, which was then and there a newspaper of general circulation, printed, published and circulated within said city, and the official paper of said city;

That said board of trustees caused copies of said proposed charter to be printed in convenient pamphlet form and to be placed in the office of the city clerk of said city, which printing and placing was completed at once and not later than fifteen days after the filing of said proposed charter, and also beginning on the twelfth day of October and continuing until the date fixed as aforesaid for the election upon such charter, advertised a notice that such copies of said charter could be had from the city clerk of said city upon application therefor, and that said advertisement appeared in the following newspapers of general circulation, printed, published and circulated in said city of Inglewood as follows:

In The Inglewood Daily News from October 12, 1926, to December 14, 1926, both days inclusive;

In the Inglewood-Fairview Gazette from October 12, 1926, to December 14, 1926, both days inclusive; and

In the Inglewood Californian from October 15, 1926, to December 14, 1926, both days inclusive;

and that the said notice or advertisement appeared in each of said newspapers as often as said papers were respectively issued during the respective periods hereinabove set forth;

That said election was duly and regularly held on the fourteenth day of December, 1926, and that at said election a majority of the qualified electors voting thereon voted in favor of such proposed charter, and for the ratification and adoption thereof;

That the board of trustees of said city of Inglewood at a regular meeting hereof held as required by law, duly canvassed the returns of said election and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of such proposed charter, and for the ratification and adoption thereof and that the same was adopted and ratified by more than a majority of the qualified voters of said city of Inglewood;

That said charter so prepared, proposed, filed and ratified as herein set forth, together with the certificate and signatures of all of the members of said board of fifteen freeholders attached thereto, are in words and figures as follows, to wit:

PROPOSED CHARTER FOR THE GOVERNMENT OF THE CITY OF INGLEWOOD, CALIFORNIA, TO BE SUBMITTED TO THE ELECTORS OF SAID CITY AT A SPECIAL MUNICIPAL ELECTION ON TUESDAY, THE 14th DAY OF DECEMBER, 1926.

CHARTER OF THE CITY OF INGLEWOOD, CALIFORNIA.

ARTICLE I

NAME AND SUCCESSION

Name and succession.

Section 1: The municipal corporation now existing and known as the "City of Inglewood," California, shall remain and continue a body politic and corporate in fact and in law by the name as at present of "City of Inglewood," and by such name shall have perpetual succession.

ARTICLE II

BOUNDARIES

Boundaries.

Section 1: The boundaries of the said City of Inglewood shall continue as now established until changed as authorized by law.

ARTICLE III
POWERS OF CITY

Section 1: The City of Inglewood, as successor in interest to the municipal corporation of the same name heretofore created and existing, shall have, own, hold, possess, control, and in every way succeed to, and become the owner of, all rights, titles, claims and interests, and all property of every kind and nature whatsoever, both real and personal, by said existing municipal corporation had, owned, held, possessed, claimed or controlled, and shall in every way have power to use, lease, manage and sell, or otherwise dispose of the same, and shall be subject to each and all of the debts, obligations, liabilities, dues and duties of said existing municipal corporation.

Succession to property, obligations, etc.

Section 2: The said City of Inglewood shall have, possess and exercise all powers, privileges and rights vested in said City of Inglewood under the constitution of the state of California, the laws of said state, and this charter, and said city shall have all powers which a municipal corporation may lawfully possess or exercise under the constitution of said state.

General municipal powers.

Section 3: The said City of Inglewood shall have the right, authority and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this charter; provided, however, that nothing herein contained shall ever be construed to prevent or restrict said city from exercising any and all rights, powers and privileges hereby, or heretofore or hereafter granted or prescribed by the general laws of said state; and provided further that where the general laws of said state provide a procedure for the carrying out and enforcement of any rights or powers belonging to said city, such procedure shall control and be followed, unless a different procedure shall have been provided in this charter, or by ordinance.

Enforcement of municipal rights and powers

Section 4: The City of Inglewood, in addition to any other rights and powers now held by it, or that hereafter may be granted to it, under the constitution or laws of the State of California, subject to the restrictions in this charter contained, and without in any way, or to any extent, limiting the powers in this charter conferred or mentioned, and for the purpose of removing all doubt concerning the exercise of the powers hereinafter expressly mentioned, shall have power:

Enumerated powers

First: To have perpetual succession.

Second: To have and use a corporate seal, and by ordinance to alter it at pleasure.

Third: To sue and be sued in all courts and places, and in all actions and proceedings whatsoever.

Fourth: To levy and collect taxes, and to levy and collect license taxes, for both regulation and revenue.

Fifth: To borrow money, incur municipal indebtedness, and issue bonds or other evidence of such indebtedness.

Enumerated
powers
(cont'd).

Sixth: To make contracts.

Seventh: To acquire by purchase, gift, bequest or devise, or condemnation, or by any other manner sanctioned by law, within and without the boundaries of said city, property, both real and personal, of every kind and nature whatsoever, for all purposes.

Eighth: To acquire by any of said means above stated, and to establish, maintain, equip, own and operate, either within or without the boundaries of said city, telephone and telegraph systems, street railways, ships or vessels, motor transports and busses, airplanes, dirigibles, and all manner of aircraft, or other means of transportation, warehouses, free public markets, waterworks, filtration plants, gas works, electric light, heat and power works, underground or overhead conduit systems, and any other works necessary or convenient to a public utility, or to carrying on the business of such utility, and pipe lines for transporting oil and gas; and to join with any other city or cities, district, or county, in the acquisition, construction, completion and maintenance of the same.

Ninth: To have the power by ordinance to take out a permit or lease under the regulations concerning oil and gas permits and leases and rights-of-way for oil and gas pipe lines, in accordance with the terms and provisions of the regulations of the Department of the Interior, General Land Office of the United States of America, as authorized by acts of Congress.

Tenth: To improve streams and channels flowing in or through said city, or adjoining the same, and to widen, straighten and deepen such channels or streams, and remove obstruction therefrom, and to construct and maintain embankments and other works to protect the said city, or any portion thereof, from overflow and storm water.

Eleventh: To furnish the said city, or its inhabitants, or persons without the boundaries of said city, with water, gas, electricity, telephone, telegraph, information or entertainment, heat, illumination, refrigeration, or power service in any of their respective forms, or any other public utility service or commodity whatsoever, and whether by means of pipes, wires, conduits, waves, beams or other means of transmission or service.

Twelfth: To have, own, hold, possess, use, control and manage property, both real and personal, of every kind and nature, for any and all purposes whatsoever.

Thirteenth: To lease, sell, convey and dispose of any and all property herein mentioned or referred to, for the common benefit.

Fourteenth: To acquire, construct, complete, conduct, operate and maintain: parks, playgrounds, markets, baths, public halls, shelters, auditoriums, libraries, museums, art galleries, hospitals, sanitariums, gymnasiums, stadiums, coliseums, airports and landing fields for airplanes, dirigibles and aircraft of all sorts, and adequate housing and buildings,

tools and equipment, apparatus and paraphernalia necessary or useful in connection therewith; radio transmitting and receiving stations of all kinds, and appurtenances necessary or convenient to be owned or used in connection therewith; and any and all buildings, establishments, institutions and places, and whether situated inside or outside of the boundaries of said city, and which are necessary or convenient or useful in or for the transaction of public business, or for promoting the health, morals, education, peace or welfare of the inhabitants of said city, or for the amusement, recreation, entertainment or benefit of the inhabitants and public of said city; together with any and all equipment, apparatus, tools, foodstuffs, medicines, supplies and paraphernalia of any and every kind or nature whatsoever, necessary or useful in connection with any or all thereof.

Enumerated
powers
(cont'd).

Fifteenth: To regulate, discontinue and/or exclude cemeteries within the boundaries of said city.

Sixteenth: To regulate the entrances to and the exits from all theaters, lecture rooms, public halls, schools, churches and public buildings of every kind, and to regulate and prevent the placing of seats, chairs, benches, or other obstructions, in the halls, aisles or other passageways therein.

Seventeenth: To regulate or prohibit the operation of blasts and blasting, the drilling for oil or gas, or other hydrocarbon substance, and the construction and operation of derricks, windlasses, or other structures, apparatus and operations hazardous to life and/or property within said city; and to regulate the installation and operation, and provide for the inspection of freight and passenger elevators, boilers, engines, dynamos, and other apparatus for generating steam, electricity or other power or heat within the said city.

Eighteenth: To regulate hotels, lodging houses, tenements, apartment and boarding houses, and to prevent the overcrowding of the same, and to require the same to be put and kept in safe and sanitary condition.

Nineteenth: To provide for the inspection and regulation of all dairies within the boundaries of said city, and to provide for the inspection and regulation of all dairies outside of the boundaries of said city that offer for sale or sell, either directly or indirectly, any of their products within the said city.

Twentieth: To provide for the naming of the streets and public places, and the numbering of houses, within said city, and to regulate or prohibit the exhibition or placing of banners, flags, placards, signs, advertising matter or posters, in, upon or across the public streets and sidewalks, or other public places within the said city.

Twenty-first: To regulate or prohibit the making up of railroad or railway trains upon any of the streets, street crossings, or street intersections within the said city; to establish stands for busses, taxicabs, public carriages, express wagons and other public vehicles for hire, and to regulate the charges

Enumerated
powers
(cont'd).

for the use of any of such busses, taxicabs, public carriages, express wagons and other public vehicles, and require schedules for such charges to be posted in or upon such public vehicles.

Twenty-second: To prohibit injury to, or interference with, trees, plants, shrubbery and ornamental growths in the public streets and places of said city, and to prescribe the punishment for such injury and interference.

Twenty-third: To grant the right to erect, construct, string or lay telegraph, telephone and electric light and power wires, and to install conduits for transmitting electrical or other energy for lighting or power purposes or pipe lines for transporting water, oil, gas or steam under the public streets or highways of said city; provided, however, that all such rights and franchises shall be granted subject to the restrictions and limitations in this charter contained relating to the granting of franchises.

Twenty-fourth: To restrain and prevent diseased, blind, maimed, crippled, injured, or other similarly unfortunate persons, from displaying their infirmities upon or in the public streets and places of said city for the purpose of receiving alms, gifts or donations, and to properly care for and aid such diseased, blind, maimed, crippled, injured or similarly unfortunate persons from the general municipal revenues of said city.

Twenty-fifth: To regulate speaking in the public streets and/or places and gatherings therein, and to regulate and/or prohibit the exhibition or carrying in parades, or otherwise, of any placard, banner or advertisement, and the distribution of dodgers or handbills in the public streets, grounds or places within said city; to regulate or prohibit traffic in goods, wares or merchandise, or sales in the public streets, grounds or places; and to prevent encroachments upon or obstructions in, to or of the public streets, avenues, alleys and ways, and to require the abatement and removal of all such encroachments and obstructions.

Twenty-sixth: To prevent any and all drunkenness, offensive, immoral, indecent and disorderly conduct and practices in said city; and to restrain and prohibit all kinds and descriptions of gambling, and all gambling devices and practices; all playing of cards, dice and other games of chance for the purpose of gambling, and the keeping or operating of card machines, slot machines, or other contrivances or apparatus or devices, upon or into which money or anything is staked, hazarded, deposited or paid upon chance; and to prohibit the making or selling of pools on races, games or other exhibitions, and to authorize the confiscation and destruction of all instruments, apparatus and paraphernalia used for the purpose of gambling; and to restrain and punish vagrants, mendicants, lewd persons, lascivious persons and prostitutes.

Twenty-seventh: To make any and all restrictions which may be necessary, convenient, expedient or advisable for the

preservation of the public health and the suppression of diseases; to make any and all regulations necessary, convenient, expedient or advisable to prevent the introduction of contagious, infectious or other diseases into said city; to make quarantine laws and regulations, and to enforce the same within the said city; to regulate, control and prevent the entry into said city of any person or persons, baggage, goods, wares or merchandise, or other property, infected with any contagious disease.

Enumerated
powers
(cont'd).

Twenty-eighth: To prohibit and punish cruelty to animals and fowls within said city, and to require the places where they are kept to be maintained in a clean, healthful and sanitary condition.

Twenty-ninth: To acquire, construct, complete and maintain any and all works necessary or convenient for, or useful in the disposal of sewage, garbage, rubbish and waste matter of any and all kinds, and to construct, own, maintain and operate sewers, sewer farms, sewage disposal plants, and all machinery, apparatus and equipment necessary or convenient so to do; to construct, own, maintain and operate incinerating plants and garbage reduction plants, and to join with any other city or cities, or county, or sanitation district, in the acquisition, construction, completion, maintenance and operation of any such works, farms or plants.

Thirtieth: To provide for the care, housing and sustenance of indigent, aged and/or helpless persons within said city.

Thirty-first: To regulate travel and traffic in and upon the public streets, avenues, highways, alleys and places within the said city, and to establish boulevards and main arteries of traffic, and to regulate and control traffic thereon.

Thirty-second: To regulate the speed of railway engines, cars, trains and equipment, and of street cars and street railway apparatus or equipment, and of all public busses and conveyances passing through or operating within said city; to require railroad companies and street railway companies either to station flagmen, or place sufficient automatic warning signals and signalling bells, or other warning devices, at crossings; and to require street cars and public conveyances to be provided with suitable fenders and/or other appliances for the protection of the public.

Thirty-third: To regulate the operation of all manner and types of aircraft, whether heavier than air or otherwise, and whether for the carrying of passengers or freight, in or over any part of said city; to provide for municipal inspection of all types of aircraft within the said city, at the cost of the city or of the owners, operators or pilots thereof; to prohibit the operation of any and all types of aircraft in or over said city unless the same shall have been first approved as to safety and airworthiness, and a permit issued for such operation, by designated municipal authorities; to designate fields or stations at which any such aircraft may be lawfully landed; and to prescribe the respective minimum heights at which any and

Enumerated
powers
(cont'd).

all types of aircraft may be operated over said city, and which, as prescribed from time to time, shall be observed, except when such aircraft is being operated in the immediate act of either taking off or landing.

Thirty-fourth: To regulate and control the carrying of freight and/or passengers, whether for hire or otherwise, in or through any part of said city, on, along or upon any and all of the public streets, avenues, highways, alleys, ways or places therein.

Thirty-fifth: To regulate or prohibit the sale, keeping, storing and use of gasoline, dynamite, powder, petroleum, fireworks, nitroglycerin, and all other explosive or highly combustible materials and substances, and the place of manufacture or storage thereof, and their transportation; and to regulate the keeping or storing of hay, straw, excelsior, and other highly inflammable materials.

Thirty-sixth: To make, adopt and enforce any and all necessary, advisable or convenient rules and regulations for the protection of persons and property within the said city from fire, floods, riots and other public calamities, and to make, adopt and enforce all such local, police, sanitary and other rules or regulations as are deemed expedient to establish, preserve and maintain the public peace, protect life and property, promote the public morals and welfare, and preserve the health and well-being of the inhabitants and public of said city.

Thirty-seventh: To acquire, organize, equip and maintain a full and complete fire department, together with all necessary, usual and convenient appurtenances, and to make any and all necessary, advisable or convenient regulations for the prevention and combating of fire.

Thirty-eighth: To grant permits, except when prohibited by this charter or the constitution or laws of the state of California, to any person, firm or corporation to use the public streets, avenues, ways, highways, alleys, places or public property of said city, upon such terms and conditions as the council may by ordinance prescribe, and which said permits shall be revocable by the council at any time without notice.

Thirty-ninth: To regulate, establish and change from time to time the rates and charges to be imposed and collected by any person, firm or corporation for any commodity or service rendered under, pursuant to or in connection with any franchise, permit or license heretofore or hereafter granted by said city, or any authority thereof, provided that the same is not inconsistent with the provisions of this charter or the constitution or laws of the state of California.

Fortieth: To receive and use any and all kinds of devises, bequests, trusts, gifts and/or donations, of any and all kinds of property, whether in fee simple, in trust, or otherwise, and whether for charitable, educational or other purposes; and to do and perform any and all acts and things necessary, advisable or convenient to carry out the purposes or requirements

of such devises, bequests, trusts, gifts or donations, and with full power to manage, control, sell, lease or otherwise dispose of the same, in accordance with the respective terms and conditions of any such devises, bequests, trusts, gifts or donations, or absolutely, in case the same be unconditional. Enumerated powers (cont'd).

Forty-first: To regulate and limit the height and bulk of buildings or structures hereafter erected, and of additions to buildings or structures already erected, within said city, and to regulate and determine the area of yards, courts and other open spaces within said city, and for such purposes to divide said city into districts. Such regulations, limitations and determinations shall be uniform for each class of buildings or structures throughout any district, but the regulations, limitations and determinations in one or more districts may differ from those in other districts. Such regulations shall be designed to secure safety from fire and other dangers, and to protect and promote the public health and welfare, including, so far as conditions may permit, provisions for adequate light, air and convenience of access, and shall be made with reasonable regard to the character of the buildings or structures erected in each district, the value of the land involved, and the use to which it may be put, to the end that such regulations, limitations or determinations may promote the public peace, health, safety and/or welfare of said city and its inhabitants.

Forty-second: To regulate and control the construction and manner of construction of, and materials used in, any and all buildings, chimneys, stacks and other structures of every kind and nature whatsoever within the said city; to prevent the erection and/or maintenance of insecure or unsafe buildings, walls, chimneys, stacks, or other structures, and to provide for their summary and immediate abatement, demolition or destruction; to prescribe the depths of cellars and basements, and materials used in, and the method of construction of, foundations and foundation walls, and the manner of construction and the location of drains and sewers, and the character of the materials used therein; to prescribe, determine and regulate: the materials used in and the thickness and construction of party walls, partitions and outside walls; the thickness and construction of chimneys; the construction and character of bathrooms, water closets, privies and vaults, and the manner of and materials used in plumbing for sanitary or drainage or other purposes; and the manner of and materials used in the wiring of buildings or other structures for the use of electricity for lighting, power or other purposes, and to prescribe, determine and regulate the manner of and materials used for piping buildings or other structures for the purpose of supplying the same with water and/or gas, and to prohibit the construction or maintenance of buildings and structures which do not conform to such regulations.

Forty-third: To require the owners, lessees or occupants of buildings or other structures within said city to place upon

Enumerated
powers
(cont'd).

or in them fire escapes and appliances for protection against and the extinguishment of fire.

Forty-fourth: To prevent the construction of, and to cause the removal of, insecure or dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used or installed in any building in said city, and to regulate the carrying on of industries, or businesses, or factories which from their nature, or on account of the commodities handled, are liable to cause fire; to prevent the distribution of ashes, or other objectionable materials, or the accumulation of shavings, rubbish, refuse or combustible materials in unsafe places, or in any place in which the same will constitute a fire menace, and to make any and all provisions necessary or convenient to guard and protect against fire.

Forty-fifth: To lease, sell, or otherwise dispose of, any public utility owned by the said city; provided, however, that no such public utility, or substantial portion thereof, so owned, shall be sold, leased, or otherwise transferred, without the assent of two-thirds of the qualified voters of said city voting on the proposition at an election at which such proposition shall be submitted.

Forty-sixth: To prohibit in and exclude from said city such trades, vocations, hospitals, institutions, asylums, callings, businesses, or industries as the city council may by ordinance from time to time determine or declare to be nuisances, or obnoxious, dangerous, or offensive to human beings.

Forty-seventh: To join with one or more cities, counties, sanitation districts or improvement districts incorporated or organized under the constitution and/or laws of the state of California, in order to acquire, construct, complete, develop, maintain and use sewers, sewer outfalls and sewage disposal plants, and a source or sources of water supply for municipal and domestic purposes, and to construct any and all works necessary for their joint and several purposes, uses and needs, and to unite with such other cities, counties and/or districts in bond issues therefor.

Forty-eighth: To acquire, establish and maintain a pound; to regulate and prevent the running at large of dogs, or other animals, and of fowls; to provide for the impounding and disposing of such dogs, animals or fowls; to provide for the destruction of vicious dogs, or other vicious or obnoxious animals, whether impounded or not; to require the payment of license fees by the owners or persons having the possession of dogs, and such other animals as the council may by ordinance prescribe, and to impose penalties upon such persons for refusing to pay such license fees.

Forty-ninth: To license, regulate, and, when deemed necessary by the council, in order to preserve the public peace, health, welfare, or safety of the public, or inhabitants, of said city, to prohibit any and all public exhibitions, shows, games, amusements or meetings of any nature, excepting only meetings of the council of said city.

Fiftieth: To provide at the beginning of the first fiscal year hereafter an emergency fund of five hundred dollars, which may be used or expended at the sole instance and direction of the mayor, to be paid out from time to time upon his itemized demands, for any purpose or emergency connected with the affairs of his office or of said city, and to reimburse said executive for any reasonable expenditures made by him in the discharge of his duties, such as the entertainment of visitors and officials to the said city, stenographic fees, the investigation of conditions which in the opinion of said official require investigation therein, and the securing of any other service or thing required by said official in or about the duties of his office. At the beginning of each succeeding fiscal year thereafter said fund shall be replenished to the full extent of any withdrawals made therefrom during the preceding fiscal year and such respective succeeding funds shall be subject to the use or expenditure of the mayor as provided for in the case of said first fund.

Enumerated
powers
(cont'd).

Fifty-first: To cause and require the removal from above ground and the placing underground of any and all telephone, telegraph, electric light, electric power, or other wires, or cables, or conduits, or conductors, within the said city, or within any designated portion thereof, and to regulate the location and placing of poles, and the suspending of wires, cables or ropes, or other conductors, along or across any of the public streets, avenues, highways, lanes, alleys, ways and public places within said city.

Fifty-second: To require persons, firms and/or public service or other corporations excavating in public streets or alleys for any purpose whatsoever, to secure a permit so to do before commencing any such excavating, and to repave or replace the excavated portion with the same class of materials and in the same manner that existed prior to such excavation; and to require such persons, firms and/or corporations, before receiving any such permit, to give such bonds, or deposit such moneys, as the council may prescribe, as a guarantee of the faithful performance of such work, the refilling of such excavation, the restoration of the surface to its condition as it existed immediately prior to the making of such excavation, and that said work will be completed to the satisfaction of the street superintendent of said city.

In the event of any default by any such person, firm or corporation in any particular in any obligation herein contemplated on the part of such person, firm or corporation to be performed, or upon request of such person, firm or corporation, or on order of the council of said city, the street superintendent shall cause such work of refilling and restoration of surface to be performed and completed by the street department of said city, and the cost thereof shall be deducted from, and paid to said city out of, the principal sum of any such bond, or deposit, or paid to said city by such person, firm or corporation.

Enumerated
powers
(cont'd).

Fifty-third: To provide for the collection and disposal within said city of garbage, ashes, animal and vegetable refuse, dead animals, filth, tin cans, combustible rubbish, semi-combustible rubbish, non-combustible rubbish, and waste matter of all kinds.

Fifty-fourth: To prohibit and prevent any person, firm or corporation from filling in, obstructing or placing any obstruction in any natural water course, waterway or channel, within the said city, in such a manner as to cause storm waters to flood, flow upon or damage any public street, lane, alley, place, park or public property of any kind within the said city, and to require that any and all such channels, waterways or water courses be opened and be kept open at all times.

Fifty-fifth: To make regulations requiring the owner or owners of real property bordering or fronting upon any public street, avenue, lane, alley, way or other public place, in which there exists a public sewer, or a public water main, or public gas main, or other public utility mains or conduits, to connect therewith their several premises by proper laterals or connections, to each lot, provided however, that there shall be at least one such lateral or connection of each class to and for each fifty feet of frontage of such premises, either before or at the same time such street, avenue, lane, alley, way or other public place, or the portion thereof upon which such property fronts, is substantially paved or otherwise substantially improved; and upon default of such owner or owners to cause such connections to be made before or at the same time such pavement or improvement is made, to cause such connections to be made by said city, and to make the cost thereof a lien and charge upon each property or premises so connected, and to make provision for the enforcement of such lien by sale of such premises.

Fifty-sixth: To regulate the material, quality, size and location of all water pipes, gas pipes, mains, service pipes, fire plugs, and all other pipes and conduits of every kind constructed, laid, placed or installed in the public streets, avenues, lanes, alleys, ways or other public places within the said city, and to provide for and to regulate the construction, operation, maintenance, use, repair, removal and replacement of any and all such water pipes, gas pipes, mains, service pipes and fire plugs, and all other such pipes and conduits of every kind, and of all cisterns, pumps and other appliances requisite to effect or facilitate the transportation or distribution of water, gas, electricity, steam or other substance in the public streets, avenues, lanes, alleys, ways or other public places within the said city, and to require any person, firm or corporation seeking to install, use, operate, maintain, remove, repair or replace the same, or any portion thereof, before commencing any such work, to file an application for a written permit so to do, with a chart or map showing the material, size, character and location of the proposed installation or works; and no such installation or works shall be commenced until such written permit is granted.

Fifty-seventh: To assess, levy, collect and enforce assessments and special assessments for public or local or district improvements or work, and in the discretion of the council to contribute from the general or other municipal revenues or funds of the city towards the cost or maintenance of the same.

Enumerated
powers
(cont'd).

Fifty-eighth: To provide pensions for any and/or all officers and employees, excepting elective officers, and, in case of the death of any such non-elective officers or employees, for the payment of such pension to the surviving widow and/or child or children, or dependent parent or parents, of such non-elective officer or employee.

Fifty-ninth: To exercise the right of eminent domain, for the purpose of acquiring real and/or personal property of every kind whatsoever within and/or without the corporate limits of said city, necessary or convenient for the use of said city, or of the public or inhabitants thereof.

Sixtieth: To create by ordinance offices other than those established by this charter or by the general law, whenever the public convenience or necessity, in the opinion of the majority of the members of the council, may require the same, and to prescribe the duties pertaining to the respective offices thus created, and to provide for the election or appointment, and the compensation of the officers to fill the same, and their respective assistants and employees.

Sixty-first: To establish and change the grade and/or curb lines, and lay out, open, extend, widen, straighten, change, close, vacate, abandon, pave, repave, surface or resurface, light, tunnel or retunnel, or otherwise in any manner whatsoever improve, reimprove, reconstruct, care for, or repair, or perform work of any kind in, upon or under, any and all public streets, avenues, ways, lanes, alleys, highways, and places, or portions thereof, within the said city; and to construct, reconstruct, repair, alter, remove and replace therein sewers, drains, conduits, culverts, improvements and works of any and all kinds and descriptions whatsoever; also to assess and levy special or district assessments to defray the whole or any part of the cost of such works or improvements; and also to provide for the repair, cleaning, and sprinkling of any and all such public streets, avenues, ways, alleys, lanes, highways and places; also to acquire, construct, complete, improve and maintain parks, parking and parkways, and to plant, care for, attend to and remove therefrom trees, shrubs, flowers, vines, grass, and ornamental growths of every kind whatsoever; also to acquire, construct, provide, complete, equip and maintain zoos, aviaries, aquariums, horticultural and botanical, and other interesting, educational or scientific exhibits and collections, whether composed of living things or otherwise; also to provide, acquire, construct, complete, equip and maintain athletic fields, bathing and swimming pools, lakes, boats and boat houses, golf courses, polo fields, tennis and other game courts, grounds and fields, and all classes of athletic, instructive, educational or recreational facilities for public use; also to acquire, provide

Enumerated
powers
(cont'd).

and maintain any and all equipment, supplies, materials, apparatus and paraphernalia, necessary, convenient or useful in connection with the acquisition, construction, completion, use or maintenance of any and all of the properties, activities, matters or things hereinbefore in this section referred to.

Sixty-second: To define nuisances, and to prevent, remove and abate the same, and to provide that such nuisances may be removed or abated summarily, or otherwise, at the expense of the person or persons, firm or firms, corporation or corporations creating, causing, allowing, committing or maintaining such nuisance or nuisances, and for the collection of such expenses by suit against any such party or parties, and by ordinance to make the expense of such abatement a lien against the real property of each such nuisance so maintained, as well as to make such expense a personal obligation against the owner of said property.

Sixty-third: To provide for the creation, employment and maintenance of a municipal band.

Sixty-fourth: To pass or adopt ordinances upon or concerning any subject of municipal regulation or control, and to carry into force and/or effect any and all powers of said city.

Sixty-fifth: To make the violation of any provision or provisions of its ordinances, and/or of this charter, a misdemeanor, and to prescribe in such ordinances forfeitures, penalties and punishments for the violation thereof, which punishment shall be by fine or imprisonment, or by both fine and imprisonment; but no such punishment shall exceed a fine of three hundred dollars, or six months' imprisonment, or both.

Sixty-sixth: To fix the fees, compensation and/or charges for any and all official services not otherwise provided for in this charter.

Sixty-seventh: To make rules and regulations governing elections within the said city, not inconsistent with this charter or the constitution of the state of California.

Sixty-eighth: To acquire, provide, organize, establish, equip and maintain a full and complete police department, together with all necessary, usual and convenient appurtenances, and to make any and all necessary, advisable or convenient regulations for the prevention and combating of crime, the detection, arrest and punishment of criminals, and the preservation of the public peace and safety.

Sixty-ninth: To establish a park commission, and to appoint commissioners thereon to serve without compensation, with such number of commissioners and such powers and duties as may be fixed by the council by ordinance.

Seventieth: To establish a city planning commission, and to appoint commissioners thereon to serve without compensation, with such number of commissioners and such powers and duties as may be fixed by the council by ordinance.

Seventy-first: To regulate, license or prohibit the construction and use of billboards and signs.

Seventy-second: To fix, establish and change from time to time fire districts and fire limits within the said city.

Enumerated
powers
(cont'd).

Seventy-third: To provide and maintain a morgue.

Seventy-fourth: To provide suitable buildings, rooms and accommodations for all courts, departments, boards, officers and employees, together with all necessary attendants, furniture, fuel, lights and stationery for the convenient transaction of business.

Seventy-fifth: To license for the purpose of revenue or regulation all and every kind of business, occupation and/or profession authorized by law and transacted or carried on in said city, and all shows, exhibitions and lawful games carried on therein, and to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

Seventy-sixth: To make rules and regulations for the government of all servants, employees, officers and departments in said city, and to fix salaries and wages not otherwise provided for by this charter or by the general laws of the state of California.

Seventy-seventh: To allow and order paid out of the authorized funds of said city the sums respectively chargeable thereto, the allowance of which is not otherwise provided for.

Seventy-eighth: To provide for the sale at public auction, after five days' published notice, of any personal property unfit or unnecessary for the use of said city.

Seventy-ninth: To provide for the purchase of property levied on under execution in favor of said city, but the amount bid on such purchase shall not exceed the amount of the judgment and costs.

Eightieth: When authorized by law, and when the council shall by ordinance determine so to do, to acquire by purchase, condemnation or otherwise, and to establish, construct, maintain, equip, own and operate a complete public school system, including kindergartens and schools of all kinds, and including lands and buildings necessary or convenient or useful therefor, and also all apparatus, equipment, supplies and materials necessary, convenient or useful in conducting and operating the same, and to employ and pay any and all superintendents, teachers, janitors and other employees necessary or convenient in order to operate, maintain, conduct, and carry on the same, and to make any and all rules and regulations required or advisable respecting the same.

Eighty-first: To purchase any public utility commodity, such as gas, water or electricity, and distribute the same to the inhabitants and public of said city.

Eighty-second: To make contracts providing for payments as the work progresses, but no progressive payment under any such contract shall be for more than seventy-five per cent of the value of the labor done or materials actually incorporated or used in the work up to the time of such payment, nor shall

Enumerated
powers
(cont'd).

any such contract provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the actual completion of the work to be done under said contract, and the acceptance thereof by the proper officer, department, board or council of said city.

Eighty-third: To assess, levy, collect and enforce taxes upon property for municipal purposes, including music, entertainment and advertising; provided that the tax levied for any one year for all municipal purposes other than parks, libraries, schools, payment of interest on the municipal debt, redemption of and interest on bonds, music, entertainment and advertising, shall not exceed one hundred cents on each one hundred dollars of the non-operative assessed value of said city; and provided further that an additional assessment for parks, music, entertainment and advertising purposes not exceeding fifteen cents on each one hundred dollars of such non-operative assessed value of said city, may be levied and collected each year over and above said sum of one hundred cents above referred to, in the same manner and at the same time as the general tax for municipal purposes is levied and collected. The taxes received from said additional levy of fifteen cents shall be expended only for the purposes hereinabove indicated, and in such proportion to each from year to year as the council may elect.

Eighty-fourth: To order the repayment to the persons entitled thereto by the treasurer of any taxes, percentages, expenses or costs erroneously or illegally collected.

Eighty-fifth: To issue bonds for any purpose for which the city is authorized to provide, or for carrying out any of the powers possessed by the city; provided that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the state of California in force at the time such proceedings are taken shall be observed and followed.

Eighty-sixth: To provide for the inspection and sealing of all weights and measures used in said city, and to enforce the keeping and use by dealers of proper weights and measures, duly tested and sealed.

Eighty-seventh: In the absence of any procedure for carrying out or effectuating any granted or implied power or authority of said city, the general laws of this state, where applicable, and where not inconsistent with any express provisions of this charter, shall prevail and shall be followed.

Eighty-eighth: To district or zone the city in whole or in part for the purposes of municipal legislation applicable to any such zones or districts.

Eighty-ninth: To transfer or consolidate functions of the city government to or with appropriate functions of the state or county government, or to make use of such functions ... the state or county government and in the case of any such transfer or consolidation, the provisions of this charter pro-

viding for the function of the city government so transferred or consolidated shall be deemed suspended during the continuation of such transfer or consolidation, to the extent that such suspension is made necessary or convenient by said transfer or consolidation and is set forth in the ordinance establishing such transfer or consolidation, and any such transfer or consolidation may be repealed by ordinance, which repeal will terminate the suspension of the provisions of the charter hereinabove provided for.

Enumerated
powers
(cont'd)

Ninetieth: To exercise any and all municipal and/or police powers necessary to or convenient for the full and complete and efficient management and control of any and all municipal property, and for the efficient administration of the municipal government of said city, whether such powers are herein expressly enumerated or not.

Ninety-first: To exercise the fullest measure of local self-government not in conflict with the constitution and laws of the state of California, and to exercise each and every one of the powers which a municipal corporation may now or hereafter exercise under the constitution of the state of California.

Ninety-second: To do and perform any and all things and acts necessary or convenient in order to carry out or make effective or enjoy any and all of the rights, powers, objects and/or duties of said city.

Ninety-third: Lastly, this grant of power is to be liberally construed for the purpose of promoting and securing the well-being of the municipality, its inhabitants and the public therein.

ARTICLE IV

OFFICERS AND EMPLOYEES

Section 1: The officers of the City of Inglewood shall consist of a mayor, four members of the council, a city clerk, who shall be ex-officio city assessor, a city treasurer, who shall be ex-officio city tax collector, a city attorney, a city engineer, who shall be ex-officio street superintendent, a police judge, a chief of police, a fire chief, a superintendent of buildings, a waterworks superintendent, a park superintendent, and a health officer.

Officers.

Section 2: The council shall by ordinance fix the salaries and compensation of all officers of the city, excepting only the mayor and councilmen, and may change the same from time to time. In the case of elective officers, however, the restrictions of the Constitution of the State of California relating to the compensation of elective officers shall be observed. Said council may also by ordinance provide for any and all such other and additional subordinate boards, commissions, officers, assistants, deputies, clerks and employees, as such council may from time to time hereafter deem necessary, and fix their respective powers, duties and compensations. The council may appoint any person to more than one office or appointment, provided said council does not deem the duties of such

Compensation
and
employees.

offices or appointments to be in conflict, or the holding thereof by one person to be contrary to good public policy. If an elective officer of the city under the authority herein given, other than the mayor or councilmen, be appointed to hold any appointive office created herein, or created by ordinance as herein provided, he shall be entitled to receive as such appointive officer the salary or compensation attached to such appointive office in addition and without regard to his salary or compensation as an elective official; provided the duties of such appointive office are not such as he would reasonably be required to perform as such elective official.

Mayor.

Section 3: The mayor shall be elected from the city at large, and shall hold office for four years and until his successor is elected and qualified.

Council districts.

Section 4: The four members of the Council shall be elected by districts as follows:

(1) A councilman from District No. 1, which in the first instance is hereby established as all that portion of the City of Inglewood, California, included within the following described exterior boundary line, to-wit:

Beginning at a point in the easterly boundary line of the City of Inglewood, where said boundary line intersects the north-westerly line of the right of way of the Redondo Branch of the Atchison, Topeka and Santa Fe Railway; thence south-westerly along said right of way line to a point where it meets the center line of Centinela Avenue, as Centinela Avenue is shown on Map of Tract No. 5076, recorded in Book 53, page 42 of Maps, Records of Los Angeles County, California, on file in the office of the County Recorder of said County; thence North $32^{\circ} 55' 30''$ West along the center line of Centinela Avenue to its intersection with the center line of Stepney Street, as Stepney Street is shown on Map of Tract No. 1453, as per map recorded in Book 20, Pages 122 and 123 of Maps, Records of Los Angeles County, California, on file in the office of the County Recorder of said County; thence North $45^{\circ} 27' 26''$ West along the center line of Centinela Avenue a distance of 1054.42 feet; thence North $82^{\circ} 57' 52''$ West along the center line of Centinela Avenue to its intersection with the center line of Market Street (formerly Forest Street), as said Market Street is shown on Map of Tract No. 3650, recorded in Book 47, page 56 of Maps, Records of Los Angeles County, California, on file in the office of the County Recorder of said County; thence Southerly along the center line of said Market Street to its intersection with the center line of Centinela Avenue west of Market Street, as Centinela Avenue is shown on Map of said Tract No. 3650; thence North $84^{\circ} 12' 5''$ West along the center line of Centinela Avenue to a point in the westerly boundary line of the city of Inglewood; thence Northerly, Easterly and Southerly along the boundary line of the City of Inglewood in all its various courses to the point of beginning.

(2) A councilman from District No. 2, which in the first instance is hereby established as all that portion of the City of Inglewood, California, included within the following described exterior boundary line, to-wit:

Council
districts
(cont'd).

Beginning at a point in the northwesterly line of the right of way of the Redondo Branch of the Atchison, Topeka and Santa Fe Railway, where it meets the center line of Centinela Avenue, as Centinela Avenue is shown on Map of Tract No. 5076, recorded in Book 53, page 42 of Maps, Records of Los Angeles County, California, on file in the office of the County Recorder of said County; thence North $32^{\circ} 55' 30''$ West along the center line of Centinela Avenue to its intersection with the center line of Stepney Street, as Stepney Street is shown on Map of Tract No. 1453, as per map recorded in Book 20, pages 122 and 123 of Maps, Records of Los Angeles County, California, on file in the office of the County Recorder of said County; thence North $45^{\circ} 27' 26''$ West along the center line of Centinela Avenue a distance of 1054.42 feet; thence North $82^{\circ} 57' 52''$ West along the center line of Centinela Avenue to its intersection with the center line of Market Street (formerly Forest Street), as said Market Street is shown on Map of Tract No. 3650, recorded in Book 47, page 56 of Maps, Records of Los Angeles County, California, on file in the office of the County Recorder of said County; thence southerly along the center line of said Market Street to its intersection with the center line of Centinela Avenue west of Market Street, as Centinela Avenue is shown on Map of said Tract No. 3650; thence North $84^{\circ} 12' 5''$ West along the center line of Centinela Avenue to a point in the westerly boundary line of the City of Inglewood; thence southerly along said westerly boundary line to its intersection with the northwesterly line of the hereinbefore mentioned Railway right of way; thence northerly and easterly along said right of way line in all of its various curves and courses to the point of beginning.

(3) A councilman from District No. 3, which in the first instance is hereby established as all that portion of the City of Inglewood, California, included within the following described exterior boundary line, to-wit:

Beginning at a point in the westerly boundary line of the City of Inglewood where it intersects the northwesterly line of the right of way of the Atchison, Topeka and Santa Fe Railway; thence easterly along said right of way line in all of its curves and courses to its intersection with the northerly prolongation of the center line between the tracks of the Los Angeles Railway Company located on Market Street; thence southerly along said prolongation and the center line between said tracks to a point in the southerly boundary line of the City of Inglewood; thence westerly along the boundary line of the City of Inglewood and following all its various courses and curves to the point of beginning.

Excepting therefrom any territory included within the said above described exterior boundary line, which is not a part of said City of Inglewood as the same now exists.

(4) A councilman from District No. 4, which in the first instance is hereby established as all that portion of the City of Inglewood, California, included within the following described exterior boundary line, to-wit:

Beginning at a point in Market Street where the center line between the tracks of the Los Angeles Railway Company intersects the southerly boundary line of the City of Inglewood; thence northerly along the center line between said tracks in Market Street and the northerly prolongation thereof to a point where said prolongation intersects the northwesterly line of the Redondo Branch of the Atchison, Topeka and Santa Fe Railway; thence northerly and easterly along said right of way line in all of its curves and courses to its intersection with the easterly boundary line of the City of Inglewood; thence southerly along the boundary line of the City of Inglewood and following all its courses to the point of beginning.

Excepting therefrom any territory included within the said above described exterior boundary line, which is not a part of said City of Inglewood as the same now exists.

Term of councilmen.

Section 5: The members of the council shall hold office for four years, and until their successors are elected and qualified.

Clerk.

Section 6: The city clerk shall be elected from the city at large, and shall hold office for four years and until his successor is elected and qualified.

Treasurer.

Section 7: The city treasurer shall be elected from the city at large, and shall hold office for four years and until his successor is elected and qualified.

Other officers and employees.

Section 8: All other officers, assistants, deputies, clerks, employees and servants shall be appointed as provided in this charter, or as the council may provide by ordinance, in case no provision for their appointment is otherwise herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power, except as in this charter otherwise provided. Where the appointment of any officer, assistant, deputy, clerk, employee or servant is vested in the council, or in any board or other body, the appointment and removal must be made by at least a three-fifths vote of the members of such body.

Redistricting of city.

Section 9: On or before the first day of October, 1927, and on or before the first day of October of each fourth year thereafter, the council shall by ordinance redistrict the city into four districts for the purpose of electing councilmen therefrom, as contemplated in this charter. Said districts, so revised and fixed from time to time, shall comprise as nearly as practicable equal numbers of voters as determined by the total number of votes cast at the last preceding election held over said entire city, and be composed of contiguous and compact territory, and bounded by natural boundaries or

street lines. Any territory hereafter annexed to or consolidated with said City of Inglewood shall at the time of such annexation or consolidation be added to an adjacent district or districts by the council by ordinance.

Section 10: In case of a vacancy occurring for any reason in an elective office, such vacancy shall be filled by appointment by the council and the appointee shall hold office for the unexpired portion of the term for which his predecessor in such office was elected or appointed.

Vacancies
in elective
offices.

ARTICLE V

LEGISLATIVE BODY

Section 1: The legislative body of said city shall consist of the mayor and four councilmen elected as in this charter provided, which body shall be known as the "Council."

Council.

Section 2: The president of the Board of Trustees of said city, the four other trustees of said city, the city clerk and the city treasurer in office on the effective date of this charter shall respectively be the first mayor, four councilmen, city clerk and city treasurer of said city, under this charter, regardless of their respective places of residence within said city, and shall hold their respective offices as such until the election and qualification of their respective successors at the first municipal election held in said city after such effective date. Said council so constituted shall provide for the holding of the first election of officers under this charter; shall cause said election to be held on the second Tuesday in April, 1927; shall canvass the votes, and declare the results thereof. If for any reason this charter should not become effective at a date sufficiently in advance of said second Tuesday in April, 1927, to permit the calling and holding of such election on said date, then and in that event said election shall be held on the sixtieth day, or next business day succeeding such sixtieth day in the event the same should fall upon a Saturday, Sunday or holiday, after the effective date of this charter. In making computation of time hereunder the day of taking effect shall be excluded and the day of the election shall be included.

First officers
under
charter.

Section 3: The respective terms of the first councilmen who shall be elected under the provisions of this charter shall be determined as follows: The two councilmen elected by the highest number of votes shall hold office for the regular term of four years, and the two councilmen elected by the lowest number of votes shall hold office for a short term of two years, until the next general municipal election held in said city under this charter, and the election and qualification of their successors as such. In the event that two or more persons shall be elected as councilmen by the same number of votes, their respective terms shall be fixed by lot.

Terms of
first council-
men elected.

Section 4: The compensation of the mayor shall be the sum of fifty dollars per month, payable monthly. The compensation of each councilman shall be the sum of fifty dollars per month, payable monthly.

Compensa-
tion of
mayor and
councilmen

ARTICLE VI

POWERS, DUTIES AND MEETINGS OF THE COUNCIL

Quorum.

Section 1: Three members of the council shall constitute a quorum for the transaction of business at any meeting, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance, and in the absence of the mayor and of all the councilmen from any meeting, the city clerk may declare the same postponed and adjourned to a stated day and hour, and must thereupon give the mayor and each of the councilmen written notice of the date and time to which the meeting has been adjourned, which notice may be delivered personally to such mayor or councilman, or may be left at his known residence or place of business at least six hours before the time to which the meeting has been postponed.

Presiding officer and clerk.

Section 2: The mayor shall preside at all meetings of the council and in case of his absence the council may appoint a mayor pro tempore and in case of the absence of the city clerk, any deputy or assistant city clerk may act as clerk, and in the absence of the said clerk or any of his deputies or assistants, the mayor or mayor pro tempore shall appoint one of the members of the council clerk pro tempore.

Election contests

Section 3: The council shall be judge of the election and qualification of its members and of all election returns, and of the election and qualification of all elective officers, and shall hear and determine all contested elections of elective officers.

Conduct of proceedings.

Section 4: The council may establish rules and regulations for the conduct of its proceedings and punish any member or other person for disorderly behavior or offensive conduct at any meeting, and may exclude any such other person from the meeting.

Record of proceedings.

Section 5: The council shall cause the clerk to keep a correct record or journal of all their proceedings and on request of the mayor or any councilman, the ayes and noes shall be taken on any question and entered on such record or journal.

Regular meetings

Section 6: Said council shall hold regular meetings at least once in each week, at such times as shall be fixed by it by ordinance, and may adjourn any such regular meeting to a time certain, which shall be specified in the order of adjournment, and when so adjourned, such adjourned meeting shall be a regular meeting for all purposes.

Special meetings.

Section 7: Special meetings of the council may be called at any time by the mayor or by three councilmen by written notice delivered to the mayor and each member of the council at least three hours before the time specified for the proposed meeting, which notice may be delivered personally to the mayor or councilman, or may be left at his known residence or place of business.

Place of meeting.

Section 8: All meetings of the council shall be public, and shall be held within the corporate limits of said city, at such place as may be designated by ordinance.

Section 9: Said council shall have power to compel the attendance before it of witnesses and the production of papers, documents, books and records in any matter under investigation by it. Investigations.

Section 10: The council, subject to the express limitations of this charter, shall be the governing body of said city, and all legislative powers of said city, and all powers in this charter granted to and vested in said city of Inglewood, shall be vested in and exercised by the council; provided, that there is hereby reserved to the people of said city the right of initiative, referendum and recall as hereinafter provided for in this charter. Governing and legislative body

Section 11: The council may take official action only by the passage or adoption of ordinances, resolutions or motions, as may be prescribed by the constitution or laws of the state of California, and the provisions of this charter; provided that any action of said council fixing or prescribing a fine, punishment or penalty, or granting any franchise, shall be taken by ordinance. In the absence of any express provision to the contrary in said constitution, laws or charter, said council may choose any of the foregoing three methods for taking such action. Legislation.

Section 12: To enforce all ordinances, rules and regulations made by it in respect to the municipal affairs of the city of Inglewood, and to do and perform any and all other acts and things which may be necessary and proper or convenient and proper to carry out the powers and purposes of the city of Inglewood. Incidental powers.

Section 13: To acquire, provide and maintain at the cost and expense of said city any and all materials, supplies, apparatus, furnishings, furniture and equipment necessary, convenient, proper, or desirable in order to establish, equip, furnish, provide for and maintain any and all municipal offices and departments. Equipment

ARTICLE VII

ELECTIONS

Section 1: An election to be known as a general municipal election shall be held in said city of Inglewood on the second Tuesday in April of each odd numbered year for the filling of such elective offices, the terms of the incumbents of which expire in such year. General city election

Section 2: All elections held within said city shall be called and ordered held by ordinance only. Such ordinance shall specify the object or objects, time and places for holding such elections, and the names of the officers of election for each voting precinct into which the city or portion thereof shall be divided for the holding and making returns of such elections. Said ordinance shall be published at least twice in a newspaper of general circulation published in said city, not less than ten days nor more than fifteen days prior to the date of said election, and unless otherwise required by the constitution or laws of the state of California, or this charter, no other additional, Election call.

different or further notice of said election need be given, nor need sample ballots be mailed or supplied, but such ordinance so adopted and published shall be and constitute the full and sufficient notice of any such election.

Canvass
of returns.

Section 3: At all elections the returns from each election precinct shall be filed with the city clerk and shall be canvassed by the council at the next regular meeting of such council held after the expiration of three full days after said election.

Certificate
of election.

Section 4: Immediately after the result of an election is officially declared by the council, the clerk shall under his hand and the official seal of said city, issue a certificate of election for each and every person elected thereat and serve the same personally or by mail upon each such person.

General laws
applicable.

Section 5: The provisions of the laws of the state of California relating to elections and nomination of candidates for elective municipal offices in cities of the sixth class in said state, as the same now or may hereafter exist, the qualifications of electors, the manner of voting, and number and duties of election officers, and all other particulars in respect to the calling, conducting and management of elections in such sixth class cities, and the nomination of candidates to be voted upon in such elections, in such sixth class cities, so far as they may be applicable, shall govern all municipal elections, both general and special, held in said city, and the nomination of candidates for municipal offices therein, except as is otherwise provided for in this charter.

Terms begun.

Section 6: The terms of all elective officers shall begin at twelve o'clock midnight on the Sunday next succeeding the declaration of the result of the election.

ARTICLE VII

INITIATIVE, REFERENDUM AND RECALL

Initiative,
referendum
and recall.

Section 1: The laws of the state of California providing for the initiative, referendum and recall in cities, as they now exist, or hereafter may be amended, are hereby made a part of this charter, and all action under the initiative, referendum and recall in said city of Inglewood shall be taken in accordance with said laws; provided, however, that in addition to any other requirements contained in said laws, no recall election shall be called or held in said city unless and until a petition demanding the same, signed by not less than thirty per cent of all of the qualified electors of said city as to any officer elected from the city at large, or signed by not less than thirty per cent of the qualified electors of any district from or for which said officer shall have been elected or appointed, as shown by the registration of voters of Los Angeles County, California, then current, and up to and including the day of the filing of such petition, shall have been filed with the city clerk or city council of said city.

Sufficiency
of petitions.

Section 2: The city clerk, upon request of the council, shall compare the names of the persons appearing upon any initiative referendum, recall or other petition or paper, requiring

the signatures of qualified electors of said city, with the registration of electors of said city as shown on the current records of the registration of electors of the county of Los Angeles, California, and he shall make a report for the information of said council as to the sufficiency or insufficiency of any such petition or paper as regards the number of signatures of qualified electors appended thereto. The sufficiency or insufficiency of any such petition or paper shall be determined as promptly as reasonably possible, and with the consent of the council said clerk may, at the expense of said city, employ such assistance as may be necessary in order so to do.

ARTICLE IX

FISCAL YEAR AND FINANCE

Section 1: The fiscal year of the city of Inglewood shall begin on the 1st day of July of each year, and shall end at midnight on the 30th day of June of the following year. Fiscal year.

Section 2: The system of municipal taxation now in effect in the city of Inglewood, California, shall continue under this charter until otherwise expressly and definitely provided for by ordinance, and the officials of the county of Los Angeles, California, shall continue to assess and collect such municipal taxes, levies and assessments in and for said city in the same manner in all particulars in every way whatsoever as at present. Should the city, however, at any time resume the work of assessment and tax collection, in that case the system, mode and manner of assessing property for purposes of municipal taxation, and the levying and collecting of taxes for municipal purposes, the nature of the lien therefor and the manner and method of enforcing the same, and of the redemption of property sold for nonpayment of taxes, and all proceedings relating to said matters shall be fixed by ordinance, and so far as applicable, shall be substantially the same as may be provided at the time by law for such matters in relation to county taxes in the county of Los Angeles, except that in relation to the city taxes the proper officers of the city shall discharge the duties imposed by law upon the corresponding officers of said county. The council may enact such ordinances as may be necessary to carry out the provisions of this section and may by ordinance fix the time or times of the collection of said taxes within each fiscal year. Levy and collection of taxes

ARTICLE X

LEGISLATIVE PROCEDURE

Section 1: No ordinance shall be adopted unless the same shall have been introduced at least five full days, excluding the day of its introduction, prior to the adoption thereof. Introduction of ordinances.

Section 2: No ordinance shall have any validity or effect unless passed or adopted by the votes of at least three of the persons constituting the five members of the council. Majority necessary.

Section 3: The enacting clause of every ordinance passed or adopted by the council shall be, "The city council of the city of Inglewood, California, does ordain as follows:" The Enacting clause.

enacting clause of every ordinance adopted by the people shall be, "The people of the city of Inglewood, California, do ordain as follows:"

Adoption
procedure

Section 4: Every ordinance introduced shall be read upon its introduction, and the same shall be read a second time upon the final passage and adoption thereof; provided, that the second reading thereof may be by title only, unless the mayor or any councilman present demands that the same be read in full. Any ordinance may be amended or modified between the time of its introduction and the time of its final passage or adoption, provided its general scope and original purpose or purposes are retained.

When
Ordinances
take effect.

Section 5: All ordinances adopted by the council shall become effective at midnight on the 30th day from and after the date of the adoption thereof, and in computing said time the day of adoption shall be excluded; provided, however, that ordinances calling or otherwise relating to an election, or ordinances otherwise specially required by the laws of the state, or ordinances for the immediate preservation of the public peace, health or safety, and which shall contain a declaration of the facts constituting their urgency, and are passed by at least a four-fifths vote of the council, or ordinances relating to bond issues and the annual tax levy, or relating to street proceedings may become effective immediately upon the publication thereof as hereinafter provided, if the council shall therein so declare.

Filing,
signing and
publication.

Section 6: Every ordinance shall be filed and topically indexed in a book kept for that purpose, shall be authenticated by the signatures of the mayor and city clerk, or his authorized deputy, and within ten days after its adoption, shall be published at least once in a newspaper of general circulation published and circulated in said city. In the event the publication of any ordinance shall be not made within said period of ten days hereinabove designated, said ordinance shall not thereby be rendered null or void, but the effective date thereof shall be postponed until the full period of thirty days shall have elapsed after the publication thereof.

Order to
pay money

Section 7: No ordinance or order for the payment of money shall be passed or adopted at any other than a regular meeting or adjourned regular meeting of the council.

ARTICLE XI

BONDS OF OFFICERS

Official
bonds.

Section 1: Officers and employees of the city charged with the collection, or custody of public money before entering upon the discharge of their official duties, shall give and execute to the city their official bonds and other officers or employees shall give such official bonds as may be required by general law, this charter or ordinance of said city.

Penal sum.

Section 2: The city council shall, where not otherwise prescribed by law, fix by ordinance the penal sum of all official

bonds, and may at any time by ordinance increase or decrease the penal sum of any and all such bonds.

Section 3: Every bond given the city shall be subject to approval by the mayor as to sufficiency, and by the city attorney as to form. All such bonds shall be filed in the office of the city clerk, excepting the bond of the city clerk, which shall be filed in the office of the city treasurer.

Section 4: Every such bond shall contain a condition that the principal will perform all official duties imposed upon or required of him by law, or by ordinance of said city, or by this charter, and that at the expiration of his term of office, he will surrender to his successor all property, books, papers and documents that may come into his possession as such.

ARTICLE XII

CONSOLIDATION

The city of Inglewood may consolidate with any other contiguous municipal corporation of the state of California, under and pursuant to the provisions of any laws of said state which may be applicable to the consolidation of such municipal corporations at the time thereof; provided, however, that no such consolidation, in or by which the said city of Inglewood assumes any part or portion of any outstanding or authorized bonded indebtedness of such other municipal corporation, shall ever become effective or be consummated for any purpose whatsoever, unless and until at least two-thirds of the qualified electors of said city of Inglewood, voting at such consolidation election, shall have voted in favor of such consolidation, and in favor of making the property within said city of Inglewood, after such consolidation, liable or subject to taxation with the property in said other municipal corporation for the payment of such bonded indebtedness or any portion thereof of such other municipal corporation.

The requirements of this charter in this regard shall be in addition to any other requirements of the laws of the state of California with reference to such matters.

ARTICLE XIII

JUDICIAL DEPARTMENT

Section 1: There is hereby created and established in and for the City of Inglewood a Police Court, which is hereby vested with the judicial power of the city.

Section 2: The Police Court shall be presided over by a Judge, who shall be appointed by the Council, and who may be removed by the Council at any time. He shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations.

Section 3: The Judge of the Police Court shall be a resident and qualified elector of the city. He shall have been duly admitted to practice as an Attorney-at-law by the Supreme Court of the State of California, and shall have been actually

engaged in the practice of the profession of law for a period of at least two years next preceding his appointment.

Jurisdiction.

Section 4: The said Police Court shall have jurisdiction of the following offenses committed within the corporate limits of said city:

First: Petit larceny.

Second: Assault or battery not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the offense a felony.

Third: Breaches of the peace, routs, riots, affrays, committing a wilful injury to property, and all misdemeanors punishable by fine not exceeding Three Hundred Dollars (\$300.00) or imprisonment not exceeding six months, or by both such fine and imprisonment.

The said Police Court shall have exclusive jurisdiction:

First: Of all proceedings for the violation of any ordinance of the city, both civil and criminal.

Second: Of any action for the collection of any taxes or assessments levied for any city purposes when the amount of the tax or assessment sought to be collected against the person assessed is less than Three Hundred Dollars (\$300.00), but no lien upon the property taxed or assessed for the non-payment of the taxes or assessments can be foreclosed in such action.

Third: Of any action for the collection of money payable to the city or from the city to any person, when the amount sought to be collected, exclusive of interest and costs, is less than Three Hundred Dollars (\$300.00).

Fourth: For the breach of any official bond given by any city officer, and for the breach of any contract, and any action for damages in which the city is a party, and upon all forfeited recognizances given to or for the benefit or in behalf of the city, and upon all bonds given upon any appeal taken from the judgment of the court in any of the cases above named, where the amount claimed, exclusive of costs is less than Three Hundred Dollars (\$300.00).

Fifth: For the recovery of personal property belonging to the city when the value of the property, exclusive of the damages for the taking or detention, is less than Three Hundred Dollars (\$300.00).

Contempts
and process

Section 5: In the exercise of his jurisdiction the Police Judge may punish persons guilty of contempt of court and may issue warrants of arrest, subpoenas, venires, executions and all other process necessary and proper and may administer oaths.

Where Judge
disqualified.

Section 6: In all cases in which the Judge of the Police Court is interested or in which he is related to a party to the action or proceeding either by consanguinity or affinity within the third degree, and in case of his absence, sickness or inability to act, any Justice of the Peace of the County of Los Angeles may, at the written request of the Judge, act in his place and stead.

Section 7: The Judge of the Police Court shall keep a record of the proceedings of the Police Court in all matters and cases before said Court and shall pay daily into the City Treasury all fines, and other money received by him belonging to the city. He shall, on the first Monday of each month, file with the City Clerk an exact and detailed account in writing, under oath, of all fines imposed and collected, and of all fines imposed and not collected, and of all other moneys collected by him for or on behalf of the city. Record, fines and reports

Section 8: The city shall furnish a suitable room or rooms for said Police Court, and shall also furnish the necessary office and court room equipment and furnishings and dockets and blanks for the use of said Court. Rooms and equipment

Section 9: All fees received or collected by the said Court shall be the property of the city. Fees.

Section 10: The rules of practice and mode of proceedings in the Police Court shall be the same as are, or may be, prescribed by law for Justices' Courts in like cases; and appeals may be taken to the Superior Court of the County from all judgments of said Police Court in like manner, and with like effect as in cases of appeals from Justices' Courts. Procedure

Section 11: The Council shall have power to provide by ordinance for the separate detention and trial of, and a probation system for, juvenile offenders against municipal ordinances and also all juvenile offenders in all cases of other offenses of which this Court has jurisdiction. Juvenile offenders

Section 12: The Judge may in his discretion, upon good cause shown, grant a parole during good behavior to any person convicted in this Court; provided, that said parole so granted may be revoked at any time by the Judge within six months after the granting of the same and the sentence imposed against such person shall thereupon be carried into execution. Paroles.

Section 13: The Judge may appoint such clerks or assistants, at such compensation and with such powers and duties as the Council may from time to time by ordinance prescribe. He shall also have the right, when he deems it necessary so to do, to require the chief of police of said city to furnish a police officer to act as bailiff of said court. Clerks and bailiff.

Section 14: The council, in its discretion, may appoint as Judge of said court, any Justice of the Peace of the township in which said city is located, provided he is otherwise qualified hereunder. Justice eligible

ARTICLE XIV

CITY ATTORNEY

Section 1: The City Attorney shall be a qualified elector of the City at the time of his appointment, and shall be an attorney and counselor-at-law, duly admitted to practice law in the State of California. He shall have been actually engaged in the practice of the profession in this State for a period of at least three years next before his appointment. Attorney.

Duties.

Section 2: It shall be his duty when directed by the Council, to prosecute on behalf of the people all criminal cases for violation of this charter and of City Ordinances, and to attend to all suits and other matters to which the City is a party, or in which the City may be legally interested. He or his deputy or assistant shall be in attendance at every meeting of the Council, unless excused therefrom by the Mayor or the Council. He shall give his advice or opinion in writing whenever required by the Council or other officers. He shall be the legal adviser of all City officers; he shall approve the forms of all bonds given to and all contracts made with the City; he shall, when required by the Council or any member thereof, draft all proposed ordinances for the City and amendments thereto; and shall do and perform all such things touching his office as the Council may require of him, and at the expiration of his term shall surrender to his successor, all books, papers and documents pertaining to the City's business.

Compensation.

Section 3: He shall receive as compensation a salary to be fixed by ordinance and he shall receive, in addition thereto, such reasonable additional fees or compensation as the Council may allow for suits or proceedings before any court, board, tribunal, officer or commission in which he has been directed by the Council to act or appear and also when allowed by the Council extra compensation or bond issues of all kinds and for any service which the Council may deem extraordinary.

Prosecution and defense of actions.

Section 4: The Council shall have power to direct and control the prosecution and defense of all suits and proceedings to which the City is a party or in which it is interested, and may employ special counsel to assist the City Attorney therein and provide for the compensation of and pay such special counsel.

Employees.

Section 5: The City Attorney may appoint such assistants, deputies, clerks, stenographers and other persons at such salaries or compensation as the Council, by ordinance, shall prescribe; provided, however, that each assistant City Attorney must at the time of his appointment, be qualified to practice in all of the courts of the state, and must have been so qualified at least two years next preceding his appointment.

ARTICLE XV

CITY ENGINEER

Engineer and street superintendent.

Section 1: The City Engineer shall also, by virtue of his office, be Street Superintendent, and shall be appointed by the Council and shall be a civil engineer of not less than five years' professional experience. He shall receive such salary or compensation as the Council shall by ordinance prescribe, and shall hold office at its pleasure. He shall perform such civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the Council as the said Council may require. He shall make such certificates and reports upon the progress of such work, and shall

make such surveys, inspections and estimates, and perform such other surveying or engineering work as may be required by law or ordinance or by resolution or order of the Council.

He shall have all the powers and perform all the duties imposed upon him by this charter, the ordinances of the city, the general laws of the state, and the orders of the Council, and shall be the custodian of and responsible for all maps, plans, profiles, field notes and other records and memoranda belonging to the City pertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with full index thereof, and shall turn over the same to his successor.

All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him, or under his direction or control during his term of office, shall be the property of the City.

Section 2: Said City Engineer and Street Superintendent Employees. may appoint such assistants, deputies, clerks, stenographers and other persons to such salaries or compensation as the Council, by ordinance, shall prescribe to assist him in either his capacity as City Engineer or as Street Superintendent.

Section 3: As Street Superintendent, subject to the provisions of this charter and all ordinances of the City and laws of the State of California applicable thereto, he shall manage and have charge of the construction, improvement, repair and maintenance, and the keeping open and unobstructed, of streets, sidewalks, alleys, lanes, courts, bridges, viaducts and other public highways; of all sewers, drains, ditches, culverts, canals, streams and water courses; of boulevards, squares and other public places and grounds belonging to the city or dedicated to public use, except waterworks, parks, playgrounds and school grounds and property. He shall manage market houses, free markets, sewage disposal plants and farms, garbage disposal systems, plants and works; and all other public works not otherwise provided for in this charter. He shall have charge of the enforcement of all the obligations of privately owned or operated public utilities enforceable by the city, except as otherwise provided in this charter. He shall have charge of the cleaning, sprinkling and lighting of streets and other public places; the collection and disposal of garbage and waste; the preservation of all contracts, papers, plants, tools, machinery and appliances belonging to the City and appertaining to said department. He shall do and perform such other duties and assume charge and control of such other works, plants or departments not otherwise provided for in this charter which hereafter may be assigned to his department by ordinance or resolution of the Council. Duties as street superintendent.

As the Street Superintendent, he shall possess the same powers as are given by law to Street Superintendents.

ARTICLE XVI

CITY CLERK

Clerk. Section 1: The City Clerk shall, subject to the approval of the City Council, appoint such deputies and employees to assist him, at such salaries or compensation, as the council may by ordinance prescribe.

Custody of seal, records, etc. Section 2: The City Clerk shall have the custody of and be responsible for the corporate seal, and all books, papers, records, contracts, and archives belonging to the city, or to any department thereof, not in actual use by other officers or elsewhere by special provision of this charter, or by ordinance of said city committed to their custody.

Records Section 3: He, or his deputy or assistant, shall be present at each meeting of the council, unless excused therefrom by the mayor, or council, and keep full and accurate minutes of its proceedings and also separate books in which, respectively, he shall record all ordinances and official bonds; he shall keep all of the books properly indexed and open to public inspection when not in use. He shall devote his entire time to the duties of his office.

Auditor. Section 4: Until such time as the Council of said city shall otherwise by ordinance provide, the City Clerk shall act as General Auditor of all municipal finances and shall make a monthly report to the Council as such auditor regarding the financial affairs of said city and the various departments thereof. Nothing herein contained, however, shall be construed as in any manner dispensing with the annual or special audits elsewhere provided for in this charter.

Affidavits and oaths. Section 5: He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor.

Other duties. Section 6: The City Clerk shall perform such other duties as may be prescribed by this charter, by general law, or by resolution, or ordinance of the City Council.

ARTICLE XVII

CHIEF OF POLICE

Chief of police. Section 1: The chief of police of said city shall be the head of the Police Department of said city, and subject to the control of the council, shall have general supervision, command, control and management of the Police Department thereof.

Assistants, policemen, powers and duties. Section 2: He shall have power to appoint such assistants, deputies, policemen and subordinates as the Council may by ordinance prescribe. He and each assistant, deputy and/or policeman appointed by him shall have all the powers and protection that are now or may hereafter be conferred on Sheriffs and/or other peace officers, by the laws of the State of California, and to execute and return all process issued and directed to him, or any peace officer, by any legal authority. He is hereby charged with the execution of all laws and ordinances.

Section 3: He shall perform such other duties as the council may from time to time impose. Other duties.

ARTICLE XVIII

ASSESSOR

Section 1: Should the council at any time hereafter determine to change the present method of assessment and/or collection of municipal taxes, levies and/or assessments, in whole or in part, it may by ordinance require the assessor to make annually, between the 1st Monday of March and the 1st Monday of July next succeeding, a complete assessment of all property liable for taxation within said city, and on such 1st day of July he shall turn over to the city council for the purposes of equalization, and transmittal after such equalization to the city tax collector, the assessment roll prepared by him. In such case he shall when so required by said council, act as tax collector for the purpose of collecting taxes upon personal property when the same are unsecured by lien upon real property, within said city. Assessor.

Section 2: The assessor shall further perform any and all such other duties as the council may from time to time by ordinance prescribe and may appoint such assistants and deputies at such salaries or compensation as the Council may by ordinance prescribe. Additional duties and employees.

ARTICLE XIX

TAX COLLECTOR

Section 1: Should the council at any time hereafter determine to change the present method of assessment and/or collection of municipal taxes, levies and/or assessments, in whole or in part, it may by ordinance require the tax collector to receive and collect all moneys due and payable to the city for taxes, assessments and licenses and from any other source or sources. Collector.

Section 2: The tax collector shall further perform any and all such other duties as the council may from time to time by ordinance prescribe. Additional duties.

ARTICLE XX

MAYOR

Section 1: The mayor of the city shall be the chief executive of said city, and as such shall sign all contracts on behalf of the city, countersign all warrants, and perform such other duties as may from time to time be assigned to him by the council. In all other respects he shall perform the same duties and have the same rights as any other member of the council. Mayor

ARTICLE XXI

WATER WORKS SUPERINTENDENT

Section 1: The Water Works Superintendent of said city shall be the head of the Water Works Department of said city, and subject to the control of the council, shall have general Water works superintendent.

supervision and management of the Water Works Department thereof.

Additional
duties.

Section 2: He shall perform such other duties as the council may from time to time impose.

ARTICLE XXII

FIRE CHIEF

Fire chief.

Section 1: The fire chief of said city shall be the head of the Fire Department of said city, and subject to the control of the council, shall have general supervision and management of the Fire Department thereof.

Additional
duties.

Section 2: He shall perform such other duties as the council may from time to time impose.

ARTICLE XXIII

SUPERINTENDENT OF BUILDINGS

Superintend-
ent of
buildings.

Section 1: The superintendent of buildings of said city shall be the head of the Building Department of said city, and subject to the control of the council shall have general supervision and management of the Building Department thereof, and of the erection, construction and completion of all buildings and/or structures within said city, and the condition, use and maintenance thereof, and of all plumbing, whether for sanitary purposes or otherwise, and of all electrical wiring installed in or about any and all such buildings and/or structures or premises within said city.

Additional
duties.

Section 2: He shall perform such other duties as the council may from time to time impose.

ARTICLE XXIV

PARK SUPERINTENDENT

Park super-
intendent.

Section 1: The park superintendent of said city shall be the head of the Park Department of said city, and subject to the control of the council, shall have general supervision and management of the Park Department, and of public parks, playgrounds and facilities connected therewith, within said city.

Additional
duties.

Section 2: He shall perform such other duties as the council may from time to time impose.

ARTICLE XXV

TREASURER

Treasurer.

Section 1: The treasurer shall receive and safely keep all moneys and securities belonging to the city, and coming into his hands, and pay out such moneys only on warrants signed by the proper officers and not otherwise, for claims or demands which have been previously allowed or approved by the council. The treasurer may deposit all or such portion of the public moneys as may be determined by the council in any bank authorized by law to receive deposits of public money, in accordance with the provisions of the constitution and the laws of the state of California.

Section 2: He may appoint such deputies and employees ^{Employees} to assist him at such salaries or compensation as the council may by ordinance prescribe.

Section 3: The city treasurer shall perform such other ^{Additional} duties as may be prescribed by this charter, by general law or by resolution or ordinance of the city council. ^{duties.}

ARTICLE XXVI

DEPARTMENT OF EDUCATION

Section 1: Board of Education. The control of the Public ^{Board of} School Department of the said City of Inglewood, including ^{education} the whole of the Inglewood City School District, as the same now exists, or may hereafter be changed and exist, as provided by law, shall be vested in a Board of Education, which shall consist of five members elected at large from the entire district. The members of said Board shall serve without compensation.

Section 2: Under said Board of Education the public ^{Management} school system of said city shall continue as at present under ^{of schools} the constitution and laws of the State of California relating thereto, as said constitution and laws now exist, or may hereafter be amended, and said public school system shall be supported, maintained, improved, extended, conducted, operated and carried on under said constitution and laws, as they now exist or may hereafter be amended, in all particulars in all respects, and in the same manner as heretofore.

Section 3: The powers and duties of the Board of Educa- ^{Powers} tion shall be such as are now or may hereafter be prescribed ^{and duties.} by the constitution and laws of the State of California for boards of education and/or boards of school trustees.

Section 4: Until the election and qualification of the ^{First board} members of the Board of Education, as in this charter provided for, the trustees of Inglewood City School District, of Los Angeles County, California, in office at the time of the taking effect of this charter, shall be and constitute the Board of Education above referred to, and shall exercise the powers and duties hereinabove referred to. If this charter shall become effective in sufficient time to permit of so doing said Board of Trustees shall, on or before the third Friday of March, 1927, otherwise on the third Friday of March, 1928, call an election in said Inglewood City School District in the manner, as nearly as practicable, provided by law, for the calling and holding of school elections in the State of California, at which election an entirely new board of education shall be elected. The two persons elected at said election by the highest number of votes shall be elected to hold office from the day of receiving their certificates of election until the first day of the third succeeding May. The two persons elected at said election by the next highest number of votes respectively shall hold office from the day of receiving their respective certificates of election until the first day of the second succeeding May. The person elected at said election by the lowest number of votes shall be elected to hold office from the day of

^{Election of}
^{successors.}

receiving his certificate of election until the first day of May next succeeding. Thereafter, as the respective terms of the incumbents expire, members of said board shall be elected as nearly as practicable in the manner provided by the laws of the State of California with reference to school elections.

Vacancies.

Section 5: In the event any vacancy or vacancies shall exist in the membership of said Board of Education the same shall be filled by appointment by the Superintendent of Schools of the County of Los Angeles, State of California, in the same manner as such Superintendent fills vacancies in boards of school trustees under the laws of said state.

ARTICLE XXVII

PUBLIC LIBRARY

Library.

Section 1: The public library of the City of Inglewood shall in all particulars and respects be maintained and managed as at present in accordance with the provisions of the general laws of the state of California.

Board of trustees.

Section 2: The Council may appoint a board of library trustees to consist of three members to be appointed for terms of three years each, except that at the first appointment under this charter one shall be appointed for one year, one for two years and one for three years, and thereafter one shall be appointed each year. They shall serve without pay. Said library trustees, when appointed, shall have general supervision of public libraries in the City of Inglewood, and may co-operate with county and state library officials in all matters relating to public libraries.

ARTICLE XXVIII

WATER DEPARTMENT

Water department.

Section 1: (a) The Water Department shall consist of a superintendent and such other members and employees as the Council may from time to time authorize.

(b) The superintendent shall have had not less than three years' practical experience in public water supply.

(c) The Superintendent shall devote his entire time to the discharge of his official duties, and, subject to the supervision of the council, shall have direction of and control over all matters pertaining to the catchment, storage, conveyance and distribution of all water owned and controlled by the city, both within and without the limits thereof, and shall be responsible for the collection of all moneys for such service, the accounting therefor and the delivery thereof into the City Treasury. He shall be the custodian of and be responsible for all city property connected with his department. Of such property he shall keep a complete inventory and permit none of it to be withdrawn for private use. In said property shall be included all maps, plans, field notes, memoranda and other records of the Water Department.

ARTICLE XXIX

HEALTH DEPARTMENT

Section 1: The Health Department shall consist of the City Health Officer and such subordinates as the City Council may from time to time prescribe. ^{Health department.}

The City Health Officer shall be the head of the Health Department. He shall have all the powers and shall be subject to all the duties conferred on boards of health and health officers by the general laws of the State, and shall have such other powers and duties as may be conferred by resolution or ordinances of the City Council.

The City Health Officer shall be a graduate of a reputable college of Medicine and licensed to practice in the State of California, and shall have had at least one year's experience in matters of public health work, or shall be a physician who at the time of his appointment shall be in the service of the United States of America Department of Public Health.

Subject to the approval of the City Council, the Health Officer shall have full authority to arrange under State Laws now existing or which may hereafter be enacted, an agreement with the County of Los Angeles by which the City and County Health Departments may be consolidated.

ARTICLE XXX

FRANCHISES

Section 1: In granting franchises the city council shall be governed by the general laws of the state in force at the time, and franchises shall be granted only upon the further conditions hereinafter provided. ^{Franchises.}

Section 2: Every application for a franchise shall be accompanied by a cash deposit or certified check sufficient in amount to pay in full all costs of advertising and other preliminary expenses connected with the offering for sale of such franchises and the granting of the same, which deposit shall not be less than one hundred dollars (\$100.00). Said deposit shall be returned in case the city council shall determine that neither the public necessity nor the public interest requires the granting of the franchise, or in case the franchise be granted to a person other than said applicant. The cost of advertising and other costs hereinabove referred to connected with the offering for sale and granting of said franchise shall be paid by the successful bidder for said franchise, and such payment shall be a condition precedent to the vesting of the franchise. ^{Application and costs}

Section 3: In the event that any public utility shall be taken over by the city, by purchase or condemnation, the franchise shall have no value. No exclusive franchise shall ever be granted. ^{Acquisition by city.}

ARTICLE XXXI

SOCIAL SERVICE

Board of
social
service.

Section 1: The council may by ordinance provide for a Board of Social Service, of as many members as said council may therein prescribe. Members of said Board shall be appointed by the council for such term or terms as said council may determine, and shall serve without compensation.

Powers and
duties.

Section 2: The council may in such ordinance fix the powers and duties of such Social Service Board, and in addition to any other powers or duties therein enumerated, subject to the control of said council, may authorize such Board to have charge of all matters relating to the care and relief of the needy, and subject to the control of said council, may authorize said Board to establish a public health center for maintaining clinics and furnishing medical treatment and advice for persons unable to pay for same, and also for educating the public in preventive medicine, and to establish and maintain a day nursery and similar institutions.

Appropriation and
gifts.

Section 3: The council may appropriate annually to the use of said board such amount of money for such social service work, out of the funds of said municipality, as said council deems advisable, but contributions of money or property for such work may be solicited and accepted from other sources.

Reports.

Section 4: The Board of Social Service, if appointed, shall render an annual report of its activities to the council.

ARTICLE XXXII

PRINTING AND ADVERTISING

Printing and
advertising.

Section 1: The council shall advertise annually for the submission of sealed proposals or bids for the publication of all ordinances, resolutions and other legal notices required to be published. The newspaper to which such contract is awarded shall upon the execution thereof, and for the period of such contract, be known and designated as the official newspaper of said city. Contracts for such printing and advertising shall be awarded to the lowest responsible bidder therefor, as determined by the council, provided that no contract for such printing and advertising shall be awarded to any newspaper except a newspaper of general circulation, as that term is defined by Section 446C of the Political Code of the state of California, nor to any newspaper which cannot comply with the requirements of the laws of the state of California relating to the publication of such ordinances, resolutions and other legal notices required to be published.

ARTICLE XXXIII

PUBLIC WORK, MATERIALS AND SUPPLIES, AND
EMERGENCY EXPENDITURESPublic work,
materials
and supplies.

Section 1: In the construction, erection, improvement and repair of all public buildings, and works, in all street and sewer work, in all works for protection against overflow or erosion and in all other works prosecuted by or on behalf of

said city, and in the purchasing or acquiring of any supplies, equipment, apparatus or materials for use in or about the same, when the expenditures required for the same exceed the sum of five hundred dollars (\$500.00), the same shall be done by contract, and shall be let to the lowest responsible bidder after notice by publication in the official paper of said city given by publishing such notice by two consecutive insertions in such newspaper, not more than fourteen days nor less than seven days prior to the time fixed in such notice for the opening and declaring of such bids. Such notice shall state the general character of the work contemplated to be done and the nature and amount of any materials, equipment, apparatus or supplies to be furnished.

Section 2: The city council may reject any and all bids presented and may re-advertise in its discretion. Further, after rejecting bids, said council may declare and determine by at least a four-fifths vote of all its members, that in its opinion the work in question may be performed more economically by day labor or the materials or supplies furnished at a lower price in the open market, and after the adoption of a resolution to this effect by the vote above required, they may proceed to have the work done, or the materials, equipment, apparatus or supplies furnished or purchased in the manner stated without further observance of the provisions of this article.

When bids not satisfactory.

Section 3: Nothing in this Article contained shall be construed as applicable to those works or for the furnishing of materials, equipment, apparatus or supplies where a different method is prescribed by law, nor to work or materials, equipment, apparatus or supplies to be paid for by special assessment on property benefited thereby, but in all such cases the particular laws applicable thereto shall be observed, otherwise the provisions of this Article shall be followed.

When other methods prescribed.

ARTICLE XXXIV

ANNUAL AND SPECIAL AUDITS

Section 1: The council shall employ a certified public accountant or firm of certified public accountants annually to investigate the transactions and accounts of all officers and employees having the collection, custody or disbursement of public money or property, or the power to approve, allow or audit demands on the treasury, and said council may authorize such accountant or firm of accountants to make an investigation at any time with reference to any condition relating to the affairs of said city or any officer or employee connected therewith, as to any matter or condition upon which said council may require a report concerning the affairs of said city.

Annual and special audits

ARTICLE XXXV

MONTHLY REPORTS

Section 1: All officers having the collection of public moneys, or the custody thereof, and all officers and employees

Monthly financial reports.

required by ordinance so to do, shall submit monthly financial reports to the city council in writing, which said reports shall be permanently filed with the city clerk after the council shall have inspected and acted upon the same.

ARTICLE XXXVI

MISCELLANEOUS PROVISIONS

Definitions.

Section 1: Whenever in this charter the word "city" occurs, it means the city of Inglewood, California, and every department, board, commission, officer or employee whenever either is mentioned herein, means a department, board, commission, officer or employee as the case may be, of said city of Inglewood.

Count of money.

Section 2: The mayor, city clerk and city treasurer shall together count the money in the city treasury at least once each three months, and ascertain whether or not the amount on hand agrees with the amount that should be in said city treasury according to the books of said city, and they shall make a written report thereof to the city council within five days thereafter.

Existing ordinances.

Section 3: All ordinances and resolutions in force at the time this charter takes effect, and not inconsistent therewith, shall continue in full force until amended or repealed.

General laws.

Section 4: All general laws of the State of California applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter, shall be applicable to said city of Inglewood.

Compensation.

Section 5: The compensation of elective officers of said city shall not be increased or diminished during the terms of their respective offices.

Incumbents.

Section 6: All officers and employees in office or employed when this charter takes effect shall continue to hold office and exercise their respective offices or employments under the terms of this charter until they may be removed as in this charter provided, or the election or appointment and qualification of their successors.

Vacation of office.

Section 7: If any officer of the city shall remove from the city, or absent himself therefrom for more than sixty days consecutively without the permission of the council, or if he shall fail to qualify by taking the oath of office and filing his official bond whenever such oath or bond is required, within fifteen days from the time his certificate of election or appointment is mailed or delivered to him, or if he shall resign, or if he shall be convicted of a felony, or if he shall be adjudged insane, his office shall be vacant.

Street improvements.

Section 8: The improvement, widening, extending, lighting and opening of streets, avenues, lanes, alleys, ways and places, and all matters not specified in this charter shall be done, and assessments therefor levied, and improvement bonds issued in conformity with and under the authority conferred by the general laws of the State of California.

Section 9: All officers, boards and employees shall deliver to their successors, all papers, books, documents, records, archives and other properties pertaining to their respective offices, departments or employments in their possession or under their control immediately upon retirement.

Delivery of property to successors.

Section 10: No members of the council or of any board, and no officer or employee of the city shall be or become directly or indirectly interested in any contract, work or business or in the sale of any article, the expense, price or consideration of which is payable from the city treasury; nor shall either or any of them receive any gratuity or advantage from any contract or person furnishing labor or material for the same; and any contract with the city in which any such officer or employee is or becomes financially interested shall be declared void by the council.

Illegal contracts.

Section 11: All officers, clerks and assistants of the city and the various departments thereof, and all employees except such as may be employed for temporary and special purposes, must be citizens of the United States of America, and residents of the city of Inglewood, California, during their respective periods of employment.

Employees to be citizens and residents.

Section 12: No officer or employee of the city shall give or promise to give to any person any portion of his compensation, or any money or thing of value in consideration of having been or of being nominated, appointed, voted for or elected to any office, or employment in or for said city.

Giving part of compensation.

Section 13: No officer or employee shall accept any donation or gratuity in money or other thing of value either directly or indirectly from any subordinate or employee, or from anyone under his charge, or from any candidate or applicant for any position as employee or subordinate in any department of the city.

Gifts from employees.

Section 14: No officer or employee of the city shall aid or assist a bidder in securing a contract to furnish labor or material or supplies at a higher price or rate than that proposed by any other bidder, or favor one bidder over another, by the giving or withholding of information, or wilfully mislead any bidder in regard to the character of the materials or supplies called for, or knowingly accept materials or supplies of a quality inferior to that called for by the contract, or knowingly certify to a greater amount of labor performed than has actually been performed or to the receipt of a greater amount of materials or supplies than has actually been received.

Aiding or favoring bidders

Section 15: No pavement protected by any patent, trade mark, trade name, copyrighted name, or any device which tends to prevent competitive bidding shall be ordered by the city until the owner thereof has entered into a written agreement with the city transferring to the city all rights to the use of and manufacture of the same within the city upon the terms and conditions set forth therein. The city shall not be bound by any such agreement unless the same shall have been approved by a majority vote of the council and executed by

Patented pavements.

the mayor on behalf of the city. No such agreement shall be made for a longer period than five years.

Whenever the city shall let a contract for the construction of any such pavement the contractor therefor shall pay to the city the exact sum or royalty which the city is required to pay under its said agreement.

Whenever the city shall construct any such pavement by the direct employment of labor and purchase of materials, the costs of which are chargeable upon the property in a special assessment district, the exact sum or royalty which the city is required to pay under said agreement shall be added to and included in the costs chargeable to the property in said special assessment district.

Fraudulent demands.

Section 16: Every officer who shall knowingly and wilfully approve, allow or pay any demand on the treasury of said city in order to fraudulently obtain, either for himself or for another, the amount of the said demand, or any portion thereof, shall be liable to the city individually, and on his official bond, for the amount of the demand so approved, allowed or paid; shall forfeit such office, and be forever disqualified from holding any position or office in the service of said city.

Miscellaneous receipts.

Section 17: All fees and charges accruing to the city, and paid into the treasury thereof, for fees, permits, licenses, inspection, services, or other municipal charges, and moneys derived from fines or pecuniary penalties or forfeitures, and all funds which may remain in the possession of the city unclaimed after a period of one year from the date when the same were due and payable, shall be credited to the general fund of the city, and shall be applicable to any municipal purpose to which the council may appropriate them, and the council shall appropriate from this fund whatever sum may be necessary to pay valid claims of more than one year's standing.

Records open to inspection.

Section 18: All books and records of every office and department of the city shall be open to the inspection of any citizen, subject to proper rules and regulations for the efficient conduct of the business of such department or office, excepting only the books, records and papers of the police department, the health department and the office or department of the city attorney, none of which shall be subject to such inspection except by permission of the officer or head of such department or by special permission of the council.

Copies of records.

Section 19: Copies or extracts duly certified from any books or records open to inspection shall be given by the officer having the same in custody to any person demanding the same, and paying or tendering twenty cents per folio of one hundred words for such copies or extracts, and the additional sum of fifty cents for certifying. The officer having charge of such records, however, shall be entitled to a reasonable time within which to prepare same and provided with necessary clerical or stenographic assistance so to do.

Section 20: Unless otherwise provided for by law, or ordinance of the council, all city officers shall keep their respective offices open for the transaction of business continuously from eight o'clock a.m. to five o'clock p.m. each day, except Sundays and Holidays. Office hours.

Section 21: All vested rights of the city shall continue and shall not in any manner be affected by the adoption of this charter, nor shall any rights, liability, pending suit or prosecution either in behalf of or against said city be affected by the adoption of this charter unless otherwise herein expressly provided. All contracts entered into by the city or for its benefit prior to the taking effect of this charter, shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect, may be carried to completion in accordance with the provisions of such laws. Effect of charter on rights, contracts, etc.

Section 22: The city of Inglewood may establish a municipal court, when, and in such manner as may be authorized by the constitution and/or laws of the state of California. Municipal court.

Section 23: No person shall be eligible to be an elective officer of said city, nor to become a candidate for any such elective office unless he shall have been a resident of said city for at least one year prior to the time of his taking such office, or becoming such candidate, and he must be a qualified elector of said city at the time of his taking any such office or becoming any such candidate. Residential qualifications of officers.

Section 24: In the purchase of any and all supplies and materials for said city, local merchants so far as reasonably possible shall be given the preference, quality, availability, service and price being equal. Preference to local dealers.

Section 25: No person in the employ of the city shall take any active part in securing or shall contribute money toward the nomination or election of any candidate for any municipal office in said city. Employees and elections.

Section 26: Nothing in this charter shall be construed as prohibiting the election or appointment of women to any office or a member of any board or commission, and the words used in this charter in the masculine gender shall include the feminine. Women officers.

Section 27: All claims for damages of any kind whatsoever against the city of Inglewood must be presented to the council, and filed with the city clerk within six months after the occurrence for, on account of or out of which such damages arose, and unless any such claim is so filed, the same shall not be allowed or approved, nor shall any judgment therefor ever be made or entered against said city or any officer thereof in any court whatsoever. Claims for damages.

Section 28: The council shall cause to be published annually a financial report of the city, and shall furnish a copy thereof to each taxpayer requesting the same. Annual financial report.

Judicial
notice of
ordinances.

Section 29: In all prosecutions for violations of city ordinances, rules or other regulations, whether in a court of original jurisdiction or in any appellate court, it shall not be necessary to plead the contents of any such ordinance, rule or regulation, but the court before which the prosecution is pending shall take judicial notice of such ordinance, rule or regulation, and of the contents thereof; and in any civil action in which the city is a party, either as plaintiff or defendant, the adoption and contents of any ordinance, rule or regulation of said city may be prima facie proven by the introduction of the original entry thereof on the journal or record of the proceedings of the council, or by a copy of such entry certified to by the city clerk under the seal of said city to be a full, true and correct copy of such original entry.

Oaths.

Section 30: Every officer authorized by law or ordinance to allow, audit or certify demands upon the treasury of said city, or to make an official investigation, shall have power to administer oaths and affirmations, and take and hear testimony concerning any matter or thing relating thereto. The mayor and city clerk shall each have power to administer oaths and affirmations, both orally and in writing, in any matter or thing or hearing relating directly or indirectly to said city, or any of its affairs.

Bond limit.

Section 31: The bonded indebtedness of said City of Inglewood shall not at any time exceed an amount equal to fifteen per cent of its assessed non-operative value.

Official bond
premiums.

Section 32: The premium or charge for all official bonds of all officers and employees of said city required to give bonds, either by this charter or by general law, or by ordinance of said city, shall be paid by the city.

Liability for
defective
streets.

Section 33: If in consequence of any public street, alley, avenue, highway, road, lane or public place, being out of repair within said city, and in condition to endanger persons or property passing thereon or using the same, any person while lawfully and or carefully using said street, alley, avenue, highway, road, lane or public place, and exercising ordinary care to avoid the danger, suffers damage to his person or property, through, on account, or by reason of any such defect therein, no recourse for damages thus suffered shall be had against such city; but if such defect in such street, alley, avenue, highway, road, lane or public place, shall have existed for the period of twenty-four hours or more after notice thereof, to the Superintendent of Streets or other person on whom the law may have imposed the obligation to repair such defect or remedy the same, then such Street Superintendent or person or persons on whom the law may have imposed such obligation to repair or remedy such defect, and also the officer or officers through whose official negligence such defect remains unrepaired, or unremedied, shall be jointly and severally liable to the party injured for the damage sustained; provided that said Street Superintendent or other person or persons on whom the law may have imposed the obligations to repair or

remedy any such defect or condition has the authority to make such repairs at the expense of said city, out of funds immediately available for the purpose.

Section 34: The Council shall prior to the first day of each ^{Budget.} fiscal year hereafter make a tentative budget of the financial requirements of said city for such ensuing fiscal year. Such budget so prepared shall be merely for the guidance and information of said Council, and nothing herein contained shall be construed as requiring a definite adherence to such budget.

Section 35: This charter may be amended at such times ^{Amendments.} and in such manner as is provided in the constitution of the state of California.

Section 36: If any article, section, subsection, sentence, ^{Constitutionality.} clause or phrase of this charter is for any reason held to be unconstitutional or void, such decision or holding shall not affect the validity or force of the remaining portions of this charter. The people of the City of Inglewood do hereby declare that they would have approved, ratified and adopted, and the legislature of said state of California does hereby declare, that it would have approved, this charter, and each article, section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other articles, sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 37: This charter shall take immediate effect, and ^{Effective.} be in full force, from and after the time of its approval by the legislature of the state of California.

WHEREAS, the City of Inglewood, California, is a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the Legislature of the State of California, and which said census is now on file in the office of the Secretary of State of the State of California, at Sacramento, California; and

WHEREAS, on the 12th day of April, 1926, at an election duly held on that day under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said city did choose and elect Dr. E. O. Campbell, George C. England, George M. Green, Samuel M. Greene, O. P. Allen, Sanford M. Anderson, John G. Baum, C. C. Griffin, Clarissa P. Mosher, Arthur W. Cory, Frank D. Parent, Frank A. Zillgitt, Thomas G. Stevens, Harry Spaulding and Minnie M. Baum, each of whom was, and is, an elector of said City and eligible as a candidate at and under said election, as a Board of fifteen freeholders to prepare and propose a charter for the government of said city; and

WHEREAS, the result of said election was duly declared by the Legislative Body of said city, to-wit: the Board of Trustees of said city, on the 19th day of April, 1926, and the said electors thereafter duly qualified as such freeholders in accordance with law and the provisions of said Constitution; and

Inglewood
charter
(cont'd).

WHEREAS, the said Board of Freeholders did on the 20th day of July, 1926, determine and declare that the period of one hundred and twenty days was insufficient time for the preparation and proposal by said Board of Freeholders, of a charter for the government of said city, and did thereupon, on said 20th day of July, 1926, with the consent of the Legislative Body of said city, to-wit: the Board of Trustees of said City, extend the said period of one hundred and twenty days for an additional period of sixty days; and

WHEREAS, the period as so extended since the result of said election has not expired:

NOW THEREFORE, in pursuance of the said provisions of the Constitution of the State of California, and of the proceedings heretofore had, and within the period as so extended after the result of said election was so declared, the said Board of Freeholders has prepared and does now propose the accompanying Charter as and for the Charter of the City of Inglewood, California, for the government of said city;

AND THE SAID BOARD OF FREEHOLDERS does hereby fix and designate Tuesday, the 14th day of December, 1926, as the date for holding a special municipal election in said city, at which the said proposed Charter shall be submitted to the electors of said city for their ratification and adoption.

IN WITNESS WHEREOF, the undersigned members of the Board of Freeholders elected to prepare and propose a Charter for the government of the said City of Inglewood, California, have hereunto set our hands at the City of Inglewood, in the County of Los Angeles, in the State of California, this 11th day of October, A. D. 1926.

DR. E. O. CAMPBELL,
Chairman of the said Board of
Freeholders.

CLARISSA P. MOSHER,
Secretary of the said Board of
Freeholders.

1. ARTHUR W. CORY,
 2. SANFORD M. ANDERSON,
 3. O. P. ALLEN,
 4. DR. E. O. CAMPBELL,
 5. MINNIE M. BAUM,
 6. C. C. GRIFFIN,
 7. SAMUEL M. GREENE,
 8. GEORGE C. ENGLAND,
 9. CLARISSA P. MOSHER,
 10. HARRY SPAULDING,
 11. JOHN G. BAUM,
 12. THOMAS G. STEVENS,
 13. GEORGE M. GREEN,
 14. FRANK A. ZILLGITT,
 15. FRANK D. PARENTE,
- Members of the said Board of
Freeholders.

We do hereby further certify that the foregoing constitutes Certificate. a full, true and correct statement of the actions and proceedings had by the city of Inglewood and the board of trustees of said city in the matter of the election of a board of freeholders as contemplated in section 8 of article XI of the constitution of the State of California, and in the preparation, proposing, filing, voting upon and canvassing the returns and declaring the result of the said election in the matter of the proposed charter for the government of the said city of Inglewood, and that the said charter as hereinbefore set forth, is a full, true and correct copy of the charter as prepared and proposed by the said board of freeholders and filed in the office of the city clerk of said city of Inglewood, California, on the eleventh day of October, 1926, and that the certificate or proposal of the said board of freeholders attached thereto, is a full, true and correct copy of said certificate or proposal of the said board of freeholders of the said city of Inglewood.

IN WITNESS WHEREOF, we have hereunto set our hands and hereunto affixed the seal of the said city of Inglewood, this fifteenth day of January, 1927.

CHARLES M. MILLER,
President of the Board of Trustees of
the City of Inglewood, California.

[SEAL] OTTO H. DUELKE,
City Clerk of the City of Inglewood, California.

AND WHEREAS, said charter has been submitted to the Approval by
Legislature. Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor, and concurring therein, that said charter as presented to, adopted and ratified by said city of Inglewood, and as hereinabove fully set forth, be and the same is hereby approved as a whole as and for the charter of the city of Inglewood, California.

CHAPTER 29.

Assembly Concurrent Resolution No. 14—Relative to adoption and ratification of certain amendments to the charter of the county of Butte.

[Filed with Secretary of State January 27, 1927.]

WHEREAS, The county of Butte, State of California, has at Butte county
charter
amendments. all times herein mentioned been, and now is a body politic, and is now and has been since the twenty-seventh day of January, 1917, organized and acting under and by virtue of a charter adopted under and by virtue of section 7½, of article

Butte county
charter
amendments
(cont'd).

XI of the constitution of the State of California, which charter was duly ratified by the qualified electors of said county, at an election held for that purpose on the seventh day of November, 1916, and approved by the Legislature of the State of California on the twenty-seventh day of January, 1917; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to said charter set out in the certificate of the chairman of the board of supervisors, and the county and ex officio clerk of the board of supervisors of the county of Butte, to wit:

State of California, }
County of Butte. } ss.

Certificate of county clerk of the county of Butte, State of California, and chairman of the board of supervisors of the county of Butte, State of California, as to the adoption and ratification of certain amendments to the charter of said county of Butte, submitted to the qualified electors of said county on the second day of November, 1926.

PREAMBLE.

BE IT KNOWN THAT:

WHEREAS, The county of Butte, State of California, has at all times mentioned herein been and now is a body politic of the State of California, and is now and has been since the 27th day of January, 1917, organized and acting under and by virtue of a charter adopted under and by virtue of Section 7½ of Article XI of the constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the seventh day of November, 1916, and approved by the Legislature of the State of California, on the twenty-seventh day of January, 1917; (statutes 1917, page 1791, et seq.) and

WHEREAS, On the twentieth day of September, 1926, the board of supervisors of said county of Butte, pursuant to the provisions of section 7½ of Article XI of the constitution of said state, duly proposed to the qualified electors of said county certain amendments to the charter of said county by the submission of proposals for such amendments to said electors at the general election held November 2, 1926, and at the same time said board ordered that said proposals be submitted to the qualified electors of said county for ratification or rejection at said general election, and further duly ordered that said proposals should be forthwith published ten times in The Chico Record, a daily newspaper of general circulation printed, published and circulated in said county; and in said proposals, said proposed amendments were set forth in full and at length, and were and are in the words and figures hereinafter set forth; and

WHEREAS, Thereafter, said proposals were duly published in full and at length in said newspaper for ten times and on the following dates, to wit: September 21, 22, 23, 24, 25, 26, 28, 29, 30 and October 1, 1926, and as often during said time as said newspaper was regularly published; and said general election at which said proposals were submitted to the vote of the qualified electors of said county was not less than thirty days nor more than sixty days after publication of said proposals as aforesaid; and

Butte county
charter
amendments
(cont'd).

WHEREAS, Immediately subsequent to said publication, said board of supervisors duly prescribed the form and titles to be printed on the general election ballot to be used at said general election for the submission of said proposals, which said form and titles are hereinafter set forth, and in which said form and under which said titles said proposals appeared on said ballot; and

WHEREAS, Subsequent to said publication and at least twenty-five days prior to November 2, 1926, the county clerk of said county duly filed in his office a notice of election, in which, among other things and in addition to all other matters required by law, it was stated that said proposals would be submitted to the qualified electors of said county at said general election November 2, 1926; and said clerk caused a copy of said notice to be posted in a prominent place in his office and on said notice said proposals appeared in the form and by the titles prescribed by the board of supervisors and in the form and by the titles said proposals appeared upon said ballot; and

WHEREAS, At said general election said proposals were duly submitted to the vote of the qualified electors of said county and appeared on the general ballot at said election in the following form, to wit:

"PROPOSALS FOR AMENDMENTS TO BUTTE
COUNTY CHARTER

BUTTE COUNTY CHARTER AMENDMENT No. I. Providing for the repeal of Article VII of the Charter of the County of Butte, and designed to abolish the provisions of the Charter of the County of Butte providing for the County Board of School Trustees of said County.

BUTTE COUNTY CHARTER AMENDMENT No. II. Providing for the repeal of Article IX of the Charter of the County of Butte and designed to abolish the County Board of Appraisers as now existing in the Charter of the County of Butte.

BUTTE COUNTY CHARTER AMENDMENT No. III. Providing for the repeal of Article XI of the Charter of the County of Butte and designed to abolish the Department of Public Welfare."

And opposite each proposal to be voted upon, and to the right thereof, and on separate lines, were printed the words "Yes" and "No," with voting squares thereafter and in addition thereto said ballot contained all other matters and

Butte county
charter
amendments
(cont'd).

things required by law to be stated thereon, and said ballot in all respects duly complied with law; and said proposals were duly and regularly submitted to said qualified electors in strict compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, The county clerk of said Butte county mailed a sample ballot or printed copy, containing the form and titles of said amendments as above set forth, to each qualified elector within the said county of Butte, at least ten days prior to the said second day of November, 1926; and

WHEREAS, The returns of said general election held in the county of Butte on the said second day of November, 1926, at which election said proposals were submitted to the vote of the qualified electors of said county, were made to and canvassed by the board of supervisors of the county of Butte, and it appeared therefrom and was so declared by the board of supervisors that three thousand four hundred forty-seven votes were cast in favor of said proposed amendment No. 1, and that three thousand one hundred thirty-six votes were cast against said proposed amendment No. 1; that three thousand four hundred sixty-five votes were cast in favor of said proposed amendment No. 2, and that two thousand nine hundred three votes were cast against said proposed amendment No. 2; that three thousand three hundred sixty votes were cast in favor of said proposed amendment No. 3, and that two thousand nine hundred eighty-three votes were cast against said proposed amendment No. 3; and it appeared therefrom that a majority of the qualified electors of Butte county voting thereon, at such general election, voted in favor of each of said proposed amendments above set forth, and said board of supervisors thereupon ordered and declared that said proposed amendments were ratified; and

WHEREAS, Said amendments so ratified by the electors of said county of Butte at said general election held on November 2, 1926, are now submitted to the Legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of section 7½ of article XI of the constitution of the State of California; now

THEREFORE, The undersigned, C. E. Porter, chairman of the board of supervisors of the county of Butte, State of California, and C. F. Belding, county clerk and ex officio clerk of the board of supervisors of Butte County, State of California, authenticating their signatures with the official seal of said board of supervisors, do hereby certify that said amendments to said charter of said county, so ratified by the majority of the electors voting thereon at said general election held on the second day of November, 1926, as submitted to said electors are in words and figures as follows, and are and shall if so approved by said Legislature, be in the words and figures following, to wit:

PROPOSED BUTTE COUNTY CHARTER
AMENDMENTS.

BUTTE COUNTY CHARTER AMENDMENT No. I.

Article VII of the Charter of the County of Butte is hereby repealed, provided however that all persons who at the time this amendment takes effect hold office under any of the articles or sections repealed, continue to hold the same according to the tenure thereof. County school board

BUTTE COUNTY CHARTER AMENDMENT No. II.

Article IX of the Charter of the County of Butte is hereby repealed, provided however that all persons who at the time this amendment takes effect hold office under any of the articles or sections repealed, continue to hold the same according to the tenure thereof. Board of appraisers

BUTTE COUNTY CHARTER AMENDMENT No. III.

Article XI of the Charter of the County of Butte is hereby repealed, provided however, that all persons who at the time this amendment takes effect hold office under any of the articles or sections repealed, continue to hold the same according to the tenure thereof. Department of public welfare.

We further hereby certify that the facts set forth in the preamble of this certificate preceding said amendments to said charter are and each of them is true. Certificate.

And, for and on behalf of said county of Butte, we, being hereinbefore duly authorized, do hereby require the Legislature of the State of California, to approve said amendments to said charter as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of said board of supervisors of Butte county, State of California, this thirteenth day of January, 1927.

C. E. PORTER,
Chairman of Board of Supervisors of Butte
County, State of California.

Attest:

C. F. BELDING,
County Clerk and ex officio Clerk of the Board of
Supervisors of Butte County, State of California.

[SEAL]

WHEREAS, Said proposed amendments to the charter of the county of Butte have been submitted to the Legislature of the State of California, for approval or ratification as a whole, without power of alteration or amendment in accordance with the provisions of section 7½ of article XI of the constitution of the State of California, now therefore, be it Approval by Legislature

Resolved, by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to

each house voting for the adoption of this resolution and concurring therein, That said amendments to the charter of Butte county as proposed, adopted and ratified by the electors of the said county of Butte, and as hereinbefore set forth, be, and the same are hereby approved as a whole without amendment or alteration, and as amendments to, and as a part of, the charter of the county of Butte.

CHAPTER 30.

Assembly Concurrent Resolution No. 16—Relative to appointing a committee to investigate the water resources of the state.

[Filed with Secretary of State January 27, 1927.]

Water
resources
investigating
committee

WHEREAS, It appears that a complete and detailed report by the state engineer upon the water resources of the state has been rendered impossible at this time by reason of the decease of the Honorable W. F. McClure, former state engineer; and

WHEREAS, The summary report upon water resources of the state recently submitted by the state engineer to the Legislature at the forty-seventh session thereof is lacking in the detailed information which is necessary to a proper and adequate study of the subjects therein considered; and

WHEREAS, It is vital to the interests of this state, particularly to the agricultural districts thereof, that the Legislature of the State of California, at the forty-seventh session thereof, have available for the consideration of its members sufficient and adequate information to enable them to consider and to further the adoption and enactment of constructive legislation in relation thereto; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That a committee of eight members, consisting of four members of the Assembly and four members of the Senate, be appointed by the speaker of the Assembly and the president of the Senate, respectively, to act in conjunction with the assistance of the director of the department of public works, to make a further study of the records of the state engineer, pertaining to the subject of this resolution and to report its findings and submit its recommendations to this Legislature at the forty-seventh session thereof not later than the first week in March, 1927, and be it further

Resolved, That the sum of one thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the purpose of defraying the expenses of said committee and said investigation, said sum to be paid equally from the contingent funds of the Senate and Assembly, and the state controller is hereby authorized and directed to draw his warrants in favor of the chairman of the said committee for such expenditures as may be certified to him from time to time by the chairman of said committee, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 31.

Assembly Concurrent Resolution No. 18—Relative to California's building erected at Nevada's transcontinental highways exposition.

[Filed with Secretary of State January 27, 1927.]

WHEREAS, The State of California erected at the city of Reno, state of Nevada, a building to be known as "California's Building at Nevada's Transcontinental Highways Exposition"; and

California
building at
exposition
at Reno.

WHEREAS, It would be a fitting recognition of the services rendered by those thousands of men and women who have made the supreme sacrifice for their country to dedicate this building to their memory; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That said building owned by the State of California, located at Reno, Nevada, and known as "California's Building at Nevada's Transcontinental Highways Exposition" be dedicated to the memory of those men and women who from pure love of country have made the supreme sacrifice that we who remain might enjoy the blessings of this wonderful country; and, be it further

Resolved, That the management and control of said building be placed in the hands of the local post of the American Legion, located at said city of Reno, state of Nevada.

CHAPTER 32.

Senate Concurrent Resolution No. 14—Approving a charter of the town of Santa Clara, ratified by the qualified voters of said town at a special municipal election held therein on the fifth day of April, 1926.

[Filed with Secretary of State January 31, 1927.]

WHEREAS, The town of Santa Clara, in the county of Santa Clara, State of California, now is, and at all the times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States; and

Santa Clara
city charter.

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a charter for said town of Santa Clara, as set out in the certificate of the president of the board of trustees and the town clerk of said town of Santa Clara; and

WHEREAS, The said president of the board of trustees and town clerk of said town of Santa Clara have certified as follows:

Town of Santa Clara, }
County of Santa Clara, } ss.
State of California. }

We, the undersigned, J. L. Pritchard, president of the board of trustees of the town of Santa Clara, and A. J. Cronin,

Santa Clara
city charter
(cont'd).

town clerk of said town, do hereby certify and declare as follows:

That the town of Santa Clara, in the county of Santa Clara, State of California, now is, and was, during all the times herein referred to, a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States, and was, and is, a city incorporated by and under special acts of the Legislature of the State of California passed previous to the year 1878.

That on the third day of August, 1925, there was filed in the office of the town clerk of said town of Santa Clara, a petition praying that a special election be called for choosing a board of fifteen freeholders to frame, prepare and propose a charter for said town of Santa Clara; that said petition was duly signed by not less than fifteen per cent of the registered electors of said town, and was duly verified by the authority having charge of the registration records of said town.

That pursuant to said petition and to the provisions of section 8 of article XI of the constitution of the State of California, and upon presentation of said petition, the board of trustees of said town of Santa Clara, which was and is the legislative body thereof, did by ordinance duly passed and adopted by the unanimous vote of said board on the seventeenth day of August, 1925, call such special election for, and to be held on, the twenty-first day of September, 1925; that at said election duly held on said day a board of fifteen freeholders, all of whom were electors of said town of Santa Clara, and had been such electors for more than five years next preceding their election, and were otherwise duly qualified, were elected by the qualified electors of said town, which said board of freeholders within one hundred and twenty days after the result of said election was declared, duly prepared and proposed, and on the fourth day of January, 1926, duly filed in the office of the town clerk of said town of Santa Clara, who was and is the clerk of the legislative body of said town, a charter for said town and the government thereof; that said charter so prepared was signed by all the members of said board of freeholders as hereinafter appears, and that said board of freeholders did, before the filing of said proposed charter, fix and designate thereon the fifth day of April, 1926, as the day and date on which said charter should be submitted to the electors of said town for ratification at the general municipal election to be held in said town on said date.

That thereupon said board of trustees of the town of Santa Clara duly caused said proposed charter to be submitted to the electors of said town for ratification at the general municipal election to be held in said town on the said fifth day of April, 1926, and within fifteen days after the filing of said charter caused the same to be published once in the Santa Clara Journal, a newspaper of general circulation printed and published in said town (there being no official paper of said

town), and caused copies of such charter to be printed in convenient pamphlet form, and until the date fixed for the election upon such charter, advertised in said last named newspaper a notice that such copies could be had at the office of said town clerk upon application therefor.

That said election was duly and regularly held on the said fifth day of April, 1926, and that at said election a majority of the qualified voters voting thereon votes in favor of such proposed charter; that the board of trustees of said town of Santa Clara, in the manner required by law, duly canvassed the returns of said election, and declared the result thereof and found, determined and declared that a majority of said qualified electors voting thereon had voted for such proposed charter, and that said charter had been and was ratified.

That said charter, as the same was prepared, proposed and ratified as herein set forth is as follows, to wit:

PROPOSED CHARTER FOR THE CITY OF SANTA CLARA, STATE OF CALIFORNIA, AS PREPARED AND PROPOSED BY A BOARD OF FIFTEEN FREEHOLDERS.

ARTICLE I.

NAME AND BOUNDARIES.

Section 1. Name:

The corporation or body politic and corporate now existing and known as the Town of Santa Clara shall remain and continue to be a body politic and corporate, in name and in fact, by the name of the City of Santa Clara, and by that name shall have perpetual succession; may sue and defend in all Courts and places, and in all matters and proceedings whatever.

Sec. 2. Boundaries:

Beginning at the northeast corner of section two, in township number seven south, range one west, Mount Diablo meridian, according to the United States survey; thence running west on the north side of said township line to the northwest corner of section three; thence south at a right angle along the west line of section three and section ten to the center of section ten; thence east at a right angle through the center of sections ten and eleven to the east line of section eleven; thence north along said east line of section eleven and the east line of said section two to the place of beginning, embracing the entire sections two and three, the north half of section ten, and the north half of section eleven in said township seven.

Sec. 3. New territory:

The boundaries above described may be altered and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California, governing the annexation and exclusion of territory by municipalities.

ARTICLE II.

GENERAL GRANT OF POWER.

General
grant of
power.

1. The City of Santa Clara shall continue vested with all the property of every kind belonging to it, and shall have power:

(a) To have and use a corporate seal, and to alter the same at pleasure.

(b) To sue or be sued in all courts in all actions and proceedings.

(c) To levy and collect taxes, and to levy and collect license taxes for both regulation and revenue.

(d) To borrow money, incur municipal indebtedness, and issue bonds or other evidence of such indebtedness.

(e) To acquire by purchase, lease, bequest, devise, gift, condemnation or other manner sanctioned by law, within and without the limits of said City, property of every kind and nature for all purposes.

(f) To acquire by said means, and to establish, maintain, equip, own and operate, either within or outside of the City, telephone and telegraph systems, street railways, or other means of transportation, warehouses, free markets, water works, filtration plants, gas works, electric light, heat and power works, underground or overhead conduit systems, or any other works necessary to a public utility; and to join with any other city, cities, district or county in the acquisition, construction and maintenance of same.

(g) To improve the streams and channels flowing through the City or adjoining the same, to widen, straighten and deepen channels thereof, and remove obstructions therefrom, to construct and maintain embankments and other works to protect the City from overflow and storm waters.

(h) To furnish the City or its inhabitants or persons without the City, any public utility service or commodity whatsoever;

(i) To lease, sell, convey and dispose of any and all property herein mentioned, provided however that no property exceeding five hundred dollars in value shall be sold without first publishing notice of intention to sell, in a newspaper of general circulation in the City of Santa Clara, once a week for two weeks preceding the date of such sale. The notice of intention shall describe the property, the price to be received, and the time when the sale will be consummated. No public utility property of the City of Santa Clara may be sold, as a whole, without the approval of a majority of the voters obtained at a regular municipal election, or at a special election called for that purpose.

(j) To acquire, construct, operate and maintain, parks, playgrounds, markets, baths, public halls, auditoriums, libraries, museums, art galleries, gymnasiums and any and all buildings, establishments, institutions and places whether situated inside or outside of the City limits, which are necessary or convenient for the transaction of public business or

for promoting the health, morals, education, care of the indigent or welfare of the inhabitants of the City or for their amusement, recreation, entertainment, or benefit.

General
grant of
power
(cont'd).

(k) To acquire, construct and maintain all works necessary for the disposition of sewage, garbage and waste, to construct, own and maintain and operate incinerating or garbage reduction plants and to join with any other city or cities, district or county in the acquisition, construction and maintenance of any such works or plant.

(l) To define and abate nuisances.

(m) To provide for the care of the indigent.

(n) To create, provide for, construct and maintain streets, sidewalks, curbs and all other things of the nature of public works and improvements; to exercise any and every power conferred upon municipalities for this purpose by the constitution and laws of this state; to levy and collect special assessments to pay for same.

(o) To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.

(p) To grant permits to use the streets or public property revocable at any time without notice.

(q) To regulate and establish rates and charges to be imposed and collected by any person or corporation for commodities or services rendered under or in connection with any franchise, permit or license heretofore or hereafter granted by the City, or other authority, provided that the same is not inconsistent with the Constitution of the State of California.

(r) To receive devises, bequests, gifts and donations of all kinds of property, in fee simple, or in trust, for charitable or other purposes and to do all acts necessary to carry out the purposes of such devises, bequests, gifts and donations with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the devise, bequest, gift or donation or absolutely in case such devise, bequest or trust be unconditional.

(s) To regulate and limit the height and bulk of buildings hereafter erected, and to regulate and determine the area of yards, courts and other open spaces and for said purposes to divide the City into districts. Such regulations shall be uniform for each class of buildings throughout any district, but the regulations in one or more districts may differ from those in other districts. Such regulations shall be designed to secure safety from fire and other dangers and to promote the public health and welfare including, so far as conditions may permit, provisions for adequate light, air and convenience of access and shall be made with reasonable regard to the character of the buildings erected in each district, the value of the land and the use to which it may be put.

(t) To regulate and restrict the location of trades and industries and the location of buildings designed for specified

uses, and for said purposes to divide the City into districts and to specify for each such district the trades and industries which shall be excluded or subject to special regulations and the uses for which buildings may not be erected or altered. Such regulations shall be designed to promote the public health, safety and welfare and shall be made with reasonable consideration; among other things, to the character of the district and to its peculiar suitability for particular uses.

(u) To regulate or prohibit the sale, keeping, storing and use of powder, gasoline, fireworks, dynamite and all other explosive materials and substances, the places of their manufacture or storage and their transportation, and to regulate the storage of hay, straw, oils, and other inflammable materials.

(v) To make the violation of its ordinances or any provision of this character a misdemeanor, and to prescribe the penalty for such violation, which penalty shall be by fine, imprisonment or forfeiture or both fine and imprisonment; provided however that such fine shall not exceed three hundred dollars and such imprisonment shall not exceed ninety days for any one offense; or in place of such fine or imprisonment, may be sentenced to labor on the streets or other public property of the City.

(w) To do and perform any and all other acts and things appropriate to a municipal corporation, which are not specifically forbidden by the constitution or laws of this state, or which may be for the general welfare and good of the people of said City of Santa Clara, and no enumeration of powers in this charter shall be taken to imply any limitation of the foregoing general grant of power.

ARTICLE III.

ELECTIONS, INITIATIVE, REFERENDUM AND RECALL

Section 1. Elections:

Elections.

The Board of Trustees shall call and give notice of each election, shall appoint a board of electors and fix their compensation; and they shall establish election precincts and polling places, and may change the same. All provisions of law regulating elections of State and county officers shall apply, so far as the same are applicable to elections under this charter, and the persons having the plurality of all the votes cast for each of the respective officers voted for shall be declared duly elected; and no person who is not an elector of said City and shall not have resided therein for one year shall be eligible to any elective office under this charter, nor shall any person be entitled to vote at any municipal election unless he shall be a qualified elector of said City.

The officers of the present Town government shall continue in office under this charter until their successors are elected and qualified, with such powers and duties as are herein provided. The Board of Trustees shall meet within five days after any election, as a Board of Canvassers, and canvass the returns and declare the result, and when two or more

persons for any office have an equal number of votes, the Board shall decide the election by a plurality vote thereof. Should any of the officers elected fail to qualify and give the requisite bond, for the period of ten days after having received official notice of their election, the office shall be declared vacant, and shall be filled as hereinafter provided.

Sec. 2. Initiative:

(a) Any proposed ordinance may be submitted to the Board of Trustees by a petition containing the signatures of not less than ten per cent of the electors; the signatures need not be appended to one paper. Each signer must add his place of residence, occupation and date of signing, giving the street and number, if any. Initiative

(b) Each separate paper must have an affidavit attached certifying to the genuineness of the signatures. The proposed ordinance must be set forth in the petition.

(c) Within ten days after filing the petition, the clerk must compare the signatures with the records of registration, and report to the Board of Trustees on the sufficiency of the petition. If not sufficient the proponents may file a supplemental petition. If found sufficient finally the Board of Trustees must pass the ordinance without alteration within ten days, or submit it to the electors at the next regular municipal election. If, however, the petition is signed by fifteen per cent of the electors and contains a request that it be submitted forthwith, the Board of Trustees must call a special election on the matter at once.

Sec. 3. Referendum:

(a) All ordinances are subject to the referendum and do not go into effect before thirty days from their final passage, except ordinances calling an election or otherwise specially required by the laws of the state, or except an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of the facts constituting its urgency and is passed by a four-fifths vote. Referendum.

(b) In order to invoke the referendum against an ordinance, a petition, signed by not less than ten per cent of the electors of the City, protesting against the ordinance, must be presented to the Board of Trustees, whereupon the ordinance is suspended from operation and the Board of Trustees must reconsider it; if the Board does not repeal the ordinance, it must be submitted to the electors at a regular or special election. The Clerk must examine and report on the sufficiency of the petition, as in the case of the initiative.

Sec. 4. Recall:

(a) The holder of any elective office may be recalled providing he has held the office at least six months. A petition demanding the election of a successor to the person sought to be removed shall be filed with the Clerk. It must be signed by twenty-five per cent of the voters, and contain a statement of the grounds on which the removal or recall is sought. The requirements as to signing and examination by the Clerk are Recall

the same as in the case of an initiative petition, and a similar affidavit must accompany each paper.

(b) If the petition is found sufficient, the Trustees must forthwith call a special election to determine the matter; provided that it may be deferred if a general election is to be held within thirty days. One petition is sufficient for the removal of one or more officers. Nominations to fill the office may be made as prescribed by Sec. 1188 of the Political Code. Both the petitioner and the officer sought to be recalled may prepare arguments in not more than two hundred words each, which shall be printed on the sample ballots. The names of the persons nominated to fill the office shall also be printed on the ballot underneath the question, "Shall ----- be recalled from the office of -----" "Yes" and "No." If a majority vote in favor of the recall the officer shall be deemed removed, and the person receiving the highest number of votes for the office is elected to the vacancy.

ARTICLE IV.

ELECTIVE OFFICERS.

Sec. 1. Municipal Officers:

Municipal
officers.

The government of the City shall be vested in a Board of Trustees consisting of four Trustees and the Mayor, a City Marshal, a City Clerk, and a City Treasurer, all of whom are to be elected by the voters; and such subordinate officers as are hereinafter provided for by appointment.

Sec. 2. Terms of Offices:

Terms of
office.

On the first Monday of April in each and every year, a municipal election shall be held, at which election the legally qualified voters of said City shall elect the several respective officers as hereinafter provided, viz:

At the municipal election to be held on the first Monday in April, A. D. one thousand nine hundred twenty-seven, and every two years thereafter, a Mayor, City Treasurer and two Trustees shall each be elected and hold their respective offices for two years and until their successors shall be elected and qualified. At the same election i. e. that held on the first Monday in April, A. D. 1927, a City Clerk, City Marshal, and two Trustees shall each be elected and hold their respective offices for a period of one year and until their successors shall be elected and qualified. At the municipal election to be held on the first Monday in April, A. D. 1928, and every two years thereafter, a City Clerk, City Marshal, and two Trustees shall each be elected and hold their respective offices until their successors shall be elected and qualified.

Sec. 3. The Mayor:

Mayor.

(a) The chief executive officer of the City of Santa Clara shall be the Mayor.

(b) The Mayor shall be the presiding officer of the Board of Trustees, and shall have the right to vote thereat. He may call special meetings of the Board of Trustees and must do

so upon the request, in writing, of a majority of its members. ^{Mayor} Every order made or ordinance passed by the Board of ^{(cont'd).} Trustees, in order to have legal effect, must receive the approval of the Mayor, or if he refuse to approve the same, to render such order or ordinance valid, it must receive the votes of the other four members of said Board. The Mayor shall sign the minutes of each meeting after they have been entered in the journal of the City Clerk and approved by the Board of Trustees.

(c) The Mayor shall see that the provisions of this charter and the ordinances of the City are duly executed and enforced. He shall take all measures necessary for the preservation of public order and the suppression of mobs, riots and tumults, for which purpose he may use the police force, and in case such force is inefficient, he may call upon the Governor of the State for military aid.

(d) The Mayor shall diligently observe the official conduct of all officers and employees of the City, and note the manner in which they perform their duties, especially in the collection, administration and disbursement of public funds and property.

The books, records and official papers of all departments, boards, officers and employees of the City shall, at all times, be open to his inspection and examination, and he shall use special care to see that such books, records and documents are kept in proper legal form. He shall receive and examine all complaints as may be preferred against any City official for violation or neglect of duty and shall have power to suspend any City official, except members of the Board of Trustees, for a dereliction, neglect or non-performance of duty, and shall immediately, in writing, report the same to the Board of Trustees. If the Board of Trustees, after a hearing, approve of the suspension, they may declare the office vacant, or continue the suspension of such time as they may deem proper, and such vacancy shall be filled by the Mayor, subject to the approval of the Board of Trustees.

(e) The Mayor, with the consent of the Board of Trustees, shall appoint all officers and fill all vacancies not otherwise provided for in this charter, and such appointees shall serve for the unexpired term and until their successors have been appointed or elected and qualified.

(f) The Mayor shall see that all contracts and agreements with the City are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the City against all persons or corporations failing to fulfill their agreements or contracts, either in whole or part.

(g) The Mayor shall have power to administer and may administer oaths and affirmations upon any and all matters and business pertaining to the City, and shall generally perform all such duties as may be prescribed for him by law or by the City ordinances.

(h) The Mayor shall communicate, in writing, to the Board of Trustees semi-annually and oftener, if he thinks proper, a general statement of the situation and condition of the City in relation to its government, finances, and improvements, and may make such recommendations in reference thereto as he may deem expedient.

(i) The Mayor's salary, subject to the laws of the State of California, shall be determined by the Board of Trustees.

(j) When the Mayor shall be absent from the City, or from any other cause be prevented from attending to the duties of his office, the remaining members of the Board of Trustees shall appoint one of their members acting mayor, who shall preside at meetings of the Board and vote thereat, and shall in all respects be legally qualified to discharge the duties of such position.

Board of
trustees.

Sec. 4. The Board of Trustees:

(a) All powers herein granted to and vested in the City of Santa Clara, except as herein otherwise provided, shall be exercised by a Board of Trustees, to be designated as the Board of Trustees of the City of Santa Clara. Said Board of Trustees shall be the governing body of the City and shall consist of a Mayor and four Trustees, and subject to the express limitations of this charter, shall be vested with all the powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the State of California.

(b) The Board of Trustees shall hold their regular meetings on the first Monday of each month in their chamber in the town hall of Santa Clara, and all legislative sessions whether regular or special shall be open to the public.

(c) A majority of all the members of said Board shall constitute a quorum, but a less number may adjourn from time to time and may compel the attendance of absent members.

(d) In the absence of the Mayor, at any regular, or adjourned, or called meetings of the Board, if three members be present, they may choose one of their own number to preside at such meeting, and to be acting mayor; and all business transacted at such meetings, and all acts of the presiding officer shall be as valid as if presided over or done by the Mayor.

(e) The Board of Trustees shall determine the rules of its own proceedings, keep a journal of its proceedings, compel the attendance of its members and punish for disorderly conduct.

(f) The Board of Trustees shall act only by ordinance or resolution.

(g) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the Board.

(h) Every ordinance shall be preceded by a brief title which shall indicate the subject and purport thereof.

(i) The enacting clause of all ordinances shall be as follows: "The Board of Trustees of the City of Santa Clara,

do ordain as follows." Every ordinance must be signed by the Mayor, and attested by the City Clerk. All ordinances must be published by said Board once a week for two weeks, in a paper in general circulation in the City of Santa Clara, before their adoption, except the ordinance making the annual tax levy, or ordinances pertaining to bond issues, and except an ordinance for the immediate preservation of the public peace, health, property, or safety, which contains a statement of its urgency, and is passed by four affirmative votes.

Board of
trustees
(cont'd).

(j) All claims and demands that may lawfully arise against the City shall be submitted to the Board of Trustees, and if found correct, and if sufficient funds remain in the Treasury to pay the same as hereinbefore provided, the same shall be allowed, and an order made that the demand be paid, upon which the Mayor shall draw his warrant, countersigned by the City Clerk, upon the City Treasurer, in favor of the owner or owners for the amount so ordered paid, specifying for what purpose and by what authority it is issued, and out of what fund it is to be paid, and the Treasurer shall pay the same out of the fund specified. No action shall be commenced or maintained against the city upon any such claim or demand unless the same shall first be submitted to the Board of Trustees as herein provided.

(k) The Board of Trustees or any member thereof shall not create, audit, or allow, nor permit to accrue any debts or liabilities in excess of the actual revenue and available means in the City Treasury that may be legally appropriated for such purposes, except as provided by Section 18 of Article XI of the Constitution of the State of California, and any such allowance, warrants, or other evidence of indebtedness made or issued in violation of the provisions of this section shall be void.

(l) It shall be the duty of the Board of Trustees to place all moneys received from the municipal public utilities in a separate utility fund, such fund to be used for expenses connected with the municipal utilities works and improvements, extensions, and repairs on same. If any surplus appears in such fund at the end of a fiscal year, any portion of it may then be transferred to the general fund. The provisions of this paragraph shall not take effect for a period of one year after this charter is in operation.

(m) The Board of Trustees shall have power, and it is hereby made their duty, to provide by ordinance for the levying and collection of all City taxes, and in so doing they shall be governed by the general laws of the State in reference to the levying and collecting of State and County taxes, so far as the same may be applicable; and may in like manner from time to time, provide for the collection, by civil action, or otherwise, of all taxes, levied or assessed by them, or under their authority, for city purposes, that now are or may hereafter become delinquent; and in case such taxes be collected by civil action, the Courts of Justice shall have the same

Board of
trustees
(cont'd).

jurisdiction, and the pleadings shall substantially conform to the same requirements, and the summons and other process shall be issued, served and returned in the same manner as is or may be provided by law for the collection of delinquent taxes levied for State and County purposes; and all sales and conveyances of property made and executed for the non-payment of delinquent taxes and all proceedings leading thereto, shall have the same force and effect as when made and executed for the non-payment of delinquent taxes levied for State and County purposes; and every tax levied by said Board of Trustees under the provisions of this Charter, or of any former Charter, which was in force and which may become repealed by the provisions of this Charter, is hereby made a lien against the property assessed, which lien shall attach on the first Monday in May in each year, and shall not be satisfied or removed until the taxes are all paid, or the property has absolutely vested in a purchaser under a sale of said taxes. The delinquent tax list, or copy thereof, certified by the City Clerk, made out substantially in the form prescribed for making out the list of delinquent taxes levied for State and County purposes, showing unpaid taxes against any person or property, shall be prima facie evidence in any Court to prove the assessment of the property assessed, the amount of taxes due and unpaid, the delinquency, and that all forms of law in relation to the levy and assessment of such taxes have been complied with. The Board of Trustees shall, however, have the power to avail itself of any law of the State of California now or hereafter in force, whereby the assessment of property and the collection of taxes may be made by the officers of the county in which the City of Santa Clara is situated.

(n) The Board of Trustees shall raise annually by taxation upon the real and personal property within the City, as estimated from the last preceding assessment roll, such tax as shall be necessary, in addition to the money derived from other sources, for the support and maintenance of the public schools of the City, but in no event to exceed one per cent for any one year, exclusive of amounts necessary to pay off the principal and interest on bonded indebtedness.

(o) The tax levy authorized by the Board of Trustees for the general fund shall not exceed one dollar upon each one hundred dollars of the real and personal property within the City, as estimated from the last preceding assessment roll, exclusive of the amounts necessary to pay the principal and interest on bonded indebtedness of the City, except by ordinance approved or adopted by the affirmative vote of the majority of the people voting at a general or special election.

(p) All license taxes, unless otherwise ordered by the Board of Trustees, shall be appropriated to the General Fund, out of which shall be paid all the expenses of said City government, except those for the support and maintenance of public schools and libraries; and all taxes and licenses herein

authorized to be collected shall be collected in lawful money of the United States as prescribed in reference to State and County taxes. Board of trustees (cont' d)

(q) The Board of Trustees, or a committee of their number appointed for that purpose, shall constitute a Board of Equalization, and shall, as soon as the Assessor has completed and handed in his assessment, and after ten days notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way a majority of them shall deem just and proper. Said meetings shall be held from time to time, as in said notice specified, for the period of one week and no longer.

(r) At each or any regular meeting of the Board of Trustees they may inquire into the condition of the streets, sewers, schools, school houses, and fire department, and all other property of the City, and if at any time it shall appear that the interest of the City demands an expenditure of more money than at such time as is in the Treasury applicable to such purposes, they shall make a report of the same to be published for at least two consecutive weeks in some newspaper published in said City, provided there be a newspaper so published, otherwise to be posted for the same period upon the door of the room where the Board regularly hold their meetings, particularly specifying the object or objects for which the expenditure is required and the amount of money necessary to be raised by special tax to meet the same. At any time within fifteen days after the expiration of such publication, the Board of Trustees shall order an election, giving ten days notice thereof, at which election the legal voters of said City may vote for or against such tax. The election shall be conducted and the returns made and canvassed in all respects as the general municipal elections. If a majority of the voters are in favor of levying the tax the Board of Trustees shall forthwith order the tax to be levied and collected upon the basis of the last assessment, and shall make the proposed expenditure; provided that such special tax shall not exceed in any one year more than one half of one per cent upon the valuation of the real and personal property as shown by the last assessment roll, and said proposed expenditures shall not exceed the amount so collected by such special tax. All special taxes ordered to be levied and collected shall be levied and collected in the manner, forms, and ways prescribed for levying and collecting of the general taxes of said City.

(s) The Board of Trustees shall have power to establish or change the grade of any street or public place, to order the whole or any part of the street, avenue, lane, alley, court or place within the City of Santa Clara, to be graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, sewerred or resewerred; to

Board of
trustees
(cont'd).

order sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks to be constructed therein; to order breakwaters, levees or walls of rocks or other material to protect the same and also any other work or improvement therein; to provide for the care of shade trees planted therein and to cause shade trees to be planted, set out and cultivated therein, and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property. Whenever, in the judgment of the Board of Trustees, or of the people, the cost and expense of any of the foregoing improvements is to be or should be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto.

(t) The Board of Trustees shall further have power to order the opening, extending, widening, straightening, or closing of any street, lane, alley, court or public place within the City and to condemn and acquire any and all property necessary or convenient for that purpose.

(u) Whenever any street or portion of a street shall be abandoned or closed by ordinance, the Board of Trustees may convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise as the Board of Trustees shall deem that equity requires.

(v) All public buildings and works, when the expenditure therefore shall exceed five hundred dollars, shall be done by contract and shall be let to the lowest responsible bidder, after advertising for two consecutive issues in a newspaper of general circulation in the City, for sealed proposals for the work contemplated. Provided that the Board of Trustees may reject any and all bids, if deemed excessive, and re-advertise for bids or order the work to be done by day labor. When such work is necessary for the immediate preservation of public health, property, or safety, the Board of Trustees, by four affirmative votes, may order the work done without advertising for bids.

(w) The members of the Board of Trustees shall receive the sum of \$5.00 each for attendance at each regular meeting held on the first Monday of each month, as compensation for their services.

(x) Neither the Board of Trustees, nor any of them, nor any other offices of the City shall be interested directly or indirectly, during their respective terms of office, in any contract pertaining to any of the departments of the City; and all contracts in violation of this provision shall be void.
Sec. 5. The City Marshal:

City marshal

(a) The department of police of said City shall be under the direction of the City Marshal, and for the suppression of any riot, public tumult, disturbance of the public peace, or any organized resistance against the laws or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon Sheriffs by

the laws of this State; and his lawful orders shall be promptly executed by police officers, watchmen, and Constables in said City, and every citizen lend him aid when required for the arrest of offenders and maintenance of public order; he shall and is hereby authorized, to execute and return process issued and directed to him by any legal authority; to enforce all ordinances passed by the Board of Trustees, and arrest all persons guilty of a violation of the same; to prosecute before some competent tribunal for all breaches or violations of City ordinance.

City marshal
(cont'd).

(b) The City Marshal is hereby given the power to collect all license taxes that shall at any time be due the City, and to receipt for the same; to receive the tax list, and upon receipt thereof to proceed to collect the same, at the same time and in the same manner as is prescribed by law for the collection of State and County taxes, and said Marshal being hereby vested with all and the same powers to make collections of taxes by sale and conveyance of real estate, as is or shall hereafter be conferred upon collectors and sheriffs for the collection of State and County taxes; and it shall be the duty of the City Marshal to collect in the same manner, and with the same authority the amounts shown on any tax list placed in his hands without any unnecessary delay, and each day to pay all taxes, licenses and other money collected by him, belonging to the City, to the City Treasurer, taking the City Treasurer's duplicate receipts therefor, one of which he shall file with the City Clerk; he shall also on the first Monday of each month, file with the City Clerk, his affidavit, stating that such receipt embraces all the money collected by him belonging to said City, for the preceding month, or such other period of time as may have been prescribed, which oath shall be subscribed and sworn to before the City Clerk.

Notwithstanding the foregoing provision, the Board of Trustees shall have the power as provided in section 9 of this Charter to provide by ordinance or otherwise for the assessment and collection of taxes by the officers of the county in which the City of Santa Clara is situated.

(c) The City Marshal shall have charge of the City Prison, and the prisoners confined therein, and all those who are sentenced to labor upon the streets, or public works of the City, and shall see that all orders and sentences in reference to such are fully executed and complied with.

(d) The City Marshal may be appointed Superintendent of streets.

(e) The compensation of the City Marshal shall be fixed by the Board of Trustees. It shall be the duty of the Marshal and of the police officers, that may be appointed, to execute all process issued by any Justice of the Peace of Santa Clara Township, officiating as Police Judge or otherwise, or from other legal authority commanding their services as such officers, to attend upon the Court officiating as a Police Court;

and for the service of all such process said Marshal and said policemen shall receive such compensation as may be realized from costs collected by them in the discharge of said official duties, such costs or fees to be the same as is by law allowed to Sheriffs for like services, the same to be paid over by the Justice from the fines imposed and collected in each case; but in no event shall the service for serving such process be a charge against the City.

(f) The Marshal may also, with the concurrence of the Mayor, when the same may be deemed necessary for the preservation of public order, appoint additional policemen, who shall be persons of sobriety and good moral standing in the community, and who shall discharge the duties assigned to them and shall receive such compensation therefore as may be fixed by the Board of Trustees.

City clerk.

SEC. 6. The City Clerk. (a) The City Clerk shall keep, under the direction of the Board of Trustees, a full and true record in a book, of all proceedings of the Board of Trustees, and of the Board of Equalization. He shall keep a book marked "Ordinances," in which he shall copy all ordinances, with his certificate annexed to said copy, stating that it is a full and true record thereof, and that such ordinance has been duly published. Said record copy, with such certificate shall be prima facie evidence of the contents of such ordinance and of the passage and publication thereof. The Clerk shall also keep an index to the minutes of the Board of Trustees, and to said Ordinance Book. The City Clerk shall be the custodian of the City Seal and shall affix the same to all official certificates made by him, and to other papers when directed by the Board of Trustees to attest or execute the same. He shall have power to administer oaths and affirmatives, to take affidavits, and to certify the same. He shall have such other powers and perform such other duties as may be provided by this Charter or by ordinance.

(b) He shall sign as City Clerk and issue to the Marshal, license certificates for all branches of business, for which a license may be required and take his receipt therefor, and shall keep a true list of all licenses issued by him, and the amount of money received by the Marshal therefor.

(c) The City Clerk shall keep on file in his office, an official map of the City, corrected to date and showing ownership of all real estate within the City limits, the location of water mains, gas mains, water, gas and sewer connections, street lights, sewers, catch basins, manholes, light poles, fire alarm boxes, fire hydrants, monuments, bench marks and all books and records of the City Engineer, as may be filed or deposited with said Clerk.

(d) He shall report to the Board of Trustees monthly, a detailed statement of the receipts and disbursements of the City government, and the state of the General and School Fund, and of any special improvement fund that may exist; and at the expiration of the fiscal year to make a detailed

statement of the receipts and disbursements of the City during said year, specifying the different sources of revenue and the amount received from each, the several appropriations made by the Board of Trustees, and the amount of money expended under each, and the objects for which they were made.

(e) The City Clerk shall be ex-officio City Assessor, and shall, between the first Monday of May and the first Monday of July of each year, make a true list of all the taxable property within the limits of said City, which list, when so made and certified by him, shall be placed in the hands of the Board of Trustees for equalization. The mode of making out such lists and ascertaining the value of property shall be the same as prescribed by law for assessing State and County taxes. He shall apportion the taxes upon the assessment, and make out and deliver to the Marshal a tax list, in the usual form, as soon as practicable, after the Board of Trustees as a Board of Equalization, have equalized the assessment; and to do and perform such other duties as are prescribed in this Charter, or as by ordinance or otherwise may be required of him by the Board of Trustees.

(f) For his services as City Clerk and City Assessor, he shall receive a monthly salary, the amount of which shall be fixed by the Board of Trustees. He shall also be entitled to collect and receive, from persons other than the City, for filing and having duly executed any conveyance for real estate sold by the City, the sum of three dollars (\$3.00); and for any transcript of the records or papers in his office, such fee per folio as is or may be by law allowed to the County Recorder or County Clerk of Santa Clara County for like services.

Sec. 7. The City Treasurer:

(a) It shall be the duty of the City Treasurer to receive and safely keep all moneys that shall come into his hands, as such Treasurer; for all of which he shall give triplicate receipts, one of which said receipts shall be filed with the City Clerk. He shall pay out said moneys on warrants signed by proper officers, as herein provided, and not otherwise, except the principal and interest due on bonds of the City, including improvement bonds thereof.

(b) He shall make monthly statements with the City Clerk, and file with the Board of Trustees, an abstract of the same.

(c) He shall perform such other duties as may be required of him by the Board of Trustees.

(d) His compensation shall be determined by the Board of Trustees.

ARTICLE V.

APPOINTIVE OFFICERS.

Sec 1. City Attorney:

(a) The City Attorney shall be an attorney and counselor-at-law, duly admitted to practice law in the State of California. He shall have been actually engaged in the practice of his profession in this State for a period of at least four years, next before his appointment.

(b) It shall be his duty when directed by the Board of Trustees to prosecute on behalf of the people, all criminal cases for violations of this Charter and of City ordinances, and to attend to all suits and other matters to which the City is a party or in which the City may be legally interested. He shall give his advice or opinion in writing whenever required by the Board of Trustees or other officers, or the Board of Education. He shall be the legal advisor of all City officers; he shall approve the forms of all bonds given to and all contracts made with the City; he shall, when required by the Board of Trustees, or any member thereof, draft all proposed ordinances for the City, and amendments thereto; and shall do and perform all such things touching his office as the Board of Trustees may require of him, and at the expiration of his term shall surrender to his successor all books, papers and documents pertaining to the City's business.

(c) His compensation shall be determined by the Board of Trustees.

(d) The Board of Trustees shall have power to direct and control the prosecution and defense of all suits and proceedings to which the City is a party or in which it is interested, and may employ counsel to assist the City Attorney therein.

Sec. 2. Superintendent of Streets:

Supt of
streets.

(a) The Mayor with the approval of the Board of Trustees shall appoint a Superintendent of Streets, and fix his salary.

(b) He shall have charge of all public work relating to streets, street cleaning and watering, parks, sewers, sewage disposal, garbage disposal, and public buildings.

(c) He shall perform such other duties and exercise such other powers as may be required of, or conferred upon him by the provision of this Charter or by law, or by the ordinances of the City.

Sec. 3. City Engineer:

City
engineer.

(a) The Mayor with the consent of the Board of Trustees shall appoint a City Engineer. He shall have at least five years of experience as a Civil Engineer. A degree in civil engineering from a university of recognized standing may be counted as two years of experience.

(b) He shall be the custodian of, and responsible for, all maps, plans, profiles, field notes, and other records and memoranda belonging to the City and pertaining to his office and the work thereof, all of which he shall keep in proper order and condition. He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk.

(c) All maps, plans, profiles, field notes, estimates and other memoranda of surveys, and other professional work made or done by him, or under his direction or control, for or on behalf of the City during his term of office, shall be the property of the City. He shall file an index of all such work with the City Clerk and keep it up to date.

(d) He shall take especial charge of the system of street monuments and bench marks; reset them without delay, if by reason of street improvements, sewer work or any other cause, they should be disturbed, and to extend these systems as fast as the state of his work will permit, so as to cover all streets within the City limits.

(e) He shall perform all engineering work and surveying in prosecuting public improvements in or for the City, and in relation to public streets, lanes, alleys, ways, places, and real property of the City, and shall possess such other powers and perform such additional duties not in conflict with this Charter, as may be prescribed by ordinance or the general laws of the State.

(f) His compensation shall be determined by the Board of Trustees.

Sec. 4. Other Appointive Officers:

(a) The Mayor, with the approval of the Board of Trustees, may appoint and remove such subordinate officers as in his judgment may be deemed necessary. Other appointive officers.

(b) The duties, powers, and compensation of such officers shall be determined by the Board of Trustees.

ARTICLE VI.

POLICE JUDGE.

Justices of the Peace for the Township of Santa Clara shall discharge all the duties of Police Judge for the City of Santa Clara, and all fines imposed by such Justices for any breach of the peace within the corporate limits of the City of Santa Clara, or for any violation of the City ordinances, after deducting therefrom the costs in such prosecutions, shall be paid into the City Treasury; and such Justices may deduct from such fines, the sum of three (\$3.00) dollars, for each trial held before them, but in no event shall such services be a charge against the city. Police judge

ARTICLE VII.

OFFICIAL BONDS.

All City officers whether elected by the people or appointed by the Board of Trustees, shall, before entering upon the duties of their respective offices, take and subscribe the oath of office prescribed by law. The Marshal, Treasurer, and Clerk shall each, before entering upon the duties of his office, give a bond, with two or more sureties or a surety company, to be approved by the Board of Trustees, payable to the City of Santa Clara, in such sum as may be fixed by ordinance, conditioned for the faithful performance of the duties of his office, as required by law, and the ordinances and regulations that are and may be passed by the Board of Trustees. Should the bond of any officer become insufficient, he shall give such additional surety as the Board of Trustees may require; and upon his failure so to do at the time required his office shall be declared vacant, and may be filled as herein provided for. The official bond of every officer named herein, except the bond of the Clerk, shall Official bonds.

be filed in the office of the City Clerk. The official bond of the Clerk shall be filed with the Treasurer. In case a surety company bond is given and approved, the premium thereon shall be paid by the City.

ARTICLE V. II

CITY LIBRARY

City
Library.

(a) The Mayor, with the approval of the Board of Trustees shall appoint a Board of Library Trustees.

(b) The Board of Library Trustees shall each serve for a term of two years, and until his successor is appointed and qualified; provided, that at the first appointment under this Charter, two trustees shall be appointed for one year and three trustees for two years and until their successors are appointed and qualified. In case of a vacancy, the same shall be filled by appointment by the Mayor with the approval of the Board of Trustees for the remainder of the term then vacant.

(c) The Board of Library Trustees shall appoint one of their members President, and shall appoint a secretary, who shall keep a record of their proceedings. The Board of Library Trustees shall maintain, manage and control all public libraries in the City of Santa Clara and may establish such branch libraries and reading rooms as may be deemed advisable; shall make and enforce all such rules and regulations as may be necessary for the administration, government and protection of the library and reading rooms, under their management, and of all property belonging thereto; shall appoint and fix the compensation of such librarians, assistants, and employees as they may deem necessary and prescribe their duties, and shall purchase such books, journals, publications and other personal property as may be necessary for the use of said libraries and reading rooms. All such libraries and reading rooms maintained by said Board shall be forever free to the inhabitants and non-resident tax payers of the City of Santa Clara, subject to the above mentioned rules and regulations to be made by said Board; provided, however, that for violation of any of said rules and regulations, said Board may impose fines or may exclude the violator from the privileges of the library. All such fines shall be paid into the library fund.

(d) The Board of Library Trustees shall have the management and disbursement of all funds regularly appropriated or received for the public library. All bills, demands, or claims on the library fund shall be audited by said Board of Library Trustees, and warrants therefor shall then be signed by the President of said Board, and countersigned by its clerk. All library bills shall be paid out of the library fund, which fund is hereby established.

(e) The Board of Library Trustees shall also be the trustees and custodians of all museums, art galleries, and academies of science, which may be established by gift or grant, or other-

wise, in the City of Santa Clara, for the diffusion of mechanical, scientific, artistic or general knowledge, and shall conduct the same under the general laws of the State of California, unless otherwise provided for by gift or donor.

(f) The Board of Trustees, by ordinance, may create a fund for the maintenance of said institutions, the same to be raised by a special tax or as may be otherwise provided by general law or ordinance.

ARTICLE IX.

SCHOOL DEPARTMENT.

Sec. 1. The Board of Education:

(a) At the municipal election to be held on the first Monday of April, 1927, five school trustees shall be elected, two of whom shall hold office for one year, two shall hold office for two years, and one shall hold office for three years, and until their successors have been elected and qualified. At the municipal election to be held on the first Monday of April, 1928, two school trustees shall be elected, and on the first Monday of April, 1929, one school trustee shall be elected, who shall hold respective offices for three years and until their successors are elected and qualified. As each member's term expires his successor shall be elected in a like manner for a term of three years. Board of education.

(b) Vacancies on the board shall be filled by appointment by the school board, the appointee to hold office for the remainder of the unexpired term.

(c) The five trustees shall constitute the Board of Education of the City of Santa Clara. At their first meeting after taking the usual oath of office, said board shall determine, by allotment, who of the five elected members at the first election held hereunder shall hold office for one year, for two years, and for three years.

(d) The Board of Education created by this Charter, shall enter upon the duties of their office on the first Monday in May after their election, and on said first Monday in May, the term of office of their predecessors shall expire.

(e) The Board of Education, as constituted on the first Monday in July, A. D. 1927, and on the first Monday in July in each year thereafter, shall meet and organize by electing one of their number president of the Board of Education, whose duty it shall be to preside at all meetings of the board, who shall not be allowed to vote, unless in case of a tie. In the absence of the president, one of the members may be elected to preside during his absence. A majority of the members shall constitute a quorum to transact business, but a smaller number can adjourn from time to time, and compel the attendance of the absent members.

(f) The Board may determine the rules of its own proceedings; provided, they do not conflict with the provisions of this Charter or of the general law. Its sessions shall be public.

Powers of
board of
education.

Sec. 2. Powers of the Board of Education:

(a) The Board of Education shall have the power and shall perform duties as specified in the Political Code and other school laws of the State of California as now existing, or as they may exist at any future time.

(b) Said board shall have and perform the following powers and duties in addition to those above mentioned, to-wit:

(1) To determine annually the amount of taxation not exceeding one cent on each dollar valuation upon the assessment roll, to be raised by tax on the real and personal property within the said City, not exempt from taxation, for the establishment and support of free schools, and for carrying into effect all the provisions of the law relating to public schools. The amount of taxation so determined by said Board of Education shall be reported to the Board of Trustees, whose duty it shall be to levy and collect, or cause to be levied and collected at the regular time for levying and collecting town taxes, the amount of taxation so determined and reported, as a school tax upon all taxable property of said town; and said tax shall be in addition to all other amounts levied for state and county and city purposes; provided, that whenever it shall be necessary for the benefit and advancement of the public schools, to purchase any lot or lots, to erect any building or buildings, to purchase any apparatus or appliances, or to make any improvements on school lots, it shall be the duty of the Board of Education and they may cause to be levied the full amount of one cent on each dollar valuation of property of said city, and use the excess not actually necessary for carrying on said schools for making said purchases or improvements.

(2) The Board of Education shall have the management and disbursement of all funds regularly appropriated or received for the public schools. All bills, demands, or claims on the school fund shall be audited by said Board of Education, and warrants therefor shall then be signed by the President of said Board and countersigned by its clerk.

(3) It shall be the duty of said Board of Education, and they shall keep open the public schools in said city for at least nine months in each and every school year, and said school shall be free to any person of school age, living within the city limits of Santa Clara.

(4) The Board of Education shall keep a book in which shall be recorded the proceedings of all meetings, both regular and special, and especially shall all votes, by the names of the members voting for buying, selling, renting, or leasing any school property be recorded in said book; and said book shall be kept open for inspection by all citizens of the City of Santa Clara.

(5) Each member of the Board of Education shall give a bond in a sum not exceeding one thousand (\$1,000.00) dollars each, to the City of Santa Clara, conditioned upon the faithful performance of his duties; said bond to be signed by two good

and sufficient sureties, residents of the County of Santa Clara, or by a surety company, and to be approved by the Board of Trustees.

(6) The Board of Education shall have power to appoint a superintendent of schools; said superintendent's term of office shall not exceed four years; his salary shall be determined and fixed by the Board of Education.

(7) In exercising its power to buy or sell property, the Board of Education shall first publish its notice of intention as hereinabove required for the Board of Trustees.

(8) The members of the Board of Education shall be allowed as compensation the sum of five dollars (\$5.00) each, for attendance at one regular monthly meeting of said board.
Sec. 3. The Superintendent of Schools:

It shall be the duty of the Superintendent of Schools:

Supt of
schools

(a) To act as Clerk of the Board of Education; to keep all books required by this act to be kept by said Board of Education; to make all reports, and to do all other acts that may be required by said Board of Education not inconsistent with the general labors performed by Town and City Superintendents of Schools.

(b) To visit all schools and each class room thereof of said City at least once in each and every term, and report at the next regular meeting of the Board of Education the condition of the schools and any changes that the progress of the schools may require;

(c) To give aid and counsel to the teachers employed in such schools;

(d) To see that all teachers employed by said Board of Education comply with all the provisions of the general school law;

(e) To enforce all requirements of the Board of Education, and to see that their commands and wishes are obeyed;

(f) To ascertain and examine the attainments, both as to scholarship and moral character of all applicants for positions in the schools of said town;

(g) To make a report at the end of each school year to the Board of Education, giving an abstract of the statistics of the schools and brief statement of the advancement or progress such schools may have made;

(h) At the expiration of his term of office to deliver to his successor in office all books, papers, and other properties pertaining to his office.

ARTICLE X.

WHEN CHARTER SHALL TAKE EFFECT.

This Charter shall take effect and be enforced immediately after its approval by the legislature as provided by the Constitution of the State of California except as hereinabove provided. Effective

BE IT KNOWN that the City of Santa Clara in the State of California, a city containing a population of more than three thousand five hundred inhabitants as ascertained and

established by the last preceding census taken under the direction of the Congress of the United States, did on the 21st day of September, 1925, at a special election held on said day under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, elect the undersigned, a board of fifteen freeholders, to prepare and propose a charter for said Town of Santa Clara, and further be it known that we, the members of said board of fifteen freeholders, in pursuance of said provisions of the constitution and within a period of one hundred and twenty days after the result of said election was declared by the Board of Trustees of said Town of Santa Clara have prepared and proposed, and do hereby prepare and propose the foregoing instrument as and for the charter of and for said Town of Santa Clara.

IN WITNESS WHEREOF, we, the undersigned freeholders, have hereunto set our hands this 3rd day of January, A. D. 1926.

L. A. CHRISTIAN	J. C. MORRISON
ROBERT A. FATJO	B. C. MARTIN
B. FERNISH	FRANK NEVES
JOHN J. JONES	A. W. NUTTMAN
CAROLINE A. JACKSON	CHAS. H. PYLE
WILLIAM D. LOTZ	F. O. ROLL
C. M. LANG	R. B. ROLL
	CHAS. A. THOMPSON
	Board of Freeholders.

The Board of Freeholders of the Town of Santa Clara hereby requests the Board of Trustees of said town to cause the publication of the foregoing proposed charter in the manner provided by law, and hereby fixes the 5th day of April, A. D. 1926, as the date for holding a municipal election in said town at which said charter will be submitted to the electors of said town for their ratification and adoption.

Dated: January 3, A. D. 1926.

L. A. CHRISTIAN	J. C. MORRISON
ROBERT A. FATJO	B. C. MARTIN
B. FERNISH	FRANK NEVES
JOHN J. JONES	A. W. NUTTMAN
CAROLINE A. JACKSON	CHAS. H. PYLE
WILLIAM D. LOTZ	F. O. ROLL
C. M. LANG	R. B. ROLL
	CHAS. A. THOMPSON
	Board of Freeholders.

(Endorsed—Filed this 4th day of January, 1926.

A. J. CRONIN, Town Clerk.)

Certificate.

I, A. J. Cronin, Town Clerk of the Town of Santa Clara, hereby certify that the foregoing is a full, true and correct copy of the Charter of the City of Santa Clara, as the same was prepared, proposed, filed and ratified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Santa Clara this 17th day of January, 1927.

A. J. CRONIN,
Town Clerk of the Town of Santa Clara.

IN WITNESS WHEREOF we, the above named President of the Board of Trustees of the Town of Santa Clara, and the Town Clerk of said town, have hereunto set our hands and caused the official seal of said town to be affixed this 17th day of January, 1927.

J. L. PRITCHARD,
President of the Board of Trustees
of the Town of Santa Clara.

[SEAL]

A. J. CRONIN,
Town Clerk of the Town of Santa Clara.

AND WHEREAS, said charter has been submitted to the Legislature of the State of California for approval or rejection without alteration or amendment in accordance with section 8 of article XI of the constitution of the State of California; now therefore, be it

Approval by
Legislature.

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said charter as hereinabove set forth and as presented and submitted to, and adopted and ratified by, the qualified electors of the town of Santa Clara be, and the same is hereby approved as a whole as the charter of the city of Santa Clara.

CHAPTER 33.

Senate Joint Resolution No. 3—Relating to the protection of the McCloud river.

[Filed with Secretary of State February 19, 1927.]

WHEREAS, The flow of glacial detritus and mud from Mount Shasta is seriously threatening the use of certain rivers in the northern part of the State of California; and

Mount
Shasta
mud flow.

WHEREAS, This debris originates exclusively in the Shasta national forest, and flows into the McCloud river, which has long been recognized as the best salmon propagating stream in the drainage area emptying through the Golden Gate; and

WHEREAS, The federal government has established a salmon hatchery, and United States fishery headquarters at Baird, on the McCloud river, which has been in operation for about forty-five years, the use of which is threatened with destruction; and

WHEREAS, The government of the United States has additionally reserved all public land on and contiguous to the McCloud river as power reserves, and its use for hydro-power generation will be injuriously affected by the movement of sand and other debris; and

Mount
Shasta
mud flow
(cont'd).

WHEREAS, The mud flow is carried in suspension into the main channel of the Sacramento river, where it is proving detrimental when diverted to the valley lands for irrigation purposes, and is injurious to government reclamation projects, existing or planned for the future, and the pollution furthermore affects the water injuriously for domestic uses; and

WHEREAS, There has been introduced into the house of representatives, of the United States, a certain bill H. R. 16473 sixty-ninth congress, second session, to provide for the protection of timber lands within the Shasta national forest; for the protection of the McCloud river as a salmon propagating stream; for the protection of the domestic water supply of the city of Redding, California; for the protection of the Anderson irrigation district; and for the protection of the navigable channel of the Sacramento river, California, from mud flow from melting glaciers on Mount Shasta, California, situated within the Shasta national forest; and the passage of which would be of great value in protecting the property and reserves of the United States, and of great benefit to the State of California; therefore, be it

Resolved, by the Senate and Assembly jointly, That the Legislature of the State of California urgently petitions and requests the passage of H. R. 16473; and be it further

Resolved, That the secretary of the Senate is directed to send copies of this resolution to the chairmen of the committees in the senate and house of representatives, having jurisdiction in the matter of H. R. 16473, and to the Hon. Herbert Hoover, secretary of commerce; to the Hon. Hubert Work, secretary of the interior; to the Hon. Wm. M. Jardine, secretary of agriculture, and to the senators and representatives in congress of the State of California.

CHAPTER 34.

Senate Joint Resolution No. 4—Relative to the elimination of surcharges and surtaxes on Pullman fares and chair car fares.

[Filed with Secretary of State February 19, 1927.]

Pullman
fare taxes

WHEREAS, There is now pending before the congress of the United States a bill known as the Robinson bill, which bill is designed to prevent and eliminate the collection of surcharges and surtaxes on Pullman fares and chair car fares; and

WHEREAS, The occasion for the collection of such surcharges and surtaxes has ceased to exist; and

WHEREAS, The collection of such surcharges and surtaxes imposes an unnecessary and excessive burden upon the people and upon commerce; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of this state hereby urges upon the congress of the United States the adoption of said

Robinson bill and the imperative need for the immediate enactment of the same; and be it further

Resolved, That a copy of this joint resolution be sent to the President of the United States, to the governor of each of the states of the United States and to each of the members of the house of representatives and of the senate in congress.

CHAPTER 35.

Senate Joint Resolution No. 5—Relating to retirement of federal employees.

[Filed with Secretary of State February 19, 1927.]

WHEREAS, A bill known as S. R. 4866 to amend the act entitled "An act for the retirement of employees in the classified civil service and for other purposes," approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926, is now pending in the congress of the United States; and

Retirement
of federal
employees.

WHEREAS, The sum of three and one-half per cent of the salary of federal employees is deducted for the purpose of supplying a retirement fund; and

WHEREAS, As the last report shows that the employees during the operation of this act have contributed more than fifty-five million dollars, and after paying annuities there remains a balance of more than thirty-four million dollars; and

WHEREAS, This bill allows employees, after thirty years of service and after reaching the age of sixty-three years, to retire on an annuity of not more than one thousand two hundred dollars per annum; therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California does hereby heartily approve and indorse the passage of S. R. 4866 and earnestly request the senators and representatives of California and congress to do all in their power to secure an enactment of this bill; be it further

Resolved, The secretary of the Senate be directed to send copies of these resolutions to the senators and representatives of the United States in congress.

CHAPTER 36.

Senate Joint Resolution No. 6—Relating to the classification act of one thousand nine hundred twenty-three.

[Filed with Secretary of State February 19, 1927.]

WHEREAS, A bill known as H. R. 359 to amend an act entitled "The classification act of 1923," approved March 4, 1923, failed to pass at the last session of congress; and

Classification
of federal
employees.

WHEREAS, The purpose of this said bill is to abolish the personnel classification board created by the act entitled "The classification act of 1923, and to transfer the powers, duties and

functions vested in said personnel classification board to the United States civil service commission"; and

WHEREAS, As the passage of this said bill H. R. 359 by congress will be beneficial to the federal employees; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California does hereby heartily approve and indorse this measure and earnestly request the senators and representatives of the State of California to do their utmost to secure the passage of this measure; and be it further

Resolved, That the secretary of the senate is hereby directed to forward copies of these resolutions to the senators and representatives of the State of California in congress.

CHAPTER 37.

Senate Joint Resolution No. 7—Relating to pay increases of government employees.

[Filed with Secretary of State February 19, 1927.]

Pay increases
for federal
employees.

WHEREAS, There is now pending in the congress of the United States a bill known as H. R. 14696 to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services"; and

WHEREAS, This bill provides for the raising of the standard of all lower paid employees, by raising the wage to a minimum of one thousand five hundred dollars per annum for all employees over eighteen years of age who work full time; and

WHEREAS, The passage of this bill will be of a great benefit to the employees of the custodian, customs, immigration, war, and other services; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urgently petition and request that congress provide proportionate pay increases to all classes of employees in government service and to provide for a minimum annual salary of one thousand five hundred dollars for the above named employees; and be it further

Resolved, That the secretary of the Senate is hereby directed to send copies of these resolutions to the secretary of war, the secretary of the treasury and to the senators and representatives of the State of California in congress.

CHAPTER 38.

Senate Joint Resolution No. 9—Relating to retirement pay for emergency officers of the World War.

[Filed with Secretary of State February 28, 1927.]

Retirement
pay for
emergency
army officers.

WHEREAS, For seven years legislation has been pending in the congress of the United States designed to provide retire-

ment privileges for emergency officers of the Army of the United States who became disabled in line of duty during the World War; and

WHEREAS, The emergency officers of the Navy and Marine Corps of the United States who became disabled in line of duty during the World War have been, under the laws enacted by the congress, retired upon exactly the same basis as regular and provisional officers of the Army, Navy, and Marine Corps of the United States who became disabled in line of duty during the World War have been retired; and

WHEREAS, The so-called Tyson bill, S. 3027, now pending in the United States senate, and the so-called Fitzgerald bill, H. R. 4548, now pending in the house of representatives, are designed to provide retirement privileges for the more seriously disabled emergency Army officers of the World War and thus remove the unjust discrimination which has heretofore obtained against such officers; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California do, and it hereby does, approve of legislation in the congress of the United States for the retirement of emergency officers of the Army of the United States who became disabled in line of duty during the World War on a basis equally as favorable as has already been provided for emergency officers of the Navy and Marine Corps and regular and provisional officers of the Army, Navy, and Marine Corps of the United States who became disabled in line of duty during the World War, and urges the United States senators and members of the house of representatives from the State of California actively to support such legislation; and be it further

Resolved, That a copy of this resolution be forthwith transmitted to the President of the United States, to the president of the United States senate, to the speaker of the house of representatives, and to the United States senators and members of the house of representatives from the State of California.

CHAPTER 39.

Assembly Joint Resolution No. 4—Relative to memorializing congress to adopt a bill to provide compensation in lieu of taxes for the several states with respect to certain lands of the United States within the borders of said states, and for other purposes.

[Filed with Secretary of State March 16, 1927.]

WHEREAS, There has been introduced a bill in the house of representatives of the United States, being H. R. 7075—sixty-ninth congress, first session, which provides: "That the United States government hereby assumes, subject to the conditions of this act or any subsequent act of congress, the payment to the several states of sums of money equivalent to the

Taxation
of federal
forest lands

Taxation
of federal
forest lands
(cont'd).

amounts which such states would receive from the taxation of said lands of the United States within their respective borders if such lands were owned by individuals"; and

WHEREAS, Under an act of congress of the United States approved March 3, 1891, large areas of territory with the timber and other resources thereon and therein were "set apart, reserved, and withdrawn from entry" in the states of California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, Utah, Nevada, Arizona and New Mexico and in a lesser degree in several of the other states of the Union; and

WHEREAS, The United States government has withdrawn, set apart and reserved within permanent national forests eighteen million eight hundred ninety-one thousand one hundred sixty-one acres of land within the State of California, approximating one-fifth of the total land area of the state, said lands being set apart, withdrawn from entry and reserved for the purpose of conserving the resources thereof and particularly the standing timber thereon for the benefit of future generations of mankind; and

WHEREAS, The lands of the United States above referred to, comprise in several of the counties upwards of one-half of the area within the borders of the counties, and, although exempt from annual taxation, are being put to commercial and industrial uses for the benefit of all the people of the United States, which fact places these lands on the same basis, as to use, as privately owned lands used for the same purpose, and said lands of the United States are in competition with said privately owned lands, and the setting aside, reserving and withdrawing from entry of these large areas of territory in the sparsely settled forest counties and on which the United States pays no taxes, results in throwing a heavy tax burden on privately owned property in the same political subdivision of government thus making the financing of local government a difficult problem indeed; and

WHEREAS, This area is not and can not be taxed by any of the thirty-nine counties of California wherein this vast domain is situated, although each of said counties is required to and do perform therein and thereon all necessary and requisite police powers, equip, maintain and operate schools; equip, maintain and operate courts for the punishment of offenders against the forest and other laws; construct, repair and maintain trails, roads and bridges and to do and perform such other acts, duties and powers as may be necessary to the enjoyment of such forests by the people of the United States as well as of other nations; and

WHEREAS, When state government was instituted and the several states admitted into the Union they were divided into counties, and townships and each of the states, counties and townships were guaranteed the full right of enjoyment of all the territory and resources within their respective borders and the declared policy of the United States government being to dispose of all the public domain, and article ten of the

declaration of rights, which formed the basis for the union of the states provides, that "No state shall be deprived of territory for the benefit of the United States." In setting apart, reserving and withdrawing from entry nineteen million acres of land for national forest purposes within the boundaries of a single state, surely territory has been taken from that state for the benefit of the United States; and

Taxation
of federal
forest lands
(cont'd).

WHEREAS, The following clause is contained in the enabling act of every state admitted into the Union, beginning with Ohio in 1803: "The state when admitted shall be on a basis of equality with the original states in all respects whatever." Therefore all political subdivisions of government should be on a basis of equality, which makes it necessary for all to contribute on a basis of equality to the solution of all problems of national necessity (and we deem the national forests to be such a problem), and if in so doing it becomes necessary to take territory and resources from some of the subdivisions of government, and "set apart, reserve or withdraw" the same from entry for the benefit of all the others, then those benefited should join in reimbursing the subdivisions of government from which the territory and resources were taken, otherwise there can be no basis of equality; and

WHEREAS, The congress of the United States has enacted legislation known as the "exchange bills," and under the provisions of said law, private owners are enabled to exchange cut-over lands for standing timber on the lands of the United States, and since said law has become operative, private owners have availed themselves of the right granted to them under said law and have conveyed hundreds of thousands of acres of such lands to the United States and have received in exchange, hundreds of millions of feet of standing virgin timber from the United States, and as a result of the operation of such legislation, counties in which such exchange have been made or in which such exchanges may hereafter be made, have had or will have taken from them and removed from the assessment rolls of such counties, many thousands of dollars in assessed valuation, and in addition to this loss of assessed valuation such counties are losing the percentage which they would receive were a sale made instead of an exchange, and as Colonel Greeley, chief forester of the United States, has said of this law, "The forest counties lose both going and coming"; and

WHEREAS, The congress of the United States has enacted the so-called Clark-McNary law, and under the provisions of section 7 of said law, private owners are enabled to donate or devise to the United States lands chiefly valuable for the growing of forests, the private owner reserving the timber, mineral, grazing and other rights and when so conveyed become a part of the national forest reserve and not open to entry or taxation, and should timber owners in some

Taxation
of federal
forest lands
(cont'd).

of the counties in several of the western states exercise their just right under this law, and convey their said lands to the United States, thus taking from the assessment rolls of the counties the immense valuation involved and the right of taxation, it will result in putting many of the forest counties of the west out of business, because such counties will be unable to raise sufficient revenue to maintain county government, and if such counties are annexed to a nonforest county in the same state the county to which it is annexed will receive not an asset but a liability; and

WHEREAS, It is only just and right that a heavy burden of local taxation should not be placed annually on the people of any state, in which, and by reason of the fact that, extensive areas of territory having great natural resources, guaranteed to them in the beginning and later legislated from them, have been set apart, reserved and withdrawn from entry for the economic use and benefit of all of the people of the United States, and we believe that if the government of the United States can not afford to finance its national forests, then in right and justice it should not expect the sparsely settled forest counties to do so for it, now, therefore, be it

Resolved by the Assembly and Senate, jointly, That the Legislature of the State of California approves of the purpose of the Raker bill referred to and respectfully request its support and adoption, by the congress of the United States at the earliest possible date; and be it further

Resolved, That any moneys to be paid to the State of California, by the United States under the provisions of the Raker bill or any similar bill, or any law enacted by the congress of the United States, based on forest values of the forest counties of California, shall be divided among said forest counties in proportion to the forest values fixed by the United States bureau of public roads; *provided,* that by the term "forest counties" is meant those counties of California, a part of which are in the present national forests; *and provided, further,* that any portion of the timber sale, grazing or other receipts of national forests returned by the federal government to the State of California, are excepted herefrom; and be it further

Resolved, That the chief clerk of the Assembly of the State of California be authorized and directed to transmit copies of this resolution by mail to the governors of the states of Oregon, Washington, Idaho, Montana, Wyoming, Utah, Nevada, Colorado, New Mexico and Arizona with the request that similar action be taken by their respective legislatures; and be it further

Resolved, That the chief clerk of the Assembly of the State of California be authorized and directed to transmit copies of this resolution by mail, to all the members of the congress and senate of the United States.

CHAPTER 40.

Senate Concurrent Resolution No. 24—Approving a certain amendment to the charter of the city of Santa Rosa, a municipal corporation in the county of Sonoma, state of California, voted for and ratified by the electors of said city at the special municipal election, held therein, on the tenth day of March, nineteen hundred twenty-seven.

[Filed with Secretary of State April 4, 1927.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of one certain amendment hereinafter set forth to the charter of the city of Santa Rosa, a municipal corporation in the county of Sonoma, State of California, as set out in the certificate of the mayor and city clerk of the city of Santa Rosa as follows:

Santa Rosa
city charter
amendment.

State of California, }
County of Sonoma, } ss.
City of Santa Rosa. }

We, the undersigned John P. Overton, mayor of the city of Santa Rosa, and C. B. Reid, city clerk of said city of Santa Rosa and ex officio clerk of the city council thereof, do hereby certify and declare as follows:

That the city of Santa Rosa is now and at all times herein referred to was a municipal corporation duly organized and existing in the county of Sonoma, State of California, and containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

That said city of Santa Rosa was organized and existing under a freeholders' charter adopted under the provisions of section 8 article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified voters of said city at a special election held for that purpose on the thirteenth day of September, 1904, and approved, ratified and adopted by the Legislature of the State of California on the third day of September, 1905, which charter was amended by amendments thereto duly adopted and ratified by a majority of the qualified electors of said city on the fourth day of April, 1916, and approved by the Legislature of the State of California on the twenty-seventh day of January, 1917, and by further amendments duly adopted and ratified by a majority of the qualified electors of said city on the fourth day of January, 1921, and approved by the Legislature of the State of California, on the twenty-fourth day of January, 1921; and is now governed and organized and existing under a freeholders' charter adopted under the provisions of said section 8 article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified voters of said city at a special election held for

Santa Rosa
city charter
amendment
(cont'd)

that purpose therein on November 7, 1922, and approved and ratified and adopted by the Legislature of the State of California on the twenty-ninth day of January, 1923.

That pursuant to the provisions of section 8 article XI of the constitution of the State of California, the city council of said city of Santa Rosa, which was then and there the legislative body of said city, did by resolution adopted January 25, 1927, by a two-thirds vote of all its members, to wit, by the unanimous vote of all its members, duly propose a certain amendment to its existing charter, to wit, the Charter Amendment No. 1 hereinafter set forth, to the voters of said city for ratification, and did then and there submit the said charter amendment to the voters of said city for ratification at a special election to be held therein on the tenth day of March, 1927, which date was then and there fixed in said resolution as the date for holding said special municipal election;

That said Charter Amendment No. 1 was on January 26, 1927, duly published in the Santa Rosa Republican, a daily newspaper of general circulation in said city of Santa Rosa, it being the newspaper designated therefor by said council; that said city council caused copies of said proposed amendment to be printed in convenient pamphlet form, and kept in the office of the city clerk of said city, and did until the date for the election fixed upon said charter amendment advertise in said Santa Rosa Republican and in the Santa Rosa Press Democrat, daily newspapers published in said city, a notice that such copies might be had upon application therefor, the first publication thereof being on the third day of February, 1927;

That said election was held on the tenth day of March, 1927, and at said election seven hundred sixty-five votes were cast and seven hundred sixty-five voters voted thereat, of which number five hundred eleven voters voted and five hundred eleven votes were cast in favor of the adoption and ratification of said Charter Amendment No. 1, and two hundred fifty-four voters voted and two hundred fifty-four votes were cast against the adoption and ratification of said Charter Amendment No. 1; that said vote was duly canvassed by said council on Tuesday, the fifteenth day of March, 1927, in the manner provided by law, and a statement thereof was duly entered in the minutes of said council, and it then appeared and was found by said council and by it then and there duly declared that a majority of the qualified electors voting thereon at said election voted in favor of such proposed Charter Amendment No. 1 and for the ratification and adoption thereof.

That said Charter Amendment No. 1 to the existing charter of said city, so prepared, proposed, filed and ratified, as herein set forth, together with the certificate and signature of said

city clerk attached thereto, are in words and figures as follows, to wit:

CHARTER AMENDMENT NO 1, SANTA ROSA, CALIFORNIA.

Election March 10, 1927.

Amending section 46 of the Charter of the City of Santa Rosa, County of Sonoma, State of California, so as to provide therein a method whereby the voters of said city may authorize the expenditure of money raised by the sale of bonds of said city for purposes other than those for which said bonds were voted, after resolution by the council of said city that the expenditure of such money for the purpose for which said bonds were voted is deemed impracticable and unwise, and whereby the moneys so raised may be expended in conformity with such authorization of the voters of said city.

Said amendment is proposed by the Council of the City of Santa Rosa and submitted to the voters of said City for ratification at a special election to be held therein March 10, 1927, and in words and figures is as follows:

That section 46 of said charter be amended to read as follows:

Sec. 46. Bond Money. All moneys derived from the sale of bonds, including premiums and accrued interest, shall be applied only to the purposes for which the bonds were voted; provided that after such purposes have been fully completed and paid for, any remaining surplus shall be transferred to the bond interest and redemption fund, and provided further, that whenever the council shall by resolution deem the expenditure of money raised by the sale of bonds for the purpose for which said bonds were voted to be impracticable or unwise, said council may call a special election to obtain the consent of the people of said city to use said money for some other specified municipal purpose, in which case the resolution calling such special election shall recite the new object or purpose for which the said money is proposed to be expended, and shall fix the date on which such special election will be held, the manner of holding such election and the voting for or against the expenditure of said money for said purpose, and in all particulars not recited in said resolution such election shall be held as provided by law for holding of such municipal elections.

Such resolution shall be published once a day for at least seven (7) days in some newspaper published at least six days a week in the City of Santa Rosa, or once a week for two weeks in some newspaper published therein less than six days a week, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week. No other notice of such ($\frac{2}{3}$) of the voters at such special election to authorize the expenditure of the money for the purpose election need be given. It shall require the votes of two-thirds mentioned in the resolution calling such special election.

If by such vote the voters authorize the expenditure of such money for the purposes mentioned in said resolution calling such election, then the council may expend such moneys for the purposes so specified and after such purposes have been fully completed and paid then any remaining surplus shall be transferred to the bond interest and redemption fund.

I, C. B. Reid, city clerk of the City of Santa Rosa, and ex-officio clerk of the said council of said city, do hereby certify the foregoing to be a full, true and correct copy of a charter amendment proposed by the council of said city and ordered submitted to the voters of said city at a special election to be held therein on Thursday, the 10th day of March, 1927, by order passed by said council at a regular meeting thereof duly held on the 25th day of January, 1927.

Witness my hand and the official seal of said city this 26th day of January, 1927.

[SEAL]

C. B. REID,

City Clerk and Ex-Officio Clerk of the Council of Said City.

Certificate.

We do hereby further certify that the foregoing constitutes a full, true and correct copy of the said Charter Amendment No. 1 as prepared and proposed by said city council, and ratified by the voters of said city of Santa Rosa, and the same is hereby submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with section 8 article XI of the constitution of the State of California.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the seal of the city of Santa Rosa, this nineteenth day of March, 1927.

JOHN P. OVERTON,

Mayor of the City of Santa Rosa.

[SEAL]

C. B. REID,

City Clerk of the City of Santa Rosa.

Approval by
Legislature.

AND WHEREAS, The said proposed amendment so ratified as hereinbefore set forth has been and is now duly submitted and presented to the Legislature of the State of California for approval or rejection as a whole without power of alteration, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Resolved by the Senate, the Assembly concurring, A majority of the members elected to each house voting therefor and concurring therein, said amendment to the charter of the city of Santa Rosa as proposed to, and adopted and ratified by the electors of said city, and as hereinabove fully set forth, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as a part of the charter of the said city of Santa Rosa.

CHAPTER 41.

Senate Joint Resolution No. 12—Relative to the appointment of a state commission to act for the state, in conjunction with the United States commission created by joint resolution approved December 2, 1924, in the George Washington celebration to be held in the year 1932.

[Filed with Secretary of State April 12, 1927.]

WHEREAS, Congress of the United States by joint resolution approved December 2, 1924, established the United States commission for the celebration of the two hundredth anniversary of the birth of George Washington, composed of nineteen commissioners; and

George
Washington
bicentennial
birthday
celebration.

WHEREAS, Pursuant to said resolution of congress the President of the United States, the presiding officer of the senate and the speaker of the house of representatives, have been designated as members of the commission; eight distinguished American citizens have been appointed by the President of the United States; four United States senators have been appointed by the president pro tempore of the senate; and four representatives have been appointed by the speaker of the house of representatives, all constituting a commission of nineteen members; and

WHEREAS, The significance of this proposed celebration equals in importance any historical event that has ever been commemorated by the nation, honoring as it does the memory and deeds of George Washington, who led the American people through a campaign which won for them their independence, who presided at the convention which gave to the republic its constitution, who was the nation's first president, and who died, and has since lived, as "first in war, first in peace and first in the hearts of his countrymen;" now therefore be it

Resolved, by the Senate and Assembly of the State of California, jointly, That a state commission is hereby created to consist of fifteen members of whom three ex officio members shall be the governor of California, the lieutenant governor of California and the speaker of the assembly, and of whom six shall be appointed by the governor, three by the president of the Senate appointed from among the members of the Senate and three by the speaker of the Assembly from among the members of the Assembly, to act for the state in conjunction with the United States commission created by said resolution in the George Washington celebration to be held in the year 1932.

CHAPTER 42

Assembly Joint Resolution No. 3—Relative to the Congressional Reapportionment of the United States.

[Filed with Secretary of State April 12, 1927.]

Congressional
reapportionment.

WHEREAS, The provisions of the federal constitution providing for a reapportionment of the representatives in congress from the several states every ten years, based upon the federal census, has not been acted upon since 1910; and

WHEREAS, The present representation in the house of representatives is based upon the census of 1910, an injustice is imposed upon many states where population has materially increased, and

WHEREAS, The population of the State of California, according to the census of 1920, was three million four hundred twenty-six thousand five hundred thirty-six, an increase over the population of 1910 of one million forty-eight thousand nine hundred and eighty-seven, showing conclusively that the State of California is entitled to more representation in the house of representatives; and

WHEREAS, It is pointed out that a policy of depriving the state of its proper representation is exceedingly detrimental to the republican form of government; and

WHEREAS, It is deplored that there are differences of opinion and selfishness manifested on the part of those sections which either lose or do not gain in representation; therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California earnestly petition congress to enact legislation which will give to the several states of the United States their just representation in congress based upon the last federal census; and be it further

Resolved, That the secretary of state is hereby directed to send copies of this resolution under the great seal of the State of California to the President and Vice President of the United States, to each member of the senate and the house of representatives of the seventieth congress of the United States and to the governors of each of the several states.

CHAPTER 43.

Assembly Concurrent Resolution No. 22—Relative to an investigation and report as to needed revision of the statutes of California.

[Filed with Secretary of State April 12, 1927.]

Further
investigation
as to needed
revision of
statutes.

WHEREAS, There appears to be a serious need for the compilation, codification, restatement or revision of the laws of the State of California, in whole or in part; and

WHEREAS, It is necessary that a thorough investigation be made of the methods of statutory revision found useful in other states and that a thorough examination of the codes and statutes of California be made in relation to this subject, particularly with reference to conditions and interests that may be peculiar to California, in order that the Legislature may have available adequate information to enable it to fix and determine the policy that should be adopted in this regard; and

WHEREAS, It is the function of the legislative counsel to advise the Legislature from time to time as to needed revision of the statutes; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That the legislative counsel be and he is hereby directed to make a thorough investigation of the subject matter of this resolution and submit his report thereon to the Legislature at the beginning of the forty-eighth session thereof; and be it further

Resolved, That said investigation and report shall comprehend a consideration of and recommendation as to the relative merits of codification, compilation, restatement and revision and shall include a statement calling attention to laws of California which have been repealed by implication or which have been declared unconstitutional by the courts but which have not been expressly repealed, and suggestions as to a suitable plan to be followed in maintaining an orderly arrangement of the statutes in the future; and be it further

Resolved, That said report or so much thereof may then be completed, or a synopsis thereof, shall be distributed to the members of the Legislature on or before the fifteenth day of November, 1928.

CHAPTER 44.

Assembly Concurrent Resolution No. 27—Approving one certain amendment to the charter of the city of Santa Monica, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the twenty-seventh day of January, 1927.

[Filed with Secretary of State April 12, 1927.]

WHEREAS, The city of Santa Monica in the county of Los Angeles, State of California, contains a population of over ten thousand (10,000) inhabitants, and has been ever since the year 1907, and now is, organized and acting under a freeholder's charter, adopted under and by virtue of section 8, article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twenty-eighth day of March, 1906, and approved by the Legislature of the State of California, February, 1907, (statutes of 1907, page 1007) and amendments thereto duly ratified by the qualified voters of said city, and approved by resolution of the

Santa
Monica
city charter
amendment.

Santa
Monica
city charter
amendment
(cont'd).

said Legislature and filed with the secretary of the State of California, January 26, 1915, (statutes of 1915, page 1714) and amendments duly ratified by said voters and approved by said Legislature and filed with the secretary of state, January 21, 1919, (statutes of 1919, page 1393) and amendments duly ratified by said voters and approved by said Legislature and filed with the secretary of state, March 10, 1925, (statutes of 1925, page 1259); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the charter of said city of Santa Monica as set out in the certificate of the commissioner of public safety, ex officio mayor and commissioner of finance, ex officio city clerk and ex officio clerk of the city council of said city of Santa Monica, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE
CITY OF SANTA MONICA AT A SPECIAL MUNICIPAL ELECTION
HELD THEREIN ON THE TWENTY-SEVENTH DAY OF JANUARY,
1927, OF A CERTAIN AMENDMENT TO THE CHARTER OF THE
CITY OF SANTA MONICA, STATE OF CALIFORNIA.

State of California, }
County of Los Angeles, } ss.
City of Santa Monica. }

Whereas, the city of Santa Monica in the county of Los Angeles, State of California, contains a population of over ten thousand (10,000) inhabitants, and has been ever since the year 1907, and now is, organized and acting under a freeholder's charter, adopted under and by virtue of section 8, article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twenty-eighth day of March, 1906, and approved by the Legislature of the State of California, February, 1907, (statutes of 1907, page 1007) and amendments thereto duly adopted by the qualified voters of said city, and approved by resolution of the said Legislature and filed with the secretary of the State of California, January 26, 1915 (statutes of 1915, page 1714) and amendments duly adopted by said voters and approved by said Legislature by resolution and filed with the secretary of state, January 21, 1919, (statutes of 1919, page 1393) and amendments duly adopted by said voters and approved by said Legislature by resolution and filed with the secretary of state, March 10, 1925, (statutes of 1925, page 1259); and

Whereas, the legislative body of said city, namely, the city council of the city of Santa Monica did, pursuant to the provisions of section 8 of article XI of the constitution of the State of California, by ordinance adopted December 16, 1926, being Ordinance No. 364 (commissioners' series), entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA PROPOSING VARIOUS AMENDMENTS TO THE CHARTER OF THE CITY OF SANTA

MONICA AND PROVIDING FOR THE SUBMISSION OF THE SAME TO THE QUALIFIED ELECTORS THEREOF FOR ADOPTION AND RATIFICATION AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON THE TWENTY-SEVENTH DAY OF JANUARY, 1927," duly propose to the qualified electors of the city of Santa Monica, fourteen (14) amendments to the charter of said city, being therein designated as proposed charter amendment No. 1, proposed charter amendment No. 2, proposed charter amendment No. 3, proposed charter amendment No. 4, proposed charter amendment No. 5, proposed charter amendment No. 6, proposed charter amendment No. 7, proposed charter amendment No. 8, proposed charter amendment No. 9, proposed charter amendment No. 10, proposed charter amendment No. 11, proposed charter amendment No. 12, proposed charter amendment No. 13, proposed charter amendment No. 14, and did order that said amendments be submitted to said qualified electors at the special municipal election to be held on the twenty-seventh day of January, 1927, which date was fixed in said ordinance as the date for holding said special municipal election, which said ordinance was signed by the mayor of said city on the said sixteenth day of December, 1926, and was published on the sixteenth day of December, 1926, in the Santa Monica Evening Outlook, a newspaper of general circulation in said city, being the official paper and so designated by said council.

Santa
Monica
city charter
amendment
(cont'd).

Whereas, the city council of the city of Santa Monica caused said proposed charter amendments numbers one to fourteen inclusive to be and they were, and each of them was on December 16, 1926, duly published in the Santa Monica Evening Outlook, a daily newspaper of general circulation printed, published and circulated in the said city of Santa Monica, and designated by said council, as the official paper for that purpose; and which said paper is and was at all times herein mentioned the official paper of the city of Santa Monica; and

Whereas, said proposed amendments were printed in convenient pamphlet form, and from December 16, 1926, to January 26, 1927, both inclusive, a notice was published in said Santa Monica Evening Outlook, the newspaper aforementioned, that said copies could be had upon application therefor at the office of the city clerk of said city, and said proposed amendments in such pamphlet form were in fact available at the office of said city clerk; and

Whereas, the said council of said city did by ordinance duly adopted on the twenty-fourth day of December, 1926, being Ordinance No. 368 (commissioners' series), entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA CALLING A SPECIAL ELECTION TO BE HELD ON THURSDAY THE TWENTY-SEVENTH DAY OF JANUARY, 1927, IN THE CITY OF SANTA MONICA FOR THE PURPOSE OF SUBMITTING FOURTEEN (14) PROPOSED AMENDMENTS TO THE CHARTER OF THE SAID CITY OF SANTA MONICA UNDER THE PROVISIONS OF SECTION 8 AND 8½ OF ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, ESTABLISHING ELECTION PRECINCTS AND POLLING PLACES IN SAID CITY

Santa
Monica
city charter
amendment
(cont'd)

OF SANTA MONICA, APPOINTING THE OFFICERS OF ELECTION FOR SAID SPECIAL ELECTION, PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE.”, order the holding of a special municipal election in said city of Santa Monica on the twenty-seventh day of January, 1927, which said date was more than forty days and less than sixty days after the completion of the publication of said fourteen (14) proposed amendments as aforesaid; which said ordinance was signed by the mayor of said city on the said twenty-fourth day of December, 1926, and was published on the twenty-fourth day of December, 1926, in said newspaper, the Santa Monica Evening Outlook; and

Whereas, said special municipal election was held in said city of Santa Monica on the twenty-seventh day of January, 1927, which date was more than forty days and less than sixty days after said proposed amendments to said charter had been published in the Santa Monica Evening Outlook, and said election was also held during the six months next preceding a regular session of the Legislature of the State of California; and

Whereas, thereafter the said council of said city of Santa Monica had duly canvassed the returns of said special municipal election, and did on the twenty-eighth day of January, 1927, duly and regularly declare the canvass of the returns of said election; and

Whereas, at said special municipal election held on said twenty-seventh day of January, 1927, one of said proposed amendments was ratified by a majority of the electors of said city voting thereon, to wit: Proposed charter amendment number seven (7), and all other amendments received less than a majority of the votes of the qualified electors voting thereon, and were not ratified; and

Whereas, the said charter amendment so ratified by the electors of the city of Santa Monica, is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section 8 of article XI, of the constitution of the State of California, and is in words and figures as follows, to wit:

“PROPOSED CHARTER AMENDMENT No. 7”

“There is hereby added to Article III of the charter of the City of Santa Monica, a new section to be Number 3-A, which shall be and read as follows: Section 3-A. The City Council shall appoint three (3) citizens of said city within thirty (30) days after the taking effect of this charter to serve for a period of two (2) years as members of a Library Advisory Board. The members of this board shall act without compensation, and it shall be the duty of said board to make a survey and study of the needs and management of the Public Library and to advise the trustees of the Santa Monica Public Library on the solution of all problems touching on the management

Library
advisory
board.

and upkeep of said library. Said board shall meet at least once a month at such times and places as its members may designate. It shall cause one of its members to be elected President, and one to be elected Secretary, and a representative of said Advisory Board may be present at each meeting of the board of trustees of the Santa Monica library. The Council shall appoint the successors to the members of said board for like two year periods."

Now Therefore, we, the undersigned, H. Michel, commissioner of public safety, ex officio mayor of the city of Santa Monica, State of California, and F. A. Helton, commissioner of finance, ex officio city clerk and ex officio clerk of the city council of said city, do hereby certify that the foregoing proposed ratified amendment to the charter of the city of Santa Monica, submitted to the electors of said city at a special municipal election, held in said city on the twenty-seventh day of January, 1927, has been compared by us, and each of us, with the respective proposed amendment set forth in the ordinance adopted by the council as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them is true.

In testimony whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said city of Santa Monica, this nineteenth day of March, 1927.

H. MICHEL,
Commissioner of Public Safety, ex officio Mayor of the City
of Santa Monica.

[SEAL]

F. A. HELTON,
Commissioner of Finance, ex officio City Clerk, ex officio Clerk
of the City Council of the City of Santa Monica.

Whereas, said amendment has been submitted to the Legislature of the State of California for approval or rejection without alteration or amendment, in accordance with section eight (8) of article eleven (XI) of the constitution of the State of California; now therefore be it

Resolved by the Assembly, the Senate thereof concurring (a majority of all members elected to each house voting therefor and concurring therein), that said amendment to the charter of the city of Santa Monica, State of California, as proposed to, adopted and ratified by the electors of said city as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration for and as an amendment to and as a part of the charter of the said city of Santa Monica.

Certificate.

Approval by
Legislature.

CHAPTER 45.

Assembly Concurrent Resolution No. 17—Relative to a legislative investigation as to the advisability of establishing a state prison in the southern counties of the State of California.

[Filed with Secretary of State April 15, 1927.]

State prison
in southern
California.

WHEREAS, The present state prisons located at San Quentin and at Folsom are insufficient in size and inadequate in equipment to properly care for the large influx of prisoners; and

WHEREAS, Said influx of prisoners is annually increasing; and

WHEREAS, The transportation of such prisoners sentenced from the southern counties of this state to and from said prisons is a difficult and hazardous task; and

WHEREAS, The transportation of prisoners sentenced from the southern counties of this state is expensive and imposes an undue burden upon the taxpayers of this state; now, therefore, be it

Resolved, by the Assembly, the Senate concurring, That the speaker of the Assembly shall appoint three members and the president of the Senate shall appoint two members, who shall act as a committee of the Legislature to investigate the matters contained in this resolution and the advisability of locating a prison in the southern counties of this state and the best available location therefor, and the estimated cost thereof and to report their findings in full to the forty-seventh session of the Legislature; and be it further

Resolved, That the expenses incurred in such investigation, not to exceed the sum of five hundred dollars, shall be paid equally by the Assembly and the Senate out of their respective contingent funds.

CHAPTER 46.

Assembly Concurrent Resolution No. 25—Approving an amendment to the charter of the city of Alameda, after due ratification by a majority of the qualified voters of said city at an election held therein on the eighth day of March, 1927.

[Filed with Secretary of State April 15, 1927.]

Alameda
city charter
amendments.

WHEREAS, The city of Alameda, State of California, contains a population of over twenty-eight thousand inhabitants and has been, ever since the twenty-fifth day of January, 1917, and is now, organized and acting under a freeholders' charter adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified voters of said city voting thereon at an election held for that purpose on the ninth day of

January, 1917, and approved by the Legislature of the State of California, January 25, 1917, (statutes of 1917, page 1752); and

Alameda
city charter
amendments
(cont'd).

WHEREAS, The legislative body of said city, namely, the council thereof, duly proposed to the qualified electors of the city of Alameda, two certain amendments to the charter of said city by submission of said proposals at the regular municipal election held in said city on Tuesday, March 8, 1927, to wit:

PROPOSITION No. 1.

That section ten (10) of Article VII, be amended to read as follows:

Sec. 10. Any charge brought by the city manager against a member of the police department or fire department who has been in the service of the city for five years at the time of the taking effect of this charter, which charge, if sustained, would warrant dismissal, shall be heard and determined by a board to be known as the police and fire board. Said board shall consist of the mayor, the police judge and the city treasurer. A majority vote shall control. Any charge involving a penalty less than dismissal shall be determined by the city manager.

PROPOSITION No. 2.

That sections nine (9) to sixteen (16), both inclusive, of article XI, which provide for the preferential system of voting, be repealed.

WHEREAS, said two proposals above mentioned containing said proposed amendments to said charter were, in accordance with the provisions of section 8 of article XI of the constitution of the State of California, published for one day after their passage in the "Alameda Times-Star," a daily newspaper of general circulation published in said city of Alameda, and the official newspaper of said city; and

WHEREAS, copies of said proposals containing said proposed amendments were printed in convenient pamphlet form, and until the date fixed for the election hereinafter described and as required by law, an advertisement was published in said "Alameda Times-Star," that such copies could be had upon application therefor at the office of the city clerk; and

WHEREAS, such copies could be had upon application therefor at the office of the city clerk until the date fixed for the election hereinafter described; and

WHEREAS, a general municipal election was held in said city of Alameda on Tuesday, the 8th day of March, 1927, pursuant to the provisions and requirements of said charter, said day being at least forty (40) days after the completion of the publication of said proposed charter amendments in said official newspaper in said city, to wit, the "Alameda Times-Star," and not more than sixty (60) days after the completion of said publication, and did provide in said resolution for the submission of the proposed charter amendments entitled

“Proposition No. 1” and “Proposition No. 2”, to the qualified electors of said city for their ratification at said election; and

WHEREAS, said election was duly called and held on said eighth day of March, 1927, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify one of the proposed amendments to said charter, to wit, proposition number two; and

WHEREAS, the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found and determined by the proper officers thereunto duly and properly authorized that a majority of the qualified electors of said city voting thereon had voted for and ratified one of the said proposed amendments to said charter, to wit, said proposition number two, as follows, to wit:

PROPOSITION No. 2.

That sections nine (9) to sixteen (16), both inclusive, of Article XI, which provide for the preferential system of voting, be repealed;

and

WHEREAS, the foregoing is a full, true and correct copy of said proposal or amendment to the charter of the City of Alameda ratified by the electors of said city as aforesaid, on file in the office of the city clerk of the City of Alameda.

IN WITNESS WHEREOF, Frank Otis, Mayor of said city, and W. E. Varcoe, city clerk, have hereunto set their hands and caused the corporated seal of the City of Alameda to be thereunto duly affixed, on the 16th day of March, 1927,

FRANK OTIS,
Mayor of the City of Alameda.

[SEAL]

W. E. VARCOE,
City Clerk of the City of Alameda.

and

WHEREAS, The said proposed amendment is now submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with section 8, article XI of the constitution of the State of California; now, therefore, be it

Resolved by the Assembly, the Senate concurring, A majority of all the members elected to each house voting therefor and concurring therein, that said amendment to the said charter herein set forth as presented and ratified by the qualified electors of said city be, and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to, and as part of the charter of said city of Alameda.

Preferential
system of
voting.

Approval by
Legislature.

CHAPTER 47.

Assembly Concurrent Resolution No. 19—Providing for the creation of a joint committee of the Senate and Assembly to investigate traffic conditions in the State of California and the question of safety and prevention of accidents in relation thereto; to prepare and make recommendations concerning changes in existing laws, and the enactment and/or enforcement of laws relating to the use and operation of vehicles on the public highways, and to prepare and submit with supporting facts, ascertained, a report as to the advisability of the adoption of a law requiring financial security on the part of persons operating motor vehicles upon the highways of this state and making appropriation to meet the expenses of said committee necessarily incurred in said work.

[Filed with Secretary of State April 15, 1927.]

WHEREAS, There has been a great increase in the number of motor vehicles used and operated upon the highways of the State of California resulting in an abnormal increase in the number of accidents resulting in injury to persons and property; and

Traffic
Investigation
Commission.

WHEREAS, No adequate method seems to have been devised for the enforcement of the safety provision of the existing laws relating to the use and operation of motor vehicles on the highway; and

WHEREAS, Any revision of the laws relating to such use and operation of such vehicles should involve consideration of the advisability of enacting a law requiring owners or operators of such vehicles to give financial security for the satisfaction of judgments arising out of the use and operation of such vehicles. Now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate concurring, That there is hereby created a joint committee of the Assembly and Senate to consist of three members of the Assembly to be appointed by the speaker of the Assembly, one of whom shall be the speaker of the Assembly and three members of the Senate to be appointed by the president of the Senate, one of whom may be the president of the Senate.

It will be the duty of said committee to investigate the adequacy of the facilities for the enforcement of existing laws relating to the use and operation of vehicles on the highways of this state, and the advisability of establishing some system of enforcement of all laws relating to the safe operation of such vehicles, and to make recommendations concerning the advisability of amendments to existing laws, if in the discretion of the committee deemed necessary, and, if the committee reports in favor of the adoption of any specific law, it should

Traffic
investigation
commission
(cont'd).

include in its report or plan recommended the measures which in its judgment should be enacted.

It shall also be the duty of said committee to study the advisability of requiring owners or operators of motor vehicles on the public highways to give some form of security for the payment of judgments, for which said owner or operator may be liable, arising out of the use and operation of such vehicles on the public highways. In making this study the said committee shall carefully consider the laws and systems enacted in other states and countries, and the effect that any such systems would have in the State of California on account of the unusual conditions arising in this state due to many thousands of visitors coming into this state every year by means of motor vehicle transportation. Said committee is to make its report to the Legislature at its next session, and for the purpose of studying the questions involved and the preparation of its report, it shall be given the assistance of the chief of the division of motor vehicles and shall have the right to call for any statistics or available data of said division.

The members of said committee shall receive no compensation for such services other than their official salaries, but shall be reimbursed for their actual expenses necessarily incurred hereunder not exceeding the amount hereinafter specified. Such committee is hereby authorized to employ competent clerical or other help to assist in the preparation and compiling of all data ascertained, including the making of the final report. The said committee may also employ an executive secretary, whose duties shall be to work under the direction and control of said committee, and to that end the said committee may send said executive secretary to any state of the union to make a first-hand investigation of conditions there. The said committee shall be provided with quarters in the state building at San Francisco, if such quarters are available, but if said quarters are not available, said committee may procure quarters in the city of San Francisco for its headquarters.

The expense of such clerical and other help and of the executive secretary and of such quarters, and for other necessary expenses of the committee, shall be passed upon and fixed by the committee subject, however, that the total of said expenses and costs shall not exceed the amount hereinafter specified.

The expenses thus incurred by said committee under the authority hereof shall be payable out of the moneys heretofore or hereafter appropriated for the contingent expenses for the Senate and Assembly at this session of the Legislature, payable one-half from the contingent fund of the Senate and one-half from the contingent fund of the Assembly, but not exceeding the sum of seven thousand five hundred dollars in all, which sum, or so much thereof as may be necessary, so composed, is hereby set apart, reserved and appropriated out of said respective contingent funds for the purposes aforesaid to be disbursed

from time to time by controllers' warrants to be drawn against said contingent funds upon the written orders of the chairman of said joint committee. And be it further

Resolved, That the said committee be instructed to have prepared its report not later than the first day of December, A. D. 1928, and that a copy of said report be not later than said date transmitted to the governor of the state in order that he may make such comment thereon as he may deem appropriate to the Legislature at its next ensuing session.

CHAPTER 48.

Assembly Concurrent Resolution No. 31—Relating to adjournment.

[Filed with Secretary of State April 15, 1927.]

Resolved by the Assembly, the Senate concurring, That the forty-seventh session of the California Legislature do adjourn sine die, at twelve o'clock noon, Friday, April 29, 1927. Final adjournment

CHAPTER 49.

Senate Concurrent Resolution No. 15—Relative to a legislative investigation as to the advisability of establishing a state prison in the southern counties of the State of California.

[Filed with Secretary of State April 15, 1927.]

WHEREAS, The present state prisons located at San Quentin and at Folsom are insufficient in size and inadequate in equipment to properly care for the large influx of prisoners; and State prison in southern California.

WHEREAS, Said influx of prisoners is annually increasing; and

WHEREAS, The transportation of such prisoners sentenced from the southern counties of this state to and from said prisons is a difficult and hazardous task; and

WHEREAS, The transportation of prisoners sentenced from the southern counties of this state is expensive and imposes an undue burden upon the taxpayers of this state, therefore be it

Resolved by the Senate, the Assembly concurring, That the speaker of the Assembly shall appoint three members and the president of the Senate shall appoint two members, who shall act as a committee of the Legislature to investigate the matters contained in this resolution and the advisability of locating a prison in the southern counties of this state and the best available location therefor, and the estimated cost thereof and to report their findings in full to the forty-eighth session of the Legislature; and be it further

Resolved, That the expenses incurred in such investigation, not to exceed the sum of five hundred dollars shall be paid equally by the Assembly and Senate out of their respective contingent funds.

CHAPTER 50.

Senate Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by amending section twenty-two of article four, relating to the expenditure of public money in state aid.

[Filed with Secretary of State April 15, 1927.]

Proposed
constitu-
tional
amendment.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its forty-seventh regular session commencing on the third day of January, 1927, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section 22 of article IV of the constitution of this state be amended to read as follows:

State aid.

Sec. 22. No money shall be drawn from the treasury but in consequence of appropriation made by law, and upon warrants duly drawn thereon by the controller; and no money shall ever be appropriated or drawn from the state treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the state as a state institution, nor shall any grant or donation of property ever be made thereto by the state; *provided*, that notwithstanding anything contained in this or any other section of the constitution, the Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided, further*, that the Legislature shall have the power to grant aid to needy blind persons not inmates of any institution supported in whole or in part by the state or by any of its political subdivisions; *provided, further*, that the state shall have at any time the right to inquire into the management of such institutions; *provided, further*, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he can not pursue a gainful occupation, or aged persons in indigent circumstances, or needy blind persons not inmates of any institution supported in whole or in part by the state or by any of its political subdivisions; such county, city and county,

city, or town shall be entitled to receive the same pro rata State aid (cont'd). appropriations as may be granted to such institutions under church, or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature; *provided, however*, that for the purpose of raising five million dollars, to be used in establishing, maintaining, and supporting in the city and county of San Francisco, State of California, an exposition in commemoration of the completion of the Panama canal, to be known as the Panama-Pacific International Exposition, the state board of equalization shall, for the fiscal year beginning July 1, 1911, and for each fiscal year thereafter, to and including the fiscal year beginning July 1, 1914, fix, establish, and levy such an ad valorem rate of taxation, as when levied upon all the taxable property in the state, after making due allowance for delinquency, shall produce for each of such fiscal years a sum of one million two hundred fifty thousand dollars. The said taxes shall be levied, assessed, and collected upon every kind and character of property in the State of California not exempt from taxation under the law, and subject to taxation on the first day of July, 1910, and in the same manner, and by the same method, as other state taxes were levied, assessed, and collected under the law, as the same existed on the first day of July, 1910. The state board of equalization shall each year, at the time it determines the amount of revenue required for other state purposes, determine, fix, and include the rate of tax necessary to raise the revenue herein provided for.

There is hereby created in the state treasury a fund to be known as the Panama-Pacific International Exposition fund, and all moneys collected pursuant to this provision, after deducting the proportionate share of the expense for the collection of the same, shall be paid into the state treasury, and credited to such fund. All moneys so paid into such fund are hereby appropriated, without reference to fiscal years, for the use, establishment, maintenance and support of said Panama-Pacific International Exposition. No tax, license fee, or charge of any kind or character shall ever be levied or assessed or charged against any property of said Panama-Pacific International Exposition, or against any property used as exhibit therein, while being used or exhibited in connection therewith.

There is hereby created a commission to be known as the Panama-Pacific International Exposition commission of the State of California, which shall consist of the governor of said state and four other members to be appointed by the governor, by and with the advice and consent of the senate of said state. The governor shall have the power to fill all vacancies occurring at any time in said commission. The members of said commission shall receive no compensation and shall hold office until such exposition shall have been closed and its affairs settled. Said four members of said commission shall be

State aid
(cont'd).

selected from different sections of the state, and the appointment thereof shall be made by the governor of the state during the month of February, 1911. The commission hereby created shall have the exclusive charge and control of all moneys paid into the Panama-Pacific International Exposition fund; *and provided, further*, that the Legislature shall pass all laws necessary to carry out the provisions of this act, including the times and the manner in which and the terms and conditions upon which moneys shall be drawn from the state treasury by said commission; where contracts and vouchers shall be filed; to whom and how often reports shall be made; what disposition shall be made of any sum left unexpended or received from the sale of any property or buildings purchased or constructed by said commission for the use of said exposition, or of any disposition of any building or improvement constructed by said commission out of said fund, and to provide for the transfer to the general fund of the State of California, of any portion of said Panama-Pacific International Exposition fund unused.

The commission herein created is authorized and directed to make such proper contract with the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California on the twenty-second day of March, 1910, as will entitle the State of California to share proportionately with the contributors to the said Panama-Pacific International Exposition in the returns from the holding of said exposition at the city and county of San Francisco.

CHAPTER 51.

Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California that section seven of article twelve of the constitution of said state relating to the extension of franchises and charters and the remission of forfeitures of franchises and charters of corporations be amended.

[Filed with Secretary of State April 15, 1927.]

Proposed
constitu-
tional
amendment.

Be it resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its forty-seventh regular session commencing the third day of January, 1927, two-thirds of the members elected to each of the houses thereof voting in favor thereof, hereby proposes to the people of the State of California an amendment to the constitution of this state, viz: that section 7 of article XII of said constitution be so amended that said section shall read as follows:

Extension of
franchises
and charters
and remis-
sion of
forfeitures.

Sec. 7. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any quasi-public corporation now existing or which shall hereafter exist under the laws of this state. The term of existence of any corporation now or hereafter existing under the laws of

this state, may be extended, at any time prior to the expiration of its corporate existence, for a period not exceeding fifty years from the date of such extension, by the vote or written consent of stockholders representing two-thirds of its capital stock or of two-thirds of the members thereof; *provided*, in the case of corporations engaged in public utility business the written consent of the railroad commission or such governing body having jurisdiction over the issuance of securities of such corporations, is first obtained. A certificate of such vote or consent shall be signed and sworn to by the president and secretary, and by a majority of the directors or trustees of the corporation and filed and certified in the manner and upon payment of fees required by law for filing and certifying articles of incorporation, and thereupon the term of existence of the corporation shall be extended for the period specified in such certificate, and such corporation shall thereafter pay all annual or other fees required by law to be paid by such corporation. The extension of the term of existence of any corporation shall in no case be construed as extending the term of existence of any franchise held, owned or controlled by such corporation prior to the time of such extension.

And be it further resolved by the Senate, the Assembly concurring, That the Legislature of this state hereby submits said proposed amendment to the people of this state for adoption at the next ensuing general election, in the manner and after the publication provided for in the sections of the Political Code of the State of California then in force and effect relating to general elections and the submission and adoption of proposed constitutional amendments.

CHAPTER 52.

Senate Concurrent Resolution No. 26—Relative to the observance of American forest week, April 24 to April 30, 1927.

[Filed with Secretary of State April 19, 1927.]

WHEREAS, The continued prosperity of the State of California is inseparably linked with the protection and wise use of its forest and watershed resources; and

WHEREAS, The President of the United States has by proclamation designated the period April 24 to April 30, 1927, inclusive, as American forest week, for the purpose of calling to the attention of our people the danger that comes from the neglect and abuse of our forest and watershed resources; and

WHEREAS, Our esteemed governor, C. C. Young, has recognized the prime importance of forest and watershed protection to California by accepting the chairmanship of the American forest week committee of California; therefore be it

Resolved by the Senate, the Assembly concurring, In recognition of the dependence of the State of California upon the

continuance of its forest and watershed resources, that all patriotic citizens be called upon to observe American forest week during April 24 to April 30, 1927, by appropriate exercises, to the end that our forests and watershed resources may be better conserved and renewed; and be it further

Resolved, That five thousand copies of this resolution be printed for distribution throughout the state, the cost thereof to be payable from the legislative printing appropriation.

CHAPTER 53.

Assembly Concurrent Resolution No. 28—Approving the charter of the city of Albany, State of California, voted for and ratified by the qualified voters of said city of Albany, upon a special election held therein on the twenty-sixth day of March, 1927.

[Filed with Secretary of State April 19, 1927.]

Albany
city charter.

WHEREAS, The city of Albany, in the county of Alameda, State of California, is now and at all times herein referred to, was a city containing a population of more than three thousand five hundred inhabitants as ascertained by a census duly taken by the said city of Albany, under the provisions of act one thousand two hundred ninety-seven of the general laws of the State of California, Statutes of 1897 at page 28; and

WHEREAS, Said city of Albany is now and at all times herein mentioned, was a municipal corporation duly organized and existing under the general laws of the State of California, as a city of the sixth class; and

WHEREAS, Proceedings have been duly had in and by the said city of Albany for the preparation, proposal, adoption and ratification of a charter for the government of said city of Albany, all as set out in the following certificate of the president of the board of trustees and the city clerk of said city of Albany, to wit:

State of California }
County of Alameda } ss.
City of Albany }

We, the undersigned, Chas. F. Whitmore, President of the Board of Trustees of the City of Albany, State of California, and H. W. Brewer, City Clerk of the said City of Albany, do hereby certify and declare as follows:

That the City of Albany, in the County of Alameda, State of California, is now and at all times herein referred to, was a city containing a population of more than thirty-five hundred inhabitants, as ascertained by the last census taken under and by virtue of the authority of Act 1297 of the General Laws of the State of California, Statutes of 1897 at page 28; that said census was duly taken under and by the authority of a census taker duly appointed by the said Board of

Trustees of said City and said census was duly filed with the city clerk of said City of Albany, on the thirteenth day of December, 1926; That thereupon the said city clerk duly made and certified a true copy of said census which was duly filed with the Secretary of State of California.

Albany
city charter
(cont'd).

That said City of Albany is now and at all times herein mentioned was duly organized and existing under the General Laws of the State of California, as a City of the sixth class.

That pursuant to the provisions of Section eight of Article eleven of the Constitution of the State of California, the Board of Trustees of the City of Albany, which was then and there the legislative body of said City did by a two-thirds vote of all its members pass a resolution submitting to the electors of said City the proposition of choosing a body of fifteen freeholders to prepare and propose a charter for the government of said City of Albany which said proposal for choosing said board of fifteen freeholders was duly submitted to the voters of the said city of Albany at a special municipal election of the said City of Albany, held on the 18th day of December, 1926, and said board of trustees gave due notice of said election as required by law; That at said election held on said 18th day of December, 1926, a board of fifteen freeholders was chosen by the electors of said city to prepare and propose a charter for the government of said city, the names of said freeholders being as follows:

MARVIN J. BLACKWELL	ROBERT HUTCHINSON
ERNEST C. BLOW	ROSCOE C. JONES
JOHN BOERO	F. W. KLOSTERMANN
FRED G. BROWN	WM. B. MOONIE
FOREST CARLISLE	FRANCIS E. RYKEN
GEO. M. GROPP	FELIPE M. SCHIEK
ALPHEUS P. HANSCOM	GROVER C. WULBERN
HERBERT C. HUNTER	

That the returns of said election were canvassed and the result thereof declared by the board of trustees of the said city of Albany on the 20th day of December, 1926.

That said board of freeholders did duly qualify and take their oath of office. That before the expiration of one hundred and twenty days after the result of said election was declared the said board of freeholders did prepare and propose a charter for the government of the said City of Albany; which said charter was signed by fifteen members of said board of freeholders and was duly filed in the office of the City Clerk of the City of Albany, on the 17th day of January, 1927; And that said board of freeholders did before such filing fix and designate on said charter the twenty-sixth of March, 1927, as the date upon which the said charter should be submitted to the electors of the City of Albany for their ratification; That thereupon said board of trustees of the said City of Albany, by a resolution, duly called and ordered the holding of a special election in the City of Albany, on the twenty-sixth day

Albany
city charter
(cont'd).

of March, 1927, and duly gave notice of the holding of said election as required by law, at which said election there was submitted to the qualified electors of said City the question whether said proposed charter, prepared and filed by said board of freeholders should be ratified and adopted as the charter for the government of the City of Albany. That said board of trustees duly caused said charter to be published as required by law, by one insertion in "The Enterprise" which was then and there a newspaper of general circulation, published and circulated in the said city and the official paper of said city; That said board of trustees caused copies of said charter to be printed in convenient pamphlet form and kept in the office of the city clerk of said city and did advertise a notice in the following newspaper of general circulation, published and circulated in said City of Albany, to wit: "The Enterprise", that such copies of said charter could be had from the City Clerk upon application therefor.

That said election was duly and regularly held in the said city of Albany on the twenty-sixth day of March, 1927, and that at said election a majority of the qualified electors voting thereat voted in favor of such proposed charter and for the ratification and adoption thereof.

That the board of trustees of the said city of Albany at a meeting thereof held as required by law, duly canvassed the returns of said election and duly found, determined and declared that a majority of said electors voting thereat had voted in favor of such proposed charter and for the ratification and adoption thereof, and that the same was ratified by a majority of the qualified electors of the said city of Albany.

That said charter so prepared, proposed, filed and ratified as herein set forth together with the signatures of said board of freeholders attached thereto and in words and figures as follows, to wit:

PROPOSED CHARTER OF THE CITY OF ALBANY.

To The Honorable Board of Trustees of the City of Albany.

WHEREAS, the City of Albany for many years last past has been and now is a city containing a population of more than three thousand five hundred inhabitants, as ascertained by a census duly taken by the said City of Albany under the provisions of act 1297 of the General Laws of the State of California, Statutes of 1897 at page 28.

WHEREAS, on the 18th day of December, 1926, at an election duly held in said City, under and in accordance with the provisions of section 8 of Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect:

Marvin J. Blackwell	Geo. M. Gropp	F. W. Klostermann
Ernest C. Blow	Alpheus P. Hanscom	Wm. B. Moonie
John Boero	Herbert C. Hunter	Francis E. Ryken
Fred G. Brown	Robert Hutchison	Felipe M. Schiek
Forest Carlisle	Roscoe C. Jones	Grover C. Wulbern

who were all electors of said City and eligible as candidates under said section, a board of fifteen freeholders to prepare a charter for the government of said City; and

WHEREAS, in pursuance of the provisions of said Constitution, and within the period of one hundred and twenty days, after the result of said election was declared, the Board of Freeholders has prepared and does now propose the following as and for the Charter of said City of Albany.

SECTION 1. NAME—The Municipal Corporation, now ^{Name.} existing and known as the City of Albany shall remain and continue to be a body politic and corporate as at present, in name, in fact and in law.

SECTION 2. BOUNDARIES—The boundaries of said ^{Boundaries.} City shall be the same as now established, with power and authority to change the same as provided by law.

SECTION 3. POWERS—Said City, by and through its ^{Powers.} Council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the Constitution, and which it would be competent for this charter to set forth particularly or specifically, including all powers now or hereafter granted to cities of the sixth class: and the specification herein of any particular powers shall not be held to be exclusive or any limitation of this general grant of powers.

Legislative Department

SECTION 4. THE COUNCIL—The legislative body of ^{Council} said City shall consist of five persons elected at large, which body shall be known as the Council.

The members of the Council shall be elected by the qualified voters of said City at a general municipal election to be held therein, every even-numbered year as hereinafter provided. They shall hold office for the period of four years from and after the Monday next succeeding the day of their election and until their successors are elected and qualified: Provided, however, that the members of the Board of Trustees who shall be in office at the time this charter is approved by the Legislature shall retain the office to which each was elected and become and constitute the Council, and that three members of the Council shall be elected at the regular municipal election held as herein provided in 1928 and two members thereof at such election in 1930 and hereafter in similar rotation each even-numbered year.

Each member of the Council shall receive a compensation of Five Dollars (\$5.00), for each meeting attended, provided, however, that he shall not receive more than Twenty-five Dollars (\$25.00), in any one month, except as otherwise provided by Section 46 of this Charter. Members of the Council shall not be eligible to any other office or employment with the City, other than is in this Charter expressly provided.

No person shall be eligible to hold office as a member of the Council unless he shall have been a resident and elector of said City for at least three years next preceding the date of his election or appointment.

Meetings.

SECTION 5. MEETINGS—The Council shall meet at eight o'clock P. M. on the first Monday following a general municipal election and canvass the returns thereof. The new members shall then be inducted into office, whereupon the Council, as thus newly constituted, shall choose one of their number to serve as President of the Council and to be ex-officio Mayor. The Council shall also choose one of their number to serve as Vice-President, and he shall act as Mayor pro tempore in case of the absence, sickness or other disability of the Mayor. The officials so chosen shall hold their respective offices subject to the pleasure of the Council. The regular meetings of the Council shall be held every Monday of each week, at eight o'clock P. M. but any regular meeting may be adjourned to a date certain, which adjourned meeting shall be a regular meeting for all purposes. Special meetings may be called by the Mayor or three Councilmen at any time by written notice delivered personally to each member at least three hours before the time specified for the meeting.

All meetings of the Council shall be held in the City Hall, unless, by reason of fire, flood or other disaster, the City Hall cannot be used for that purpose, and all meetings shall be open to the public. The Council shall adopt rules for conducting their proceedings.

Quorum.

SECTION 6. QUORUM—A majority of the Council shall constitute a quorum for the transaction of any business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

The affirmative vote of a majority of the Council shall be necessary to adopt any ordinances, resolutions or claims against the City, which vote shall be taken by ayes and noes and entered upon the record.

Ordinances.

SECTION 7. ORDINANCES—All proposed ordinances introduced in the Council shall be in printed or typewritten form. The enacting clause of all ordinances passed by the Council shall read as follows: "The Council of the City of Albany do ordain as follows." The enacting clause of all ordinances initiated by the people shall read as follows: "The people of the City of Albany do ordain as follows:"

No ordinance shall be passed by the Council on the day of its introduction, nor within five (5) days thereafter. A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained. All ordinances shall be signed by the Mayor and attested by the City Clerk, and shall be published at least once in an official newspaper of the City of Albany, of general circulation before

becoming effective: Provided, any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and passed at one and the same meeting and, if passed by a four-fifths vote, shall become effective immediately.

Administrative Department

SECTION 8. OFFICERS AND EMPLOYEES—The administrative officers of the City of Albany shall consist of five members of the Council, a Mayor, a City Clerk, a City Auditor, a City Treasurer, a City Attorney, a City Assessor, a City Tax Collector, a City Engineer, a Street Superintendent, a City Judge, a Chief of Police, a Fire Chief, a Health Officer, five Park Commissioners, and five Library Trustees provided, the Council may, by ordinance or resolution, provide for such other or subordinate officers, assistants, deputies, and employees as it may deem necessary. The members of the Council, City Clerk, City Treasurer, City Attorney, City Judge and Chief of Police shall be elected from the City at large, and shall hold office for four years and until their successors are elected and qualified. All other officers and employees, except as otherwise herein provided, shall be appointed by the Council and hold office during the pleasure of the Council. The City Clerk shall be ex-officio Assessor, and the City Engineer shall be ex-officio Superintendent of Streets. The Council may by ordinance or resolution combine or consolidate any two or more offices, and require the duties of the same to be performed by one official.

Officers and employees

SECTION 9. OFFICIAL BONDS—The Council shall determine which officers shall give bonds for the faithful performance of their official duties, and fix the amount of said bonds. Such officers, before entering upon their official duties, shall execute a bond to the City in the penal sum required, which bond shall include any other offices of which they may be ex-officio or by appointment incumbent. Said bonds shall be approved by the Council and filed with the City Clerk, except that of the City Clerk, which shall be filed with the Mayor.

Official bonds.

SECTION 10. OATH OF OFFICE—Every officer shall take the constitutional oath of office and subscribe thereto before entering upon the performance of his official duties.

Oath of office.

SECTION 11. MAYOR—The Mayor shall be the executive head of the City. In case of riot, insurrection or extraordinary emergency, he shall assume general control of the City government and all of its branches, and be responsible for the suppression of disorders and the restoration of normal conditions. In the name and on behalf of the City, he shall sign all contracts, deeds, bonds and other legal instruments in which the City is a party. He shall represent the City in all ceremonial functions of a social or patriotic character when it

Mayor.

is desirable or appropriate to have the city represented officially thereat.

City clerk.

SECTION 12. CITY CLERK—There shall be a City Clerk. It shall be his duty to keep a full, true and correct record of the proceedings of the Council and Board of Equalization and other books and accounts as are now required by law for clerks of cities of the sixth class, and may be required of him by resolution or ordinance of the Council. All powers, except as in this Charter otherwise provided, now or hereafter conferred upon the clerk of cities of the sixth class by law, shall be exercised by the City Clerk. He shall have such other powers and perform such other duties as may be prescribed by resolution or ordinance.

City engineer
and street
superin-
tendent.

SECTION 13. CITY ENGINEER AND STREET SUPERINTENDENT—There shall be a City Engineer appointed by the Council. It shall not be necessary that he be a resident of the City at the time of his appointment.

As City Engineer he shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the City, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition. He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him, or under his direction or control for and on behalf of said City during his term of office, shall be the property of the City. He shall have supervision over all public works relating to the grading, paving, cleaning, watering and repairing of streets, the building of sewers and the disposal of sewage, garbage and rubbish, also all other matters of an engineering character. He shall have charge of and be responsible for the inspection of all the inspection of all electric wires within the city for furnishing heat, light, or power; of the inspection of the wiring of all buildings, and structures erected in the City and of the inspection of and the issuing of permits for building operations in accordance with the rules and regulations which may be prescribed by the City Council; and of the inspection of the plumbing in all buildings or other structures within the City. He shall, at the time of his appointment, have been a practicing civil engineer for a period of at least three years.

The Street Superintendent shall perform such duties as may be prescribed, now or hereafter, by ordinance or resolution or general laws of the State.

City
treasurer.

SECTION 14. CITY TREASURER—There shall be a City Treasurer. It shall be his duty to receive and safely keep all moneys and securities belonging to the City coming into his hands, and pay out the same only on warrants signed by the proper officers, and not otherwise. He shall be

ex-officio Tax Collector and License Collector and shall perform such other duties as may be prescribed by the Council.

SECTION 15. CITY ASSESSOR—There shall be a City Assessor, of which office the City Clerk shall be ex-officio incumbent. It shall be the duty of the Assessor, as soon after the first Monday of March, each year, as practicable, to make a full, true and correct assessment of all taxable property within the City, owned or possessed by any person, board or corporation, at 12 o'clock noon on the first Monday in March of each year. He shall make out lists, giving the names of owners and description and value of the property, following the form, as nearly as may be, required by the laws of the State governing County Assessors. City assessor.

SECTION 16. CITY ATTORNEY—There shall be a City Attorney. He shall be an attorney-at-law, admitted to the bar of the Supreme Court of this State, and one who has been in actual practice in the State for at least three years next preceding. The City Attorney shall be legal advisor of the Council, and all other city officials on matters appertaining to their official duties. He shall draft all ordinances, resolutions, contracts or other legal documents or proceedings required by the Council, or other officials, except as may be otherwise provided, and shall perform such other legal services from time to time as the Council may require. He shall attend all meetings of the Council unless excused therefrom by the Council or the Mayor. City attorney.

SECTION 17. CITY JUDGE—There shall be a City Judge. He shall be Judge of the City court, which is hereby established. Said City court shall have jurisdiction, concurrently with the justices' courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of said City, and which might be tried in such justices' court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said City, of all actions founded upon any obligation created by any ordinance, and of all prosecutions for any violation of any ordinance. In all civil actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said City, where the fine, penalty or forfeiture imposed by the ordinance is not more than one hundred dollars, the trial must be by the court. In civil actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of said City is over one hundred dollars, the defendant is entitled to a jury. Except as in this section otherwise provided, the rules and practice and mode of proceeding in said city court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the Superior Court from all judgments of said City court in like manner and with like effect as in cases of appeals from justices' courts. City judge.

The City Judge shall have all powers and perform the duties of a magistrate and may administer and certify oaths and

affirmations and take and certify acknowledgments. All fines, fees and costs collected by him shall be paid into the City Treasury weekly. He shall make such periodical reports as the Council may require.

In all cases in which the City Judge is a party, or in which he is interested, or when he is related to either part by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, he may call upon any Justice of the Peace, residing in the County, to act in his stead.

All actions and proceedings pending and undetermined in the Recorder's Court, of the City of Albany at the time this Charter takes effect, shall be proceeded with, heard and tried and determined in the City court hereby provided for, in the same manner as if such actions or proceedings had been originally commenced in said City Court.

The Council may appoint a Clerk of the City court.

City tax collector.

SECTION 18. CITY TAX COLLECTOR—There shall be a Tax Collector. The City Treasurer shall be ex-officio Tax Collector and perform the duties and possess the powers of this office, which shall be prescribed by resolution or ordinance of the Council.

City auditor.

SECTION 19. CITY AUDITOR—There shall be a City Auditor appointed by the Council who shall perform such duties and possess such powers as shall be prescribed by resolution or ordinance of the Council.

Health officer.

SECTION 20. HEALTH OFFICER—There shall be a Health Officer appointed by the Council. He shall be a person who has been licensed to practice medicine in the State of California, or who has received special training in public health work. He shall exercise general supervision over the health and cleanliness of the City, and take all necessary measures for the preservation and promotion thereof. He shall enforce all laws, ordinances and regulations relative to the preservation and improvement of the public health, including those provided for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage and sale of food stuffs.

Chief of police.

SECTION 21. CHIEF OF POLICE—There shall be a Chief of Police. He shall be the head of the Police Department of the City, and shall have all the powers that are now or may hereafter be conferred upon sheriffs and other peace officers by the laws of the State. It shall be his duty to preserve the public peace, and to suppress riots, tumults and disturbances. His orders shall be promptly executed by the police officials, or watchmen of the city, and every citizen shall lend him aid when requested for the arrest of offenders, the maintenance of public order, or the protection of life and property.

He shall execute and return all process issued to him by legal authority. He shall perform the duties of a regular

patrolman and have authority, and it is hereby made his duty, to arrest persons violating any law of the State or ordinance of the City. Those arrested for violating City ordinances may, before or after trial, be confined in the County jail of Alameda County or in the City prison of the City of Albany. He shall have such other powers and duties appertaining to his office as may be prescribed by the Council or rules of the Police Department. He shall appoint and remove all subordinates in the department, make rules and regulations for the management of the department, and prescribe tests and examinations for persons in the department, all in accordance with the provisions of this Charter, and subject to the approval of the Council.

SECTION 22. CHIEF OF FIRE DEPARTMENT—Chief of fire department. There shall be a Fire Chief appointed by the Council. He shall be head of the Fire Department of the City, and shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby. He shall appoint and remove all subordinates in the department, and make rules and regulations for the government thereof, subject to the approval of the Council.

SECTION 23. PUBLIC LIBRARY—Public library. The free public library of the City shall be managed under and in accordance with the provisions of the general laws of the State relating to free public libraries, and as may be prescribed by resolution or ordinance of the Council.

SECTION 24. PARK COMMISSION—Park commission. There shall be a Park Commission consisting of five members, who shall be appointed by the Council and shall serve without compensation. Each member of the Council shall have the power to appoint one member of the Commission, the Mayor to appoint one member of the Board of Education as his appointee. They shall also serve as Playground, Zoning and Planning Commissioners and shall have such term of office, powers and duties as may be prescribed by resolution or ordinance of the Council.

SECTION 25. EXPERT ACCOUNTANT—Expert accountant. The Council shall employ a certified Public Accountant annually to investigate the transactions and accounts of all officers or employees having the collection, custody or disbursement of public money or property, or the power to approve, allow or audit demands on the Treasury.

SECTION 26. COMPENSATIONS—Compensations. The Council shall fix by resolution or ordinance the compensation of all officers, also the compensation of all deputies, assistants and employees of the City.

SECTION 27. DEPUTIES—Deputies. All officers shall have the power to appoint their own deputies when the same are necessary, subject, however, to the confirmation of the Council.

SECTION 28. ELECTIONS—Elections. General municipal elections shall be held in said City on the second Monday in April of

each even-numbered year, under and pursuant to the provisions of the general laws governing elections in cities of the sixth class, so far as the same may be applicable, and except as herein otherwise provided, subject, however, to the provisions of Section 38 hereof, as to the special election of a member of the Board of Education. In accordance with the provision of Section 38, the Council shall have power to select, and at any regular or special meeting shall select, by the vote of the majority of all of the members of said Council, a qualified member of said Council to be a member of the Board of Education. The member so selected shall thereupon become a member of the Board of Education, and shall serve on said Board for a term of two years and until his successor is selected and qualified. Any vacancy on the Board of Education caused by the resignation, removal, incapacity or death of the member so selected, shall be filled by the Council in like manner and for a like term, provided, that in the event the Council shall fail, neglect or be unable to select such member or fill such vacancy within thirty days after such selection should be made, the President of the Council shall appoint such member to be a member of the Board of Education for the term hereinafter provided.

Vacancies.

SECTION 29. VACANCIES—A vacancy in any elective office, other than that of an elective member of the Board of Education, from whatever cause arising, shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term; provided, that if the Council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the Mayor; provided, however, that if for any reason the seats of a majority of the Council shall become vacant, then the City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any officer of the City shall remove from the City or absent himself therefrom for more than sixty days consecutively without the permission of the Council, or shall fail to qualify or shall resign his office shall thereupon become vacant.

Fiscal Management

Contract work.

SECTION 30. CONTRACT WORK—In the erection and improvement of all public buildings, and works, in all street and sewer work, other than renewals or repairs, or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same shall exceed the sum of Three Hundred Dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation published in Alameda County.

Provided, that the Council may reject any and all bids presented and may re-advertise, in their discretion, and

Provided further, that after rejecting bids the Council may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

Provided further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council, may by resolution passed by a vote of four-fifths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed to expend, or enter into a contract involving the expenditure of, any sum required in such emergency.

SECTION 31. PUBLIC IMPROVEMENTS AND STREET WORK—All public improvements, including the improving, widening or opening of streets or highways may be done under and in pursuant of the general laws of the State or procedure ordinance adopted by the Council or the electors, and the whole or any portion of the cost thereof paid out of the City Treasury or assessed on the property benefited. Public im-
provements

SECTION 32. FRANCHISES—Every franchise or privilege to construct, maintain, or operate any railroad, or other means of transportation in or over any street or highway, or to lay pipes or conduits, or erect poles or wires or other structures in or across any street or highway for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter belonging to the City, shall be granted under and in pursuance of the provisions of the general laws of the State relating to the granting of franchises; provided no new franchise or the renewal of an existing franchise shall be granted except upon condition that at least two per cent (2%) of the gross annual receipts derived from the use of such franchise shall be paid to the City. In all cases the applicant for a franchise shall advance the cost of advertising the same. Franchises.

Every such franchise shall require the grantee to agree to a joint use of its property with others, wherever practicable, and nothing herein shall be construed as prohibiting the Council from requiring other conditions not inconsistent with the constitution or general laws. No franchise or privilege so granted shall be sold, leased, assigned or otherwise alienated without the express consent of the Council given by ordinance and subject to the referendum.

SECTION 33. BUDGET—Not later than 30 days before the time for fixing the annual tax levy, the City Auditor shall Budget

submit to the Council an estimate of the expenditures and revenues of the City departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments in such form as the Council may prescribe.

Sufficient copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the Council for inspection by the public unless the Council shall publish the same in a newspaper.

After duly considering the estimate and preparing the budget, the Council shall pass an ordinance or resolution levying the annual tax.

Bond issues.

SECTION 34. BOND ISSUES—Money may be borrowed by the issue and sale of bonds, pledged on the credit of the City, for any purpose authorized by law, including the construction and equipment of schools. No ordinance providing for the issue of bonds shall be passed without the submission of the bonding proposition to the electors of the City at a regular or special election and the approval of a two-thirds majority of those voting thereon. No bonds shall be issued, excepting bonds for school purposes, on the credit of the City which shall increase such bonded indebtedness of the City beyond fifteen per cent of the assessed valuation of the property in the City subject to direct taxation, as shown by the last preceding valuation for City taxes. Every ordinance for the issue of bonds shall provide for a tax levy for each year to meet the annual serial installments of principal and interest, and such amounts shall be included in the tax levy for each year.

Fiscal year.

SECTION 35. FISCAL YEAR—The fiscal year shall begin with the first day of July of each year and end with the last day of June of the following year.

Taxation.

SECTION 36. TAXATION—Except as otherwise herein provided, the Council, by ordinance, shall provide a system for the assessment, levy, collection and equalization of taxes, which, as nearly as may be, shall conform to the system provided by the general laws of the State; provided that all sales for delinquent taxes shall be made to the City of Albany. Should the Council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate for the current year.

Tax limit.

SECTION 37. TAX LIMIT—The amount of the annual tax levy, exclusive of the tax to pay the interest on and maintain the sinking funds of any indebtedness of the City, and exclusive of the tax to pay for the maintenance, acquisition and improvement of parks, squares, public grounds, schools and public libraries shall not exceed the rate of one dollar on each one hundred dollars valuation of the property assessed. The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended, provided no increase over said limit shall be made in any fiscal year, unless authorized by ordinance adopted by vote of the people.

Department of Education.

SECTION 38. (a) The control of the School Department ^{School board.} shall be vested in a Board of Education which shall consist of five members who shall receive no compensation. A member of the City Council selected by the vote of the majority of the members of the Council as in this Charter provided shall be one of the members thereof. The other four members of the Board shall be elected at large by the electors qualified to vote, at municipal elections in the same manner and time as the members of the Council. Each of said last named members must have been a resident and taxpayer of the City of Albany for at least three years preceding his election. Said last named members of the Board shall serve for a term of four years and until their successors are elected and qualified, provided, that the members of the Board of School Trustees, who shall be in office at the time this Charter shall take effect shall retain the office to which each one was elected until the time hereinafter specified. The Council shall, not more than 30 days after the ratification of the said Charter by the Legislature, call a special election to be held within not exceeding 30 days thereafter, at which time one new member of the Board of Education shall be elected. Such special election shall otherwise be held in all respects like a general municipal election under the provisions of this Charter. At its first meeting after said special election the Council shall select one of its members to be a member of the Board of Education as herein provided and he shall thereupon take his seat as such. The Board of Education shall thereupon forthwith convene and the said four elective members of said first Board shall so classify themselves by lot that two of their number shall hold office until the regular municipal election to be held in the year 1928 and two of their number shall hold office until the regular municipal election to be held in the year 1930 and until their successors are elected and qualified. Thereafter two members shall be elected every two years for a term of four years.

(b) Regular meetings of the Board shall be held at such ^{Meetings.} times as the Board may prescribe, provided that at least one regular meeting shall be held in each calendar month. All meetings of the Board shall be open to the public.

(c) The Board shall have the entire management of the ^{Management of schools.} public schools of the City and in addition to the powers and duties prescribed by the provisions of this Charter shall have all the powers that are now or may hereafter be conferred and discharge the duties imposed, by law upon City Boards of Education.

(d) An annual inspection of the accounts of the Board ^{Inspection of accounts.} shall be made under the direction of the City Auditor at the expense of the City and a condensed statement of such accounts as shown by the books shall be prepared and made public in conjunction with the annual financial statement of the City.

(e) The Board shall make such rules and regulations governing its meetings and procedure as may seem proper. ^{Rules} A

majority of the Board shall constitute a quorum, but the affirmative vote of three members shall be necessary to authorize the payment of public money or the election of a superintendent, principals, teachers and all officers and employees whom the Board is authorized to elect or appoint.

Vacancies.

(f) Any vacancy in the elected members of the Board shall be filled by the vote of a majority of the Board until the next general city election for municipal officers, when a member shall be elected to fill the unexpired term. In the event that three or more such vacancies exist at one time, sufficient vacancies shall be filled by the appointment by the County Superintendent of Schools to make a majority of such Board to act and fill the remaining vacancies. All such appointed members shall hold office for the same length of time as the appointees of the Board.

Budget and tax levy.

(g) The Board of Education shall annually, on such date as shall be fixed by the Council, submit in writing to the Council a careful estimate of the whole amount of money to be received from the State and County for the support of the public schools in the City, together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the City for the adequate support of the public schools for the ensuing year. The City Council shall include in and apportion from the annual tax levy the sum of not less than thirty-five cents on each one hundred dollars of assessed valuation to be paid into the school fund of the City.

If any member of the Board of Education shall remove from the City or absent himself therefrom for more than sixty days consecutively without permission of the Board of Education or shall fail to qualify his office shall thereupon become vacant.

Miscellaneous

Additional duties of officers.

SECTION 39. ADDITIONAL DUTIES OF OFFICERS—Besides the duties herein specified, all officers and Boards shall perform such other appropriate duties as may be prescribed by ordinance or the general laws.

General laws applicable.

SECTION 40. GENERAL LAWS APPLICABLE—All general laws of the State applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this Charter or with ordinances hereafter enacted, shall be applicable to the City. The Council may adopt and enforce ordinances which, in relation to municipal affairs, shall control as against the general laws of the State.

Zoning system.

SECTION 41. ZONING SYSTEM—The Council shall have power to establish such zoning systems within the City as may in its judgment be most beneficial and in such zoning systems may prohibit the erection or maintenance of any class or classes of buildings within certain areas and may classify and re-classify the zones established. The Council may also prescribe the character of materials and method of construction of buildings erected within any zone area, and may

establish such set-back lines as it may consider necessary and proper.

SECTION 42. OFFICIAL RECORDS—All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office, provided, the records of the Police Department shall not be subject to such inspection except by permission of the proper police authorities. Official records

Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five cents for certifying.

All officers, and Boards shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments, in their possession or under their control.

SECTION 43. CONTINUING OFFICERS AND EMPLOYEES—Until the election or appointment and induction into office of the officers and employees in this Charter provided for, the present officers and employees shall without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by the existing ordinances. Incumbents

SECTION 44. CONTINUING ORDINANCES IN FORCE—All lawful ordinances, resolutions, and regulations in force at the time this Charter shall take effect and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded. Existing ordinances.

SECTION 45. CONTINUING CONTRACTS IN FORCE—All vested rights of the City shall continue and shall not in any manner be affected by the adoption of this Charter; nor shall any right, liability, pending suit or prosecution, either in behalf of or against the City, be affected by the adoption of this Charter. All contracts entered into by the City prior to the taking effect of this Charter shall be continued and perfected hereunder. Contracts in force.

SECTION 46. COMPENSATION of Council Members sitting as members of Board of Equalization. Board of equalization

Members of the Council sitting as a Board of Equalization as prescribed by the General Laws shall receive a compensation not to exceed the sum of Fifty Dollars per member.

SECTION 47. PROVIDING FOR ELECTION OF OFFICERS MADE ELECTIVE BY THIS CHARTER.

Within thirty days after this Charter takes effect, the City Council shall call an election, to be held within thirty days thereafter, for the election of a City Attorney, a City Judge, First election

and a Chief of Police who shall hold office until the third Monday in April, 1930, and until their successors are elected or appointed and qualify.

Effective.

SECTION 48. WHEN CHARTER EFFECTIVE—This Charter shall go into effect upon its approval by the Legislature.

IN WITNESS WHEREOF we have hereunto set our hands the 17th day of January, 1927.

Marvin J. Blackwell	President	Francis E. Ryken
Alpheus P. Hanscom,	Secretary	F. M. Schiek
Fred G. Brown,	Vice-President	Grover C. Wulbern
Herbert C. Hunter		John Boero
Forest Carlisle		Fred W. Klostermann
W. B. Moonie		Robert Hutchison
Geo. M. Gropp		Ernest C. Blow
Roscoe C. Jones		

CERTIFICATE

Certificate.

I, the undersigned, hereby certify that the foregoing Charter was signed by a majority of the Board of Freeholders of the City of Albany and was filed in my office on the 17th day of January, 1927.

H. W. BREWER,

[SEAL]

City Clerk and Clerk of the Board of
Trustees of the city of Albany.

This Board of Freeholders of the City of Albany do hereby fix the 26th day of March, 1927, as the date for holding a special municipal election in said City, at which the foregoing proposed Charter of the said City shall be submitted to the electors of the said City for ratification and adoption. The Board of Trustees of the City of Albany are hereby requested to cause publication of the foregoing proposed Charter in the manner provided by law.

Marvin J. Blackwell	Robert Hutchison
Ernest C. Blow	Roscoe C. Jones
John Boero	F. W. Klostermann
Fred G. Brown	Wm. B. Moonie
Forest Carlisle	Francis E. Ryken
Geo. M. Gropp	Felipe M. Schiek
Alpheus P. Hanscom	Grover C. Wulbern
Herbert C. Hunter	

We, Charles F. Whitmore, President of the Board of Trustees of the City of Albany, and H. W. Brewer, City Clerk of said City of Albany, do hereby further certify that the foregoing is a full, true and correct copy of the proposed Charter of the City of Albany, as prepared and proposed by the Board of Fifteen (15) Freeholders thereof, and of the certificate of said Board of Freeholders thereto attached, and filed in the office of the City Clerk of the said City on the 17th day of January, 1927.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the seal of the City of Albany, this 17th day of January, 1927.

CHARLES F. WHITMORE,
President of the Board of Trustees of the City of Albany.

[SEAL]

H. W. BREWER,
City Clerk of the City of Albany.

We do hereby certify that the foregoing constitutes a full and true statement of all of the facts and proceedings had by the City of Albany in the matter of the election of the board of freeholders and in the preparation, proposing, filing and voting upon and canvassing the returns and declaring the result of the election in the matter of the proposed charter for the government of the City of Albany, and that said charter, as hereinbefore set forth, is a full and correct copy of the charter as prepared and proposed by the said board of freeholders and of the certificate of said board of freeholders thereto attached and filed in the office of the city clerk of the said City of Albany, on the 17th day of January, 1927.

IN WITNESS WHEREOF, we have hereunto set our hands and have hereunto affixed the seal of the City of Albany, this 28th day of March, 1927.

CHARLES F. WHITMORE,
President of the Board of Trustees of the City of Albany.

[SEAL]

H. W. BREWER,
City Clerk of the City of Albany.

and,

WHEREAS, Said charter has been submitted to the Legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Approval by
Legislature.

Resolved by the Assembly, the Senate concurring, a majority of all the members elected to each house voting therefor, and concurring therein, That said charter as presented to, adopted and ratified by said city of Albany, and as hereinabove fully set forth be and the same is hereby approved as a whole as and for the charter of the city of Albany, State of California.

CHAPTER 54.

Senate Concurrent Resolution No. 28—Approving the charter of the city of Pacific Grove, State of California, voted for and ratified by the qualified voters of said city of Pacific Grove at its special municipal election held therein for that purpose on the ninth day of April, 1927.

[Filed with Secretary of State April 22, 1927.]

State of California, }
County of Monterey, } ss.
City of Pacific Grove. }

We, the undersigned, W. J. Gould, President of the Board of Trustees of The City of Pacific Grove, and E. S. Johnston, Pacific Grove city charter.

Pacific Grove
city charter
(cont'd).

City Clerk of said city, do hereby certify and declare as follows:

That The City of Pacific Grove is now and at all times herein referred to was a municipal corporation duly organized under the general incorporation laws of the State of California, and existing in the County of Monterey therein, and contained a population of more than three thousand five hundred inhabitants as ascertained by census duly taken in The City of Pacific Grove in the year 1926 pursuant to an Act of the Legislature of the State of California entitled "An Act to authorize any City or City and County of this State to take its census", approved February 25, 1897, Statutes 1897, page 28, and a certified copy of which census prepared by the City Clerk of said city was filed by him with the Secretary of State of the State of California on the 9th day of December, 1926.

That pursuant to the provisions of section 8 of article XI of the Constitution of the State of California, the Board of Trustees of The City of Pacific Grove, which was then and there the legislative body of said city, did, by more than a two-thirds vote of said legislative body duly call an election to be held on the 10th day of January, 1927, for choosing a board of fifteen (15) freeholders to prepare and propose a charter for the government of said city and gave due notice of said election as required by law.

That at said election duly held on said 10th day of January, 1927, a board of fifteen (15) freeholders duly qualified, each of said freeholders having been for five years next preceding the date of said election an elector of said city, was chosen by the electors of said city to prepare and propose a charter for the government of said city, the names of said freeholders so chosen being as follows:

Lillian G. Ayers,	John P. Pryor,
Edward Berwick,	Edward Simpson,
Reeve Conover,	Eben Cooke Smith,
George H. Ehmann,	Benjamin Franklin Sowell,
Walter K. Fisher,	Bertha L. Strong,
W. R. Holman,	Lew H. Wilson,
George Moser,	Thomas A. Work;
Julia B. Platt,	

That the returns of said election were duly canvassed and the result thereof declared by said Board of Trustees of said city on the 17th day of January, 1927,

That within one hundred twenty (120) days after the result of said election was declared, the period allowed said board of freeholders to prepare and propose a charter for the government of said city, said board of freeholders did prepare and propose a charter for the government of said city, which charter was signed by a majority of said board, to-wit:

By thirteen of the members of said board of freeholders and the same was filed in the office of the City Clerk of said city on the 24th day of January, 1927, said Board of Freeholders duly fixing thereon the 9th day of April, 1927, as the

date for holding the special election next hereinafter mentioned. Pacific Grove
city charter
(cont'd).

That said Board of Trustees did thereupon call and order the holding of a special election in said City, on Saturday, the 9th day of April, 1927, and gave notice of the holding of said election as required by law, at which election there was submitted to the qualified electors of said city the question whether said proposed charter prepared and adopted as the charter for the government of said city should be ratified and adopted.

That within fifteen (15) days after the filing of said charter said Board of Trustees caused the same to be published once, to-wit: upon the 3rd day of February, 1927, in "The Peninsular Review and Pacific Grove Daily Review", which was then and there a daily newspaper of general circulation printed and published in The City of Pacific Grove, and the official newspaper thereof.

That said Board of Trustees caused copies of said proposed charter to be printed in convenient pamphlet form and kept in the office of the City Clerk of said City and did, until the date fixed for the election upon such charter, advertise in said "The Peninsular Review and Pacific Grove Daily Review" a notice that such copies might be had at said City Clerk's office upon application therefor, the first publication thereof being on the 4th day of February, 1927.

That said election was held on said 9th day of April, 1927, and at said election eleven hundred and eighty-seven votes were cast and eleven hundred and eighty-seven voters voted thereat, of which number six hundred thirteen voters voted and six hundred and thirteen votes were cast in favor of the adoption and ratification of said charter and five hundred and seventy-one voters voted and five hundred and seventy-one votes were cast against the adoption and ratification of said charter; that said vote was duly canvassed by said board on Monday, the 11th day of April, 1927, and a statement thereof was duly entered in the minutes of said board and it then appeared and was found, determined and declared by said board that a majority of the qualified electors voting thereon at said election voted in favor of such proposed charter and for the ratification and adoption thereof.

That said charter so prepared, proposed, filed and ratified, as herein set forth, together with the certificate and signatures of said board of freeholders attached thereto, are in words and figures as follows, to-wit:

CHARTER PREPARED AND PROPOSED FOR THE CITY OF PACIFIC GROVE BY THE BOARD OF FREEHOLDERS, ELECTED ON THE 10TH DAY OF JANUARY, 1927.

Section 1.

NAME.

The municipal corporation now existing and known as "The Name. City of Pacific Grove" shall remain and continue a body

politic and corporate, as at present, in fact and in law, by the name of the "City of Pacific Grove", and by such name shall have perpetual succession.

Section 2.

BOUNDARIES.

Boundaries. The boundaries of the City of Pacific Grove shall continue as now established until changed in some manner authorized by law.

Section 3.

INALIENABLE RIGHTS OF CITY.

Inalienable rights.

The rights of the City in and to its water front, lands under water, and such public wharves, docks and landings as may be hereinafter thereon constructed are hereby declared inalienable.

Section 4.

POWERS.

Powers.

The City of Pacific Grove by and through its council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the constitution of the state and which it would be competent for this charter to set forth particularly or specifically; and the specification herein of any particular powers shall not be held to be exclusive or any limitation upon this general grant or powers.

Section 5.

GENERAL LAWS APPLICABLE.

General laws applicable.

All general laws of the state applicable to municipal corporations now or hereafter enacted and which are not in conflict with the provisions of this charter shall be applicable to the City of Pacific Grove, provided that the Council may adopt and enforce ordinances in compliance with the provisions of this Charter which shall control in relation to municipal affairs as against general laws of the state.

Section 6.

OFFICERS AND EMPLOYEES.

Officers and employees.

The officers of the City of Pacific Grove shall consist of six Councilmen and a Mayor, a City Manager, a City Clerk, a City Treasurer, a City Attorney, a City Assessor, a City Tax Collector, a City Engineer, a Street Superintendent, a Judge of the Police Court, a Chief of Police, a Fire Chief, a Health Officer, a board of five Library Trustees, and a board of five Museum Trustees; provided, the Council may by ordinance provide for such subordinate officers, assistants, deputies, clerks, and employees as they deem necessary, and provided, further, that the City Clerk shall be ex-officio Assessor, and the City Treasurer ex-officio City Tax Collector, and that the Council may at any time, when in its judgment the interests of the city so demands, consolidate by ordinance the powers and duties of two or more city officers and place the same in charge of one such officer. The Mayor, the members

of the Council, the City Clerk, and the City Treasurer shall be elected from the city at large. All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this Charter, or as the Council may provide by ordinance in case no provision for their appointment is herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power, except as otherwise herein provided. Where the appointment of any officers, assistants, deputies, clerks, or employees is vested in the Council, Board of Library Trustees, Board of Museum Trustees, or other body, the appointment and removal must be made by majority vote of the members of such body, except as otherwise herein provided.

Section 7.

RESIDENTIAL QUALIFICATIONS.

No person shall be eligible to hold any elective office in said city unless he be a resident and elector herein, and shall have resided in said city for at least one year, next preceding the date of his election.

Residential
qualifica-
tions

Section 8.

ELECTIONS.

General municipal elections shall be held in said city on the second Monday in April of each odd-numbered year under and pursuant to the provisions of the general laws of the State of California governing elections in the cities of the sixth class so far as the same may be applicable, and except as herein otherwise provided. The first general election in said City under this Charter shall be held on the first Monday in June, 1927. All other municipal elections that may be held by authority of this Charter or of general law shall be known as special municipal elections. At least twenty days before the day of election each candidate for an elective office shall file with the City Clerk a sworn statement containing the following information: (A) his name; (B) the office for which he is a candidate; (C) his present residence and occupation; (D) the public offices he ever held, if any, as principal, deputy or employee; (E) the experience, training or education he has received which, in his opinion, would qualify him to fill the office for which he is a candidate. He shall also file a statement setting forth the principal public improvements or betterments which he favors. The City Clerk shall publish the statements of each candidate in the official newspaper of the city by two insertions therein prior to the day of election. Each candidate shall be required to pay the cost of publication, to be deposited with his application. No response to any one of the several above mentioned requirements shall exceed one hundred words in length.

Elections.

Section 9.

CANVASS OF RETURNS.

The Council of said city shall meet at its usual meeting place on the first Monday after any municipal election, duly canvass

Canvass of
returns.

the returns and declare the result thereof, and install the newly elected officers, if any.

Section 10.

OATH OF OFFICE.

Oath of
office.

Every officer shall take and subscribe to the oath of office as provided in the constitution of the state before entering upon the performance of his official duties.

Section 11.

OFFICIAL BONDS.

Official
bonds

Except as prescribed by this Charter, the Council shall determine which officers shall give bonds for the faithful performance of their official duties, shall fix the amount of said bonds and the mode of approving the same. Such officers before entering upon their official duties, shall execute a bond to the city in the penal sum required, and said bond shall be approved by the Council and filed with the City Clerk.

Section 12.

THE MAYOR.

Mayor.

A Mayor shall be elected at each general municipal election and shall hold office for the term of two years from and after the Monday next succeeding the day of such election and until his successor is elected and qualified. The Mayor shall receive no compensation and shall be ineligible to hold any other office or employment with the city except as members of any board, commission, or committee thereof of which he is constituted such member by general law. The Mayor shall be the executive head of the city. In case of riot, insurrection or extraordinary emergency he shall assume general control of the city government and all of its branches and be responsible for the suppression of disorders and the restoration of normal conditions. In the name and on behalf of the city he shall sign all contracts, deeds, bonds and other legal instruments in which the city is a party. He shall represent the city at all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the city represented officially thereat. In case of vacancy in the office of Mayor or during the temporary absence or disability of the Mayor, the Council shall choose one of its members to act as Mayor pro-tempore.

Section 13.

THE COUNCIL.

Council.

The legislative body of the city shall consist of the Mayor and six Councilmen, each of whom including the Mayor shall have the right to vote upon all questions coming before the Council. Three Councilmen shall be elected at each general municipal election and shall hold office for the term of four years each from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified; provided, however, that six Councilmen shall be elected at the first general municipal election held under the provisions of this Charter. The three councilmen receiving the highest number of votes at said first election shall hold

office for the full term of four years each, and the three Councilmen elected by the lowest number of votes shall hold office for two years each. In the event that two or more persons shall be elected by the same number of votes, their term shall be fixed by lot.

The activities of the Council shall be divided into six departments; namely: (1) Finance, (2) Ordinance, (3) Street, (4) Police, (5) Park, (6) Fire, Light and Water, and at the first regular meeting of the Council following the installation of officers after a general municipal election, the Mayor, with the approval of the Council, shall assign each of said departments of the City to the special interest of a particular councilman, whose duty it shall be to inform himself regarding the conduct of said department both in Pacific Grove and in other cities, that he may advise the Council relative to legislative acts that tend to the betterment thereof.

Upon request of any Councilman the Council may appoint two citizens chosen because of their knowledge of the department to act with said Councilman, without compensation, as an advisory board; provided that the Councilman interested in the City Parks shall be ex-officio chairman of a City Planning Board.

The Councilmen shall receive no compensation, and no Councilmen shall be eligible to hold any other office or employment with the city except as a member of any board, commission, or committee thereof, of which he is constituted such member by the general law of the state.
Section 14.

CITY CLERK AND EX-OFFICIO ASSESSOR.

A City Clerk shall be elected every two years at a general municipal election. He shall be ex-officio Assessor of the City and Clerk of the Council and of the Board of Equalization. His salary and bonds as such shall be fixed by ordinance. It shall be the duty of the City Clerk to attend all sessions of the Council and of the Board of Equalization, and to keep a full and correct record of the proceedings of each of such bodies. The proceedings of the Council shall be kept in a book marked "Minutes of the Council", and the proceedings of the Board of Equalization shall be kept in a separate book marked "Minutes of the Board of Equalization". He shall keep a book marked "Ordinances" into which he shall copy all city ordinances certifying that each such copy is a full and correct copy of the original ordinance, and stating that the same has been published as required by law. Said record copy, so certified, shall be prima facie evidence of the contents of the ordinance, and of its passage and publication and shall be admissible as such evidence in any court or proceeding. Such record shall not be filed but shall be returned to the custody of the City Clerk. He shall also keep a book marked "Resolutions" into which he shall copy all resolutions passed by the Council. Both the books containing ordinances and resolutions shall be adequately and comprehensively indexed. He

Clerk and
assessor

shall conduct promptly, and keep a systematic record of all correspondence between the Council and third parties relating to city business.

He shall be the keeper of the corporate seal of the City, and shall affix the same to instruments or writings requiring authentication. He shall safely keep all records, documents, ordinances, resolutions, books, and such other papers and matters as may be regularly delivered into his custody or required by law or ordinance to be filed with him.

It shall be the duty of the City Clerk, as ex-officio Assessor, between the first Monday in March and the first Monday in August of each year, to assess all taxable property within the City of Pacific Grove at the time and in the manner prescribed by general laws of the state, except as may be otherwise provided by ordinance. The Assessor shall possess such other powers and perform such additional duties, not inconsistent with this Charter, as may be prescribed by ordinance. Section 15.

CITY TREASURER AND EX-OFFICIO CITY TAX COLLECTOR.

Treasurer
and tax
collector.

There shall be a City Treasurer elected every two years at a general municipal election. It shall be the duty of said Treasurer to receive and safely keep all moneys and securities belonging to the City and coming into his hands, and pay out the same only on warrants signed by the proper officers and not otherwise. He shall make quarterly statements showing the receipts and disbursements for the quarters ending September 30th, December 31st, March 31st, and June 30th in each year. Such statements shall show in detail the condition of each and every fund required to be set apart by him. All statements shall be made in duplicate, one copy of which shall be filed with the City Clerk, and one delivered to the City Manager within ten days after the end of each quarter.

The Treasurer shall be ex-officio City Tax Collector. He shall be charged with, and indebted to the City for all taxes levied upon real and personal property within the City unless the Council determine by resolution that he is unable to collect delinquent taxes by levy or sale of property assessed therefor. The salary of the Treasurer and City Tax Collector shall be fixed by ordinance, and also the amount of the official bond.

Section 16.

MEETINGS OF THE COUNCIL.

Meetings
of council.

All meetings of the Council shall be held in the City Hall, unless by reason of fire, flood or other disaster, the City Hall cannot be used for that purpose, and all meetings shall be open to the public. There shall be two regular meetings of the Council in each month at a day and hour by ordinance determined, and any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes. The Council shall adopt rules for the conduct of its proceedings and shall provide by

ordinance the manner in which its special meetings may be called.

Section 17.

QUORUM.

A majority of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. Quorum.

Section 18.

ORDINANCES.

The enacting clause of all ordinances passed by the Council shall read as follows: "The Council of the City of Pacific Grove do ordain as follows:" The enacting clause of all ordinances passed by the vote of the electors of the city through the exercise of the initiative or referendum shall be, "The people of the City of Pacific Grove do ordain as follows:" Ordinances.

The affirmative vote of a majority of the Council shall be necessary to adopt any ordinances, resolutions or claims against the City, which vote shall be taken by ayes and noes and entered upon the record, and upon the request of any members of the Council the ayes and noes shall be taken and recorded upon any vote.

No ordinance shall be passed by the Council on the day of its introduction nor within five days thereafter, nor at any time other than at a regular meeting, nor until its publication at least once in the official newspaper of the City at least three days before its adoption, provided, any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and if passed by 5/7 vote shall become effective immediately.

A proposed ordinance may be amended or modified between the time of its introduction and the time of the final passage, providing its general scope and original purpose are retained. No ordinance or portion thereof shall be repealed, revised or amended except by ordinance, and all ordinances shall be signed by the Mayor and attested by the City Clerk. Except as otherwise provided by general law, or by this Charter, no action providing for any specific public improvement, or for the appropriation or expenditure of public moneys, in any amount over five hundred dollars, or for the acquisition, sale, lease, encumbrancing, or disposition of any real property of the City, or any interest therein, or for the levying of any tax or assessment, or for the granting of any franchise, or for the establishing or changing fire limits, or business or residential zones, or for the imposing of any penalty, shall be taken except by ordinance.

Section 19.

THE INITIATIVE AND REFERENDUM.

Initiative
and
referendum.

The initiative and referendum may be exercised in accordance with the constitution and general laws of this state, provided, however, that when any ordinance is referred to the electors either upon an initiative or referendum petition, it shall be voted upon at a special election to be held not less than twenty days nor more than thirty days from the presentation of the petition therefor unless there is to occur a special or regular municipal election not less than twenty days nor more than ninety days from the presentation of the petition, in which event the ordinance shall be submitted at such special or general election.

Section 20.

Recall.

The Recall may be exercised in accordance with the constitution and general laws of this State as to municipal officers.

Section 21.

POLICE JUDGE AND POLICE COURT.

Police judge
and
police court.

There shall be a Police Judge appointed by the Council. He shall be the judge of the Police Court, which is hereby established. The Police Court shall have jurisdiction, concurrently with the Justice's Courts of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such Justice's Court; and said Police Court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said City, of all actions founded upon any obligation created by any ordinance thereof, and of all prosecutions for the violation of any such ordinance. In all civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city is not more than one hundred dollars, the trial must be by the court. In civil actions where the fines, penalty, or forfeiture prescribed for the breach of any ordinance of the city is over one hundred dollars, the defendant is, upon his demand, entitled to a jury. Except as in this section otherwise provided, the rules and practice and mode of proceeding in said Police Court shall be the same as are, or may be, prescribed by law for Justice's Courts in like cases; and appeals may be taken to the Superior Court from all judgments of said Police Court in like manner and with like effect as in cases of appeals from Justice's Courts.

The Police Judge shall have all powers and perform the duties of a Magistrate and may administer and certify oaths and affirmations and take and certify acknowledgments. All fines, fees, forfeitures and costs collected by him shall be paid into the City Treasury within forty-eight hours from and after the receipt thereof. He shall make such periodical reports as the Council may require.

In all cases in which the Police Judge is a party, or in which he is interested, or when he is related to either party

by consanguinity, or affinity within the third degree, or is otherwise disqualified, or in cases of sickness or inability to act, he may call upon any Justice of the Peace, residing in the County of Monterey to act in his stead.

The Council may, by ordinance, appoint the Justice of the Peace of the township in which the City of Pacific Grove is located, as Police Judge thereof.

The Police Judge shall keep a record of the proceedings of the Police Court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases.
Section 22.

OATHS AND SUBPOENAS.

The Mayor, City Manager, and City Clerk shall have power to administer oaths, to issue subpoenas, to compel by subpoena the production of the books, papers and documents, of the city and to take and hear testimony whenever necessary in carrying out their official duties.

Section 23.

CITY MANAGER.

There shall be a City Manager appointed by the Council who shall be the administrative head of the City government. The City Manager shall be chosen by the Council without regard to political consideration and with reference solely to his qualifications for such office.

It shall not be necessary that he reside in the City at the time of his appointment, but he shall become a resident thereof within sixty days thereafter and thereafter during his incumbency actually reside in said City. The salary of the City Manager shall be fixed by ordinance at not less than \$2,500 per year, payable in equal monthly installments.

Before entering upon his duties the City Manager shall file with the City Clerk an official bond for the faithful performance thereof, payable to the City of Pacific Grove in a sum not less than \$5,000, the premium of which shall be paid by the City. The powers and duties of the City Manager shall be:

(1)—To see that all ordinances are enforced.
(2)—To appoint, except as otherwise provided, all heads of departments, subordinate officials and employees, and remove the same, except as otherwise provided, and have general supervision and control over the same. Save when in the opinion of the City Manager or the interests of the city otherwise demand, appointees shall be residents of Pacific Grove.

(3)—To exercise general supervision over all privately owned public utilities operating within the city so far as the same are subject to municipal control.

(4)—To see that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are fully observed, and to report to the Council any violations thereof.

(5)—To act as purchasing agent for the city in transactions involving expenditure not in excess of five hundred dollars. He shall know the exact condition of the treasury at all times, and shall approve all demands before the same have been allowed by the Council if he is satisfied that the money is lawfully due.

(6)—To attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.

(7)—To examine, or cause to be examined, without notice, the conduct, or the official accounts or records, of any officer or employee of the city.

(8)—To keep the Council advised as to the needs of the City.

(9)—To devote his entire time to the interests of the City.

(10)—To have general supervision over all City property, including public buildings, parks and play-grounds.

(11)—To appoint such advisory boards as he may deem desirable to advise and assist him in his work, provided the members of such boards shall receive no compensation.

(12)—To make such recommendations to the council or Board of Equalization regarding the assessment roll as he may deem advisable.

Section 24.

CITY MANAGER PRO-TEM.

Manager
pro tem.

In case of the absence from the city of the city Manager, or his temporary disability to act as such, the Council shall appoint a city manager pro-tem, who shall possess the powers and discharge the duties of the City Manager during such absence or disability only, provided, however, that a city Manager pro-tem shall have no authority to appoint or remove any city officer or employee except with the unanimous formal approval of all the members of the Council.

Section 25.

INTERFERENCE WITH OR BY CITY MANAGER.

Interference
with or by
manager.

Neither the Council nor any of its committees or members shall dictate or attempt to dictate, either directly or indirectly, the appointment of any person to office or employment by the City Manager, or in any manner interfere with the City Manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

Neither the City Manager, nor any appointive officer or employee of the city, shall take any active part in securing, or shall contribute money toward, the nomination or election of any elective candidate for municipal office.

Section 26.

CITY ATTORNEY.

There shall be a City Attorney appointed by the City Manager, subject to approval by the Council. He shall be an attorney-at-law, admitted to the bar of the Supreme Court of this State, and one who has been in actual practice in the State, for at least three years next preceding his appointment. All other things being equal, an attorney who has had special training for this office or experience in municipal corporation law shall be appointed to this office, if practicable. The City Attorney shall be legal advisor of the Council and all other city officials. He shall prosecute all violations of city ordinances, and shall draft all ordinances, resolutions, contracts or other legal documents or proceedings required by the Council, or other officials, except as may be otherwise provided, and shall perform such legal services from time to time as the Council may require, and shall attend all meetings of the Council unless excused therefrom by four members thereof or by the Mayor. The salary of the City Attorney shall be fixed by ordinance.

When from any cause the City Attorney is unable to perform the duties of his office, he may, with the consent of the City Manager, appoint some other qualified attorney to act temporarily in his place; whenever, in the judgment of the Council, the interests of the City require it, assistant counsel may be employed. The City Attorney shall deliver all books, records, papers, documents and personal property of every description, under his control, owned by the City to his successors in office, and shall possess such other powers, and perform such additional duties, not in conflict with this Charter, as may be prescribed by ordinance.

Section 27.

CITY ENGINEER.

There shall be a City Engineer appointed by the City Manager who at the time of his appointment shall have been a practicing civil engineer for a period of at least three years.

As City Engineer he shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition with full indices thereof. He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk.

All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work in behalf of the city, made or done by him or under his direction or control during his term of office shall be the property of the City, and shall be kept in the City vaults. He shall perform all engineering work and surveying in prosecuting public improvements in or for the City, and in relation to public streets,

lanes, alleys, ways, places, and real property of the City, and shall possess such other powers and perform such additional duties not in conflict with this Charter, as may be prescribed by ordinance or the general laws of the state. His compensation shall be fixed by ordinance. All salaries, commissions, or fees received by the City Engineer as compensation for his official services shall be published quarterly in the official paper of the city.

Section 28.

STREET SUPERINTENDENT.

Street super-
intendent.

The Street Superintendent shall perform such duties as may be prescribed, now or hereafter, by ordinance or general laws of the State. Nothing herein contained shall prevent the City Manager himself from acting as ex-officio City Engineer and Street Superintendent and filling such offices as herein provided.

Section 29.

CHIEF OF POLICE.

Chief of
police.

There shall be a Chief of Police appointed by the City Manager. He shall be the head of the Police department of the City, and shall have all the powers that are now or may hereafter be conferred upon Sheriffs and other peace officers by the laws of the State. It shall be his duty to preserve the public peace, and to suppress riots, tumults and disturbances. His orders shall be promptly executed by the police officers or watchmen of the City, and every citizen shall lend him aid when requested for the arrest of offenders, the maintenance of public order or the protection of life and property.

He shall execute and return all process issued to him by legal authority. He shall have authority, and it is hereby made his duty to arrest persons violating any law of the State or ordinance of the City. Those arrested for violating City ordinances may, before or after trial, be confined to the County jail of Monterey County or in the City Prison of Pacific Grove. He shall have such other powers and duties appertaining to his office as may be prescribed by ordinance or by the City Manager, who shall prescribe tests for the examination of applicants for subordinate positions in the Police Department. The salary of the Chief of Police shall be fixed by ordinance.

Section 30.

CHIEF OF THE FIRE DEPARTMENT.

Fire chief.

There shall be a Fire Chief appointed by the City Manager. He shall be head of the fire department of the City and shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby. During the time of a fire he shall have supreme authority over the territory involved therein, and all persons in the immediate vicinity of the fire during such time, including policemen, shall be subject to his orders. He shall appoint and remove all subordinates in the department and make

rules and regulations for the government thereof, subject to the approval of the City Manager.

Section 31.

CITY HEALTH OFFICER.

There shall be a Health Officer appointed by the City Manager. He shall be a person who has been licensed to practice medicine in the State of California, or who has received special training in public health work. He or his deputies shall exercise general supervision over the health and cleanliness of the City, and take all necessary measures for the preservation and promotion thereof. He shall enforce all laws, ordinances, and regulations relative to the preservation and improvement of the public health, including those provided for the prevention of disease, the suppression of insanitary conditions, and the inspection and supervision of the production, transportation, storage and sale of food stuffs.

Section 32.

COMPENSATION.

The Council shall fix the compensation of all officers, also the compensation of all deputies, assistants and employees of all officers appointed by the council. The salaries of all officers shall be fixed by ordinance.

The City Manager shall fix the compensation of all deputies, assistants and employees of all officers appointed by him, subject to the approval of the Council.

No officer or employee shall be allowed any fee, perquisite, emolument, or stipend in addition to, or save as embraced in the salary or compensation fixed for such office by the Council, and all fees received by such officer in connection with his official duties shall be paid by him into the City Treasury.

Section 33.

PENSIONS.

No pensions of any kind or character shall be awarded to any active or retired city official, employee, or member of the police or fire department, unless provided by an initiative ordinance adopted by the electors of the City.

Section 34.

APPOINTMENT AND REMOVAL OF OFFICERS AND EMPLOYEES.

The City Manager, and the Police Judge shall be appointed by the affirmative votes of 5/7 of the Council.

A Board of five Library Trustees, and a Board of five Museum Trustees shall be appointed by the Mayor subject to the confirmation of a majority of the Council.

Except as otherwise provided in this Charter, all other City officers and employees shall be appointed, and may be removed by the City Manager.

The Council may remove any of its appointees by the affirmative votes of a majority of the Council, provided, however, that where appointments have been made for a definite term or for an extended period of time, a month's notice shall

be given the appointee, except in case of removal for cause based upon one or more of the following grounds: Namely, wilful neglect of official duty, gross carelessness in the discharge thereof, misconduct of a disgraceful or scandalous nature, intemperance, malfeasance in office, insanity or conviction of felony.

For such cause the Council may remove by majority vote any of its appointees immediately, but such removal must be accompanied by a verified complaint in writing filed with the City Clerk specifying the cause or causes of removal, and the appointee thus removed shall have the right to demand a public hearing in his own defense under protection of court rules of procedure as regards evidence and testimony.

Section 35.

APPROVING ILLEGAL CLAIMS.

Approving
illegal
claims.

Every officer who shall wilfully and knowingly approve, allow, or pay any demand on the treasury not authorized by law, shall be liable to the City individually and on his official bond for the amount of the demand so approved, allowed, or paid, and shall forfeit his office and be forever disbarred and disqualified from holding any position in the service of the city.

Section 36.

VACANCIES.

Vacancies.

A vacancy in an elective office shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election and until his successor is elected and qualified. Such successor shall be elected for the unexpired term of his predecessor at the general municipal election next succeeding such appointment. Should the Council fail to fill any such vacancy within thirty days after the same occurs, then it shall be filled by appointment by the Mayor; provided, however, that if the offices of a majority, or more, of the Council shall become vacant, then the City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any officer of the City shall remove from the City or absent himself therefrom for more than thirty days consecutively without the permission of the Council, or shall fail to qualify, or shall resign or be convicted of a felony, or be adjudged insane, his office shall thereupon become vacant.

Section 37.

VACATIONS.

Vacations.

All officers and regular employees of the City after serving at least one year as such, shall be entitled to one week's vacation annually. Such vacation shall be at a time to be fixed by the executive head of the Department wherein the officer or employee is serving, and shall be without loss of pay. The City Manager shall fix such vacation periods for the chief

officials and department heads of the City, provided that employees working seven days a week shall be entitled to a vacation of two weeks.

Section 38.

UNIFORM ACCOUNTS AND REPORTS.

The Council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the City which receive or disburse City moneys. Whenever an act shall be passed by the legislature of the State providing for uniform municipal accounts or reports, the City authorities shall be governed thereby.

Uniform
accounts
and reports.

Section 39.

COUNTING THE CITY'S MONEY.

The Mayor, City Clerk and City Manager shall together count the money and other securities in the treasury at least once every three months, and ascertain if the amounts on hand tally with the amounts that should be in the treasury according to the books of the City. They shall make a written report thereof to the Council at its first regular meeting thereafter.

Counting
money and
securities.

Section 40.

MONTHLY FINANCIAL REPORTS.

All officers charged by ordinance with submitting monthly financial reports to the Council, shall submit the same in duplicate, and upon their approval by the Council, one of each of such duplicate reports shall be posted forthwith in the office of the City Clerk in such manner as to be readily accessible to the public, and shall remain so posted until the approval by the Council of the next succeeding financial report when the same procedure shall be followed in relation thereto. The Council, in addition to such posting, may, in its discretion, cause any of such reports to be published at any time.

Monthly
financial
reports.

Section 41.

BUDGET.

Not later than thirty days before the time for fixing the annual tax levy, the City Manager shall submit to the Council an estimate of the expenditures and revenues of the City departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the Manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give in parallel columns the following information:

Budget.

(A) A detailed estimate of the expense of conducting each department as submitted by the department.

(B) Expenditures for corresponding items for the last two fiscal years.

(C) Expenditures for corresponding items for the current fiscal year, including the adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.

(D) Amount of supplies and material on hand at the date of the preparation of the invoice.

(E) Increase or decrease of requests compared with the corresponding appropriations for the current year.

(F) Such other information as is required by the Council or that the Manager may deem advisable to submit.

(G) The recommendation of the Manager as to the amounts to be appropriated with reasons therefor in such detail as the Council may direct.

Sufficient copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the City Clerk for inspection by the public, unless the council shall publish the same in the official newspaper.

After duly considering the estimate as presented in the budget the Council shall pass an ordinance levying the annual tax.

Section 42.

INVENTORY OF CITY PROPERTY.

Inventory
of city
property

At the time for preparing and submitting the budget, as prescribed by this Charter, a complete inventory of all real and personal property belonging to the City shall be prepared and filed with the City Clerk, and such inventory shall be submitted to the Council by the City Manager at the time of the submission of the annual budget. Such inventory shall be prepared under the direction of the City Manager, and all chief officials and department heads of the City shall be responsible for making and transmitting to the City Manager a full and correct inventory of all City personal property in their possession or under their control.

Section 43.

THE FISCAL YEAR.

Fiscal year.

The fiscal year of the city shall commence on the first day of July of each year, or at such other time as may be fixed by ordinance.

Section 44.

TAXATION.

Taxation.

Except as otherwise herein provided, the Council, by ordinance, shall provide a system for the assessment, levy, collection, and equalization of taxes, which, as nearly as may be shall conform to the system provided by the general laws of the state; provided, that all sales for delinquent taxes shall be made to the City of Pacific Grove. Should the Council fail to fix the tax rate within the time prescribed, then the tax rate for the previous year shall constitute the rate for the current year.

Section 45.

ASSESSMENT ROLL.

Assessment
roll.

On or before the first Monday in August of each year, the City Assessor shall make out a list of all the taxable property within the city, which list, or assessment roll for the city, shall describe the property assessed and the value thereof, and shall contain all other matter required to be stated in such

list by ordinance. The Assessor shall verify said list by his oath, shall attach his certificate thereto and deliver the same to the Council. Thereupon, by publication in the official newspaper of the city, the City Clerk shall give notice of the meeting of the Council as a Board of Equalization.

Section 46.

BOARD OF EQUALIZATION.

The Council shall meet at its usual meeting place on the second Monday in August of each year at ten o'clock in the A.M., and sit as a Board of Equalization, and shall continue in session by adjournment from day to day until all returns of the Assessor have been rectified and assessments equalized. The Board of Equalization shall have the power to hear complaints, to take testimony under oath, and to correct, modify, strike out, or raise any assessment, provided that notice shall first be given to anyone whose assessment it is proposed to raise.

Board of
equalization.

Section 47.

LICENSE TAX.

The Council shall, by ordinance fix a license tax for the purpose of regulation and revenue, on businesses, professions, trades, callings and occupations carried on within the limits of the City of Pacific Grove.

License tax.

Section 48.

ANNUAL TAX LEVY.

The Council must finally adopt, not later than the first regular meeting in September, an ordinance levying upon the assessed valuation of all property in the city, a rate of taxation sufficient to raise the amounts estimated to be required in the annual budget and as herein provided, less the amounts estimated to be received from fines, licenses and other sources of revenue. The Council shall then deliver the assessment roll to the City Clerk, who shall thereupon compute and carry out the amount of the tax so levied on each parcel of property contained in the assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the City Clerk, as being the assessment roll of said tax.

Annual
tax levy.

Section 49.

LIMIT AND APPORTIONMENT OF THE TAX LEVY.

The tax levy authorized by the Council to meet the municipal expenses for each fiscal year shall not exceed the rate of One Dollar on each One Hundred Dollars of the assessed valuation of the real and personal property within the city, except as in this Charter otherwise provided. The moneys collected from such levy shall be placed in the general fund of the city and may be apportioned in separate funds as determined by the Council. No transfer of money shall be made from one fund to another, except of balance in excess of the amount required in a fund or from the general fund to

Limit and
apportion-
ment of
tax levy.

meet deficiencies, or to provide for the redemption of city bonds.

The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended, provided that no increase over said limit, except as herein prescribed, shall be made in any fiscal year, unless authorized by ordinance adopted by the vote of the electors of the city.

Section 50.

SPECIAL TAX LEVY.

Special
tax levies.

The Council shall have power to levy and collect additional taxes sufficient to pay interest on the bonded indebtedness of the City and to pay and maintain the sinking fund thereof, and for the following purposes only:

(A) For the maintenance and support of a free public library in accordance with the provisions of the state law.

(B) For the maintenance and support of a Free public museum in accordance with the provisions of the state law.

(C) For the acquisition and (or) construction, as the case may be, of permanent public improvements, or real property, of public buildings and structures including equipping and furnishing the same, and the tax levied for any and all such purposes combined shall not exceed one and one-half mills on each dollar of the assessed valuation of the real and personal property within the city, and no such acquisition or construction shall be charged against the general tax levied to meet current municipal expenses for each fiscal year.

Section 51.

TAX LIENS.

Tax liens.

All taxes and assessments levied, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March of each year, and may be enforced by actions to foreclose such liens in any court of competent jurisdiction, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided that when real estate is offered for sale for city taxes thereon, the same shall be sold to the city in like case and manner, and with like effect and right of redemption as it may be struck off and sold to the State when offered for sale for County taxes; and the Council shall have power to provide by ordinance for the procedure to be followed in such sales to the city and redemption thereafter.

Section 52.

DEPOSIT OF CITY MONEYS.

Deposit of
city moneys.

All moneys collected for the city by any officer or department thereof shall be paid daily if possible, into the treasury

on designation by the City Manager, for the benefit, and to the credit of the funds to which such moneys severally belong.
Section 53.

PAYMENT OF CITY MONEYS.

Money shall be drawn from the treasury only upon war-
rants as herein prescribed. Every demand against the city,
from whatever source, must be presented to the City Manager.
Demands against the free public library or the Museum shall
first be signed by the president and clerk of the board of
trustees thereof. The City Manager shall satisfy himself
whether the money demanded is legally due and its payment
authorized by law. If he allows the demand he shall endorse
thereon the word "allowed" and sign his name thereto. It
shall thereafter be presented to the City Council and if by
them allowed shall be signed by the Mayor and City Clerk,
and a warrant, numbered and dated the same as the demand,
issued and signed by the same officers shall be drawn upon the
treasurer. No demand shall be allowed, approved or paid
unless it shall specify each item of the claim and the date
thereof.

Payment of
demands
and salaries.

Provided, however, that warrants for salaries, fixed by ordinance, of officers and offices specifically created by this Charter shall be allowed by the City Manager and paid regularly from the treasury without the necessity of any demand therefor or approval thereof as in this section prescribed for other claims, and at such time, not in conflict with this Charter, as may be prescribed by ordinance.

Section 54.

EXPERT ACCOUNTANT.

The Council shall employ a certified or a thoroughly qualified
public accountant annually to investigate the transactions and
accounts of all officers or employees having the collection,
custody or disbursement of public money or property, or the
power to approve, allow or audit demands on the treasury.

Expert
accountant.

Section 55.

FRANCHISES.

Every franchise or privilege to construct, maintain, or oper-
ate any means or method of transportation on or over any
street, lane, alley, or other public place within the city, or to
lay pipes or conduits, or erect poles or wires or other struc-
tures in or across any such public way or place, for the trans-
mission of gas, electricity, or other commodity, or for the use
of public property or places now or hereafter owned by the
city, shall be granted under and in pursuance of the general
laws of the state relating to the granting of franchises, pro-
vided: no new franchise or the renewal of an existing franchise
shall be granted except upon the condition that at least two
per cent (2%) of the gross annual receipts derived from the
use of such franchise shall be paid to the city. In all cases
the applicant for a franchise shall advance the cost of adver-
tising the same.

Franchises.

Every such franchise shall require the grantee thereof to agree to a joint use of its property with others wherever practicable, and nothing herein shall be construed as prohibiting the Council from requiring other conditions in granting the same not inconsistent with the constitution and general laws of the State. No franchise or privilege so granted shall be sold, leased, assigned, or otherwise alienated, without the express consent of the Council given by ordinance and subject to the referendum.

Section 56.

CONTRACT WORK.

Contract
work.

In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in furnishing any supplies or materials for the same, when the expenditure required for the same shall exceed the sum of five hundred dollars, the same shall be done by contract and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper; and security for the due execution and performance of any such contract may be required by the bidder and successful contractor, respectively. The detailed procedure for carrying out the provisions of this section shall be prescribed by ordinance.

Provided, that the Council may reject any and all bids presented and may re-advertise in their discretion, and provided further, that after rejecting bids the Council may declare and determine by a five-sevenths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

Provided further, that in case of a great public calamity, such as an extraordinary fire, flood storm, epidemic or other disaster, the Council may, by resolution passed by a vote of five-sevenths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed to expend, or enter into a contract involving the expenditure of any sum required in such emergency, on hand in the city treasury and available for such purpose.

Section 57.

STREET IMPROVEMENTS.

Street im-
provements.

1. Proceedings for all public improvements which are to be paid for by assessment upon private property, shall be according to the general laws of the state, provided, however, that if within the time for making objections, as fixed by the resolution of intention, the owners of record of a Majority of the frontage of the property to be assessed shall file with

the Council a written objection to the making of such improvement, signed by such owners, no further proceedings shall be had under such resolution of intention, nor shall any new proceedings for such improvement be initiated by the Council within twelve (12) months from the filing of such objection.

If there be included in one proceeding several distinct improvements, the objection hereinabove referred to may be directed to any of said propositions, in which event such objection need be signed by the owners of a Majority of the frontage of the property to be assessed for such distinct improvement only; provided, further, that whenever any resolution of intention includes the paving of a street, the owners of a majority of the front footage of the property to be assessed therefor, shall have the right to determine the character and kind of pavement to be constructed, and the Council shall be bound by such determination upon receiving notice in writing thereof, signed by such majority.

Section 58.

ILLEGAL CONTRACTS.

No member of the Council, or of any board, and no officer of the City shall be or become directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the city treasury, nor receive any gratuity or advantage from any contract or person furnishing labor or material for the same. Any contract with the City in which any such officer is or becomes interested may be declared void by the Council.

Illegal
contracts

No officer or employee of the City shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price or rate than that proposed by any other bidder, or favor one bidder over another, giving or withholding information, or wilfully mislead any bidder in regard to the character of the materials or supplies called for, or knowingly accept materials or supplies of a quality inferior to that called for by the contract, or knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material, or supplies than has actually been received. Any officer or employee violating any of the foregoing provisions of this section shall be guilty of a misdemeanor and be automatically expelled from his office or employment.

If at any time it shall be found that the person, firm or corporations to whom a contract has been awarded by the City has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall, if the City so elect, be null and void and the contractor and his bondsmen shall be liable to the City for all loss or damage which the City may suffer thereby. In such event the Council may advertise for new bids for said work or supplies.

Section 59.

CITY PLANNING BOARD.

City planning
board.

There shall be a city planning board of three members, consisting of the Councilman officially interested in the City parks and two citizen members appointed by the Council because of their knowledge of City planning, and serving without remuneration. It shall be the duty of such board to make studies and recommendations for the improvements of the City with a view to the present and future movement of traffic, the convenience, amenity, health, recreation, general welfare, and other needs of the City dependent on the City plan. All acts of the Council or any other branch of the City government affecting the city plan shall be submitted to the board for report and recommendations. The board shall submit to the Council an annual report summarizing the activities of the board for the fiscal year, and presenting a plan for civic improvement year by year during the three years next ensuing, with estimates of the cost thereof and recommendations relative to meeting the cost. It shall be the particular duty of the City Manager to call the needs of the City to the attention of the Planning Board, and of the City Engineer to make recommendations designed to bring all engineering work of the city into harmony as parts of a comprehensive plan. The Health Office shall advise the Planning Board of municipal improvements which would improve the healthfulness of the City.

Section 60.

PUBLIC LIBRARY.

Public
library.

The free public library of the City shall be managed under and in accordance with the provisions of the general laws of the State relating to free public libraries. The salaries and compensations of all officers and employees appointed by the Board of Library Trustees shall be paid out of the moneys received by the City from the special levy for the maintenance and support of a free public library.

Section 61.

PUBLIC MUSEUM.

Public
museum.

The free public museum of the City shall be managed under and in accordance with the provisions of the general laws of the State relating to free public museums. The salaries and compensation of all officers and employees appointed by the Board of Museum Trustees shall be paid out of the moneys received by the city from the special levy for the maintenance and support of a free public museum.

Section 62.

EQUIPMENT.

Equipment.

The City of Pacific Grove is hereby empowered to supply all officers and employees thereof with tools, equipment, books, records, and other personal property necessary to discharge properly the duties of their respective offices and employments, and it shall be the duty of the City Manager to

acquire or purchase the same at his own discretion, or on advice of the City Council in behalf of offices over which the Council exercises appointing power.

Section 63.

OFFICIAL RECORDS.

All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office, provided, the records of the police department shall not be subjected to such inspection except by permission of the proper police authorities. Official records.

Copies or extracts, duly certified, from said books and records open to inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering an established charge.

All officers and boards shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments, in their possession or under their control.

Section 64.

CONTINUING OFFICERS AND EMPLOYEES.

Until the election or appointment and induction into office of the officers and employees in this Charter provided for, the present officers and employees shall without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by existing ordinances or laws. Incumbents

Section 65.

CONTINUING ORDINANCE IN FORCE.

All lawful ordinances, resolutions, and regulations in force at the time this Charter shall take effect, and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded. Ordinances in force

Section 66.

NEWSPAPER ADVERTISING AND PRINTING.

The Council shall advertise annually for the submission of sealed proposals or bids from all newspapers of general circulation in the City, for the publication of all ordinances and other legal notices required to be published. The newspaper to which such contract is awarded shall be known and designated as the Official Newspaper. The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character. Newspaper advertising and printing.

The Council shall also advertise annually for sealed proposals or bids for printing and furnishing all letterheads, stationery, tax bills, account books and other printed matter likely to be required during the fiscal year.

Contracts for advertising or printing, as the case may be, shall be awarded to the lowest responsible bidder.

Section 67.

WHEN CHARTER EFFECTIVE.

Effect.ve

This Charter shall go into effect upon its approval by the Legislature. All elective officers in office at the time this Charter becomes effective shall hold, and perform the duties of their respective offices in accordance with the provisions of this Charter until their successors are elected and qualified.

Whereas, The City of Pacific Grove, a city of more than three thousand, five hundred (3,500) inhabitants, did on the tenth day of January, 1927, hold a special election under and pursuant to the provisions of Section 8 of Article XI, of the Constitution of the State of California, and did thereat choose and elect Lillian G. Ayres, Edward Berwick, Reeve Conover, George H. Ehmann, Walter K. Fisher, W. R. Holman, George Moser, Julia B. Platt, John P. Pryor, Edward Simpson, Eben Cooke Smith, Benjamin F. Sowell, Bertha L. Strong, Lew H. Wilson and Thomas A. Work as a board of Fifteen Freeholders to prepare and propose a charter for said city.

Be it known that in pursuance of said provisions of the Constitution of the State of California, and within a period of thirty days after such election, we, the undersigned members of the said board of freeholders have prepared and do hereby propose the foregoing Charter as and for the Charter of the City of Pacific Grove, and do fix the ninth (9th) day of April, 1927 as the date for holding a special municipal election in said city at which the said proposed charter shall be submitted to the electors thereof for their ratification and adoption.

EDWARD BERWICK, President of the Board of Freeholders.

LILLIAN G. AYERS, Secretary of said Board.

GEORGE MOSER

THOMAS A. WORK

JULIA B. PLATT

ED SIMPSON

BERTHA L. STRONG

LEW H. WILSON

GEORGE H. EHMANN

EBEN COOKE SMITH

WALTER K. FISHER

JOHN P. PRYOR

WILFORD R. HOLMAN.

We, W. J. Gould, President of the Board of Trustees of The City of Pacific Grove, a municipal corporation of the State of California, and E. S. Johnston, City Clerk of The City of Pacific Grove, do hereby certify that the foregoing is a full, true and correct copy of the proposed charter of The City of Pacific Grove as prepared and proposed by a board of fifteen freeholders thereof, which said Board of Freeholders was elected by the electors of said city at a special election held on the 10th day of January, 1927; and

We do hereby further certify that at a special election duly called and held in The City of Pacific Grove on the 9th day of April, 1927, the proposed charter, of which the foregoing is a copy, was ratified, adopted and approved by the electors of said city.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the seal of said city this 12th day of April, 1927.

W. J. GOULD,

President of the Board of Trustees of The City of Pacific Grove.

E. S. JOHNSTON,

City Clerk of The City of Pacific Grove.

[SEAL]

CERTIFICATE.

I, the undersigned City Clerk of The City of Pacific Grove Certificate. do hereby certify the foregoing charter was signed by a majority of the Board of Freeholders of The City of Pacific Grove elected by the electors of the said city at a special election held on the 10th day of January, 1927, and was filed in my office on the 24th day of January, 1927.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said city this 12th day of April, 1927.

E. S. JOHNSTON,

City Clerk of The City of Pacific Grove.

[SEAL]

WHEREAS, Said charter has been submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with section 8, article XI, of the constitution of the State of California, now therefore, be it Approval by Legislature

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, that the said charter so prepared, proposed, and adopted and ratified by a majority of the qualified electors of said city of Pacific Grove, as hereinabove set forth, be and the same is hereby approved as the charter of said city of Pacific Grove.

CHAPTER 55.

Senate Concurrent Resolution No. 27—Approving a certain amendment to the charter of the city of Santa Rosa, a municipal corporation in the county of Sonoma, State of California, voted for and ratified by the electors of said city at the special municipal election, held therein, on the tenth day of March, nineteen hundred twenty-seven.

[Filed with Secretary of State April 22, 1927.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of one certain amendment hereinafter set forth to the charter of the city of Santa Rosa, a municipal corporation in the county of Sonoma, State of California, as set out in the certificate of the mayor and city clerk of the city of Santa Rosa as follows: Santa Rosa city charter amendment

State of California, }
County of Sonoma, } ss.
City of Santa Rosa. }

We, the undersigned, John P. Overton, Mayor of the City of Santa Rosa, and C. B. Reid, City Clerk of said City of

NOTE —See also resolutions, chapter 40.

Santa Rosa
city charter
amendment
(cont'd).

Santa Rosa and ex-officio clerk of the city council thereof, do hereby certify and declare as follows:

That the City of Santa Rosa is now and at all times herein referred to was a municipal corporation duly organized and existing in the County of Sonoma, State of California, and containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Santa Rosa was organized and existing under a freeholders charter adopted under the provisions of Section eight Article eleven of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified voters of said city at a special election held for that purpose on the 13th day of September, 1904, and approved, ratified and adopted by the legislature of the State of California on the 3rd day of September, 1905, which charter was amended by amendments thereto duly adopted and ratified by a majority of the qualified electors of said city on the 4th day of April, 1916, and approved by the legislature of the State of California on the 27th day of January, 1917, and by further amendments duly adopted and ratified by a majority of the qualified electors of said city on the 4th day of January, 1921, and approved by the legislature of the State of California, on the 24th day of January, 1921; and is now governed and organized and existing under a freeholders charter adopted under the provisions of said section eight article eleven of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified voters of said city at a special election held for that purpose therein on November 7, 1922, and approved and ratified and adopted by the legislature of the State of California on the 29th day of January, 1923.

That pursuant to the provisions of section eight article eleven of the Constitution of the State of California, the city council of said City of Santa Rosa, which was then and there the legislative body of said city, did by resolution adopted January 25, 1927, by a two-thirds vote of all its members, to-wit, by the unanimous vote of all its members, duly propose a certain amendment to its existing charter, to-wit, the Charter Amendment No. 1 hereinafter set forth, to the voters of said city for ratification, and did then and there submit the said charter amendment to the voters of said city for ratification at a special election to be held therein on the 10th day of March 1927, which date was then and there fixed in said resolution as the date for holding said special municipal election;

That said Charter Amendment No. 1 was on January 26, 1927, duly published in the Santa Rosa Republican, a daily newspaper of general circulation in said City of Santa Rosa, it being the newspaper designated therefor by said council;

that said city council caused copies of said proposed amendment to be printed in convenient pamphlet form, and kept in the office of the city clerk of said city, and did until the date for the election fixed upon said charter amendment advertise in said Santa Rosa Republican and in the Santa Rosa Press Democrat, daily newspapers published in said city, a notice that such copies might be had upon application therefor, the first publication thereof being on the third day of February, 1927;

Santa Rosa
city charter
amendment
(cont'd).

That said election was held on the 10th day of March, 1927, and at said election 765 votes were cast and 765 voters voted thereat, of which number 511 voters voted and 511 votes were cast in favor of the adoption and ratification of said Charter Amendment No. 1, and 254 voters voted and 254 votes were cast against the adoption and ratification of said Charter Amendment No. 1; that said vote was duly canvassed by said council on Tuesday, the 15th day of March, 1927, in the manner provided by law, and a statement thereof was duly entered in the minutes of said council, and it then appeared and was found by said council and by it then and there duly declared that a majority of the qualified electors voting thereon at said election voted in favor of such proposed Charter Amendment No. 1 and for the ratification and adoption thereof.

That said Charter Amendment No. 1 to the existing Charter of said city, so prepared, proposed, filed and ratified, as herein set forth, together with the certificate and signature of said City Clerk attached thereto, are in words and figures as follows, to-wit.

First Publication Jan. 26 1927

CHARTER AMENDMENT NO. 1

SANTA ROSA, CALIFORNIA

Election March 10, 1927

Amending section 46 of the charter of the City of Santa Rosa, County of Sonoma, State of California, so as to provide therein a method whereby the voters of said city may authorize the expenditure of money raised by the sale of bonds of said city for purposes other than those for which said bonds were voted, after resolution by the council of said city that the expenditure of such money for the purpose for which said bonds were voted is deemed impracticable and unwise, and whereby the moneys so raised may be expended in conformity with such authorization of the voters of said city.

Said amendment is proposed by the Council of the City of Santa Rosa and submitted to the voters of said City for ratification at a special election to be held therein March 10, 1927, and in words and figures is as follows:

That section 46 of said charter be amended to read as follows:

Sec. 46. Bond Money. All moneys derived from the sale of bonds, including premiums and accrued interest, shall be

Bond money.

Santa Rosa
city charter
amendment
(cont'd).

applied only to the purposes for which the bonds were voted; provided, that after such purposes have been fully completed and paid for, any remaining surplus shall be transferred to the bond interest and redemption fund, and provided further, that whenever the council shall by resolution deem the expenditure of money raised by the sale of bonds for the purpose for which said bonds were voted to be impracticable or unwise, said council may call a special election to obtain the consent of the people of said city to use said money for some other specified municipal purpose, in which case the resolution calling such special election shall recite the new object or purpose for which the said money is proposed to be expended, and shall fix the date on which such special election will be held, the manner of holding such election and the voting for or against the expenditure of said money for said purpose, and in all particulars not recited in said resolution such election shall be held as provided by law for holding of such municipal elections.

Such resolution shall be published once a day for at least seven (7) days in some newspaper published at least six days a week in the City of Santa Rosa, or once a week for two weeks in some newspaper published therein less than six days a week, and one insertion each week for two succeeding weeks shall be a sufficient publication in such newspaper published less than six days per week. No other notice of such election need be given. It shall require the votes of two-thirds ($\frac{2}{3}$) of the voters at such special election to authorize the expenditure of the money for the purpose mentioned in the resolution calling such special election.

If by such vote the voters authorize the expenditure of such money for the purposes mentioned in said resolution calling such election, then the council may expend such moneys for the purposes so specified and after such purposes have been fully completed and paid then any remaining surplus shall be transferred to the bond interest and redemption fund.

I, C. B. Reid, city clerk of the City of Santa Rosa, and ex-officio clerk of the said council of said city, do hereby certify the foregoing to be a full, true and correct copy of a charter amendment proposed by the council of said city and ordered submitted to the voters of said city at a special election to be held therein on Thursday, the tenth day of March 1927, by order passed by said council at a regular meeting thereof duly held on the twenty-fifth day of January, 1927.

Witness my hand and the official seal of said city this twenty-sixth day of January, 1927.

C. B. REID,

[SEAL]

City Clerk and ex-officio clerk of the
council of said city.

We do hereby further certify that the foregoing constitutes Certificate a full, true and correct copy of the said Charter Amendment No. 1 as prepared and proposed by said City Council, and ratified by the voters of said City of Santa Rosa, and the same is hereby submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with section eight article eleven of the Constitution of the State of California.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the seal of the City of Santa Rosa, this nineteenth day of March, 1927.

[SEAL]

JOHN P. OVERTON,
Mayor of the City of Santa Rosa.

C. B. REID,
City Clerk of the City of Santa Rosa.

AND WHEREAS, The said proposed amendment so ratified as hereinbefore set forth has been and is now duly submitted and presented to the Legislature of the State of California for approval or rejection as a whole without power of alteration, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it Approval by Legislature.

Resolved by the Senate, the Assembly concurring, A majority of the members elected to each house voting therefor and concurring therein, said amendment to the charter of the city of Santa Rosa as proposed to, and adopted and ratified by the electors of said city, and as hereinabove fully set forth, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as a part of the charter of the said City of Santa Rosa.

CHAPTER 56.

Assembly Concurrent Resolution No. 26—Approving four certain amendments to the charter of the city of Compton, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eighteenth day of March, one thousand nine hundred twenty-seven.

[Filed with Secretary of State April 22, 1927.]

WHEREAS, The city of Compton, in the county of Los Angeles, State of California, contains a population of over six thousand inhabitants, and has been ever since the year 1925, and now is organized and acting under a freeholders' charter, adopted under and by virtue of section 8 of article XI of the constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at a special election held for that purpose on the ninth day of December, 1924, and approved by the Legislature Compton city charter amendments.

Compton
city charter
amendments
(cont'd).

of the State of California (statutes of 1925, page 1212), and by resolution of said Legislature filed with the secretary of state of the State of California, the twenty-seventh day of January, 1925 (statutes of 1925, page 1212); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of the city of Compton, as set out in the certificate of the mayor and the city clerk of said city of Compton, to wit:

CERTIFICATE OF RATIFICATION BY THE QUALIFIED ELECTORS OF THE CITY OF COMPTON AT A SPECIAL MUNICIPAL ELECTION HELD THEREIN ON THE 18TH DAY OF MARCH, ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF COMPTON, STATE OF CALIFORNIA.

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.
CITY OF COMPTON }

WE, C. A. Dickison, Mayor of the City of Compton, and Maude Hecock, City Clerk of the City of Compton, do hereby certify as follows:

That said City of Compton, in the County of Los Angeles, State of California, is now and was at all the times herein mentioned a City containing more than Thirty-five Hundred inhabitants as ascertained by a census duly taken by the said City of Compton, under the provisions of Act 555 of the General Laws of the State of California; and

That said City of Compton is now and was at all the times herein mentioned organized and existing under a freeholder's Charter, adopted under the provisions of Section Eight of Article Eleven of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a special election held therein on the 9th day of December, 1924 and approved by the Legislature of the State of California (Statutes of 1925, Page 1212), and by Resolution of said Legislature filed with the Secretary of State of the State of California, on the 27th day of January, 1925 (Statutes of 1925, Page 1212); and

That pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the Legislative body of said city, namely: the City Council of said City did on its own motion and pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, duly propose to the electors of said City of Compton Five amendments to the Charter of said City, and ordered that said amendments be submitted to said electors of said City at a special municipal election to be held in said City on the 18th day of March, One Thousand Nine Hundred Twenty-seven; and

That said Five proposed amendments were, and each of them was on the 25th day of January, 1927, duly published in the "Compton News-Tribune" a newspaper of general circulation, published in said City of Compton, and the official newspaper of said City, and the newspaper designated by said City Council for that purpose;

That said proposed amendments were printed in convenient pamphlet form and from the 28th day of January, 1927, to the 18th day of March, 1927, both inclusive, a Notice was published in said "Compton News-Tribune" that such copies could be had upon application therefor at the office of the City Clerk of said City; and

That said City Council did by Ordinance designated as Ordinance No. 213, which was duly adopted on the 15th day of February, 1927, order the holding of a special municipal election in said City of Compton on the 18th day of March, 1927, which date was more than Forty (40) days and less than Sixty (60) days after the completion of the publication of said Five proposed amendments to the Charter of the City of Compton, as aforesaid, and which Ordinance was published at least Ten (10) successive days prior to said election in the "Compton News-Tribune", the official newspaper of the City of Compton, and a newspaper of general circulation and published in said city, and was posted in three conspicuous places in the City of Compton;

That said special municipal election was held in said City of Compton on said 18th day of March, One Thousand Nine Hundred Twenty-seven, which date was more than Forty (40) days and less than Sixty (60) days after said proposals of amendments to the Charter of the City of Compton had been published once in said "Compton News-Tribune", as aforesaid, which said election was held after the Six months next preceding a regular session of the Legislature, and before the adjournment of that session;

That at said special municipal election held as aforesaid on said 18th day of March, 1927, a majority of the qualified voters of said City of Compton voting thereon voted in favor of Four of said proposals of amendments to the Charter of the City of Compton, and duly ratified the same.

That said proposals of amendments to the Charter of the City of Compton so ratified as aforesaid were and are Amendments Numbers One, Two, Four and Five, and that all other amendments received less than the majority of the votes of the qualified voters voting thereon, and were rejected; and

That the City Council of the City of Compton after duly canvassing the returns of said special municipal election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters of said City of Compton voting thereon, had voted in favor of and ratified said proposals of Amendments to the Charter of the City of Compton, known as Amendments Numbers One, Two, Four and Five; and

That a majority of the qualified voters of said City of Compton voting thereon had voted against and rejected proposal of Amendment to the Charter of the City of Compton, known as Amendment Number Three; and that said proposals of amendments to the Charter of the City of Compton ratified by the Electors of said City, as aforesaid, are in words and figures as follows to-wit:

AMENDMENT NUMBER I TO THE CHARTER OF THE CITY OF COMPTON AMENDING SECTION SEVEN OF ARTICLE FOUR OF THE CHARTER OF THE CITY OF COMPTON, AS FOLLOWS:

Qualifica-
tions.

SECTION 7. QUALIFICATIONS: Unless specifically stated to the contrary; all officers of the City of Compton, whether elective or appointive, and all assistants, deputies, clerks, attaches or other employes, shall be bona fide residents of the City of Compton, or territory legally annexed thereto, preceding the day of their election or the date of their appointment; and on such day or date be qualified electors of the city: Provided that should no suitable applicant be found within the City, an appointment may be made from the applicants residing without the City; provided further that if such latter appointment be made the employe shall at the discretion of the Council become a resident of the City. The Board of Education shall be bona fide residents of Compton Grammar School District. The City Manager may be chosen from outside the city, but must agree to take up his residence within the city upon his appointment. No officer, assistant, deputy, clerk, attache, or other employe shall be in litigation against the City when elected or appointed. All elective officers must be at least 25 years of age and have been a resident of Compton at least one year previous to filing nomination petitions.

AMENDMENT NUMBER II TO THE CHARTER OF THE CITY OF COMPTON AMENDING SECTION SEVEN OF ARTICLE TWENTY-TWO OF THE CHARTER OF THE CITY OF COMPTON, AS FOLLOWS:

Tax rate.

SECTION 7. TAX RATE: The total tax rate for any one year shall not exceed one per cent of the assessed valuation, unless a special tax be authorized, as provided in this charter; and the proceeds of any such special tax shall be used for no other purpose than that specified for which it was voted; provided, however, that in addition to said one per cent there shall be included in every annual levy, a sufficient amount to cover all liabilities of the city for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year and not otherwise provided for; provided further that in addition to the taxes above mentioned, there shall be levied a tax not exceeding one-tenth of one per cent of the assessed valuation for the library fund; provided, further, that in addition to the taxes above mentioned,

the Council may levy a tax of not to exceed one-tenth of one per cent of the assessed valuation for parks, playgrounds and recreation centers. Provided further that in addition to the taxes above mentioned the Council may levy a tax of not to exceed one-tenth of one per cent of the assessed valuation for the following purposes: Reception and entertainment of public guests, assistance of public celebrations, fairs and exhibitions, to aid or carry on the work of inducing immigration to the city; to exhibit manufactured and other products of the city, and generally for the purpose of advertising the city. If the Council shall fail to fix the tax rate at the proper time the rate for the preceding fiscal year shall be adopted and used.

AMENDMENT NUMBER FOUR TO THE CHARTER OF THE CITY OF COMPTON AMENDING SUBDIVISION TWO OF SECTION I OF ARTICLE TWENTY-FIVE OF THE CHARTER OF THE CITY OF COMPTON, AS FOLLOWS:

SECTION I, Subdivision 2: The City Manager shall exercise supervision and control over all departments of the city, except the City Attorney, City Clerk, the Police Judge, the Library Board, the Board of Education and the City Treasurer.

Duties of manager.

AMENDMENT NUMBER FIVE TO THE CHARTER OF THE CITY OF COMPTON AMENDING SECTION 31 OF ARTICLE TWENTY-SIX OF THE CHARTER OF THE CITY OF COMPTON, AS FOLLOWS:

SECTION 31. The Board of Police and Fire Commissioners shall consist of the City Manager and the City Council.

Police and fire commissioners. Certificate

That the foregoing is a full, true and correct copy of said proposals of amendments to the Charter of the City of Compton, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of the said City of Compton.

IN WITNESS WHEREAS, C. A. Dickison, Mayor, as aforesaid, and Maude Hecock, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Compton to be thereunto affixed, on this 22 day of March, One Thousand Nine Hundred Twenty-Seven.

C. A. DICKISON,
Mayor of the City of Compton.

[SEAL]

MAUDE HECOCK,
City Clerk of the City of Compton.

WHEREAS, Said proposals of amendments to the charter of the city of Compton, ratified by the electors of said city, as aforesaid, have been submitted to the Legislature of the State of California for approval or rejection, without alteration or amendment in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Approval by Legislature

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members

elected to each house voting therefor, and concurring therein, That said proposals of amendments to the charter of the city of Compton ratified by the electors of said city, as afore-said, as presented to, adopted and ratified by the qualified electors of said city of Compton, as hereinabove fully set forth, be and the same are, and each of them is, hereby approved as a whole, without amendment or alteration, as amendments to and as a part of the charter of the city of Compton.

CHAPTER 57.

Assembly Joint Resolution No. 10—Relative to memorializing and petitioning the President of the United States and congress to establish by proper legislation a bureau or department of publicity.

[Filed with Secretary of State April 22, 1927.]

Federal
publicity
bureau

WHEREAS, The subject of "see America first" and the establishment of a department of publicity for the purpose of properly advertising the United States and "selling America to Americans" is an important matter in these days of extensive advertising directing the attention of Americans to Europe and points outside of the United States; now, therefore, be it *Resolved by the Assembly and Senate, jointly*, That the Legislature of the State of California hereby petitions the President of the United States and congress to enact legislation, and to use their utmost endeavors for the immediate passage of laws for the

1. Establishment of a bureau of publicity under the direction of the department of the interior for our forty-eight states and territories to encourage travel in America and to educate people to travel in America, by carrying on and conducting a publicity campaign by advertising in this and other countries the scenic wonders, climate, highways, resources, lakes, rivers, inland waterways, places of historic interest, national parks, national forests, national monuments, ice caves, overland and other cross country trails and Indian mounds.

2. Establishment of numerous automobile highways from the Atlantic to the Pacific and from the Gulf to the Great Lakes and also paved highways from national parks to national parks, with government appropriation for the development of these highways; and be it further

Resolved, That the chief clerk of the Assembly be and he is hereby directed to send copies of this resolution to the President of the United States and to each member of the senate and the house of representatives of the United States.

CHAPTER 58.

Assembly Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section twenty-two of article four thereof, relating to state aid to certain physically handicapped persons.

[Filed with Secretary of State April 22, 1927.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its forty-seventh session commencing on the third day of January, 1927, two-thirds of all the members elected to each of the two houses of the said Legislature voting in favor thereof, hereby proposes to amend section 22 of article IV of the constitution to read as follows:

Proposed
constitu-
tional
amendment

Sec. 22. No money shall be drawn from the treasury but in consequence of appropriation made by law, and upon warrants duly drawn thereon by the controller; and no money shall ever be appropriated or drawn from the state treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the state as a state institution, nor shall any grant or donation of property ever be made thereto by the state; *provided*, that notwithstanding anything contained in this or any other section of the constitution, the Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided*, that the Legislature shall have power to grant aid to needy physically handicapped persons not inmates of any institution under the supervision of the state department of institutions and supported in whole or in part by the state or by any institution supported in whole or part by any political subdivision of the state; *provided, further*, that the state shall have at any time the right to inquire into the management of such institutions; *provided, further*, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances, or needy physically handicapped persons not inmates of any institution under the supervision of

State aid

the state department of institutions and supported in whole or in part by the state or by any institution supported in whole or part by any political subdivision of the state, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church, or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

CHAPTER 59.

Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to section fourteen of article one of the constitution of said state, relating to the rights of private property.

[Filed with Secretary of State April 25, 1927.]

Proposed
constitu-
tional
amendment.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its forty-seventh regular session, commencing on the third day of January, 1927, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 14 of article I of the constitution be amended to read as follows:

Rights of
private
property.

Sec. 14. Private property shall not be taken or damaged for public use without just compensation having first been made to, or paid into court for, the owner, and no right of way shall be appropriated to the use of any corporation, except a municipal corporation or a county or the state until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefits from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law; *provided*, that in an action in eminent domain brought by the state, or a county, or a municipal corporation, or a drainage, irrigation, levee, or reclamation district, the aforesaid state or political subdivision thereof or district may take immediate possession and use of any right of way required for a public use whether the fee thereof or an easement therefor be sought upon first commencing eminent domain proceedings according to law in a court of competent jurisdiction and thereupon giving such security in the way of money deposited as the court in which such proceedings are pending may direct, and in such amounts as the court may determine to be reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for such taking and any damage incident thereto, including damages sustained by reason of an adjudication that there is no necessity for taking the

property, as soon as the same can be ascertained according to law. The court may, upon motion of any party to said eminent domain proceedings, after such notice to the other parties as the court may prescribe, alter the amount of such security so required in such proceedings. The taking of private property for a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for a public use, and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon and thereby become a common carrier.

CHAPTER 60.

Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section seven of article one thereof, relating to trial by jury.

[Filed with Secretary of State April 26, 1927.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its forty-seventh session, commencing on the third day of January, 1927, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to amend section 7 of article I of the constitution to read as follows:

Sec. 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three-fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases, by the consent of both parties, expressed in open court by the defendant and his counsel, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court.

CHAPTER 61.

Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending sections two, three and seven of article nine thereof.

[Filed with Secretary of State April 26, 1927.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the third day of January, 1927, two-thirds of all the members elected to each of the two houses of said

Legislature voting in favor thereof, hereby proposes to the people of the State of California the following amendments to the constitution of the State of California:

First. Section 2 of article IX of said constitution is hereby amended to read as follows:

State super-
intendent
and director
of education

Sec. 2. A superintendent of public instruction shall at each gubernatorial election be elected by the qualified electors of the state and shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election. He shall be ex officio executive secretary of the state board of education and shall perform such other duties and receive such salary as are fixed by law.

Whenever the Legislature shall hereafter create the office of director of education it shall have power to transfer to and vest in said director all of the powers, duties, responsibilities and jurisdiction now or hereafter vested by law in the superintendent of public instruction. If and when such office of director of education is created and such powers, duties, responsibilities and jurisdiction are so transferred the office of superintendent of public instruction shall be and is hereby vacated and suspended and shall continue to be vacated and suspended during the continuance and the existence of such office of director of education.

Second. Section 3 of article IX of said constitution is hereby amended to read as follows:

County
superintend-
ents and
county
boards.

Sec. 3. A superintendent of schools for each county shall be elected by the qualified electors thereof at each gubernatorial election, except in such counties as provide otherwise by county charter adopted in accordance with article XI of the constitution.

The Legislature may provide for a board of education in each county in the state, and fix its powers and duties except that county superintendents and county boards of education shall have power to examine applicants for teachers' certificates of elementary type and grade, to grant teachers' certificates and to make regulations whereby holders of state credentials of any type or grade may record such credentials and teach within the county under their jurisdiction without the issuance of a county certificate.

Third. Section 7 of article IX of said constitution is hereby amended to read as follows:

State board
and free
textbooks

Sec. 7. The Legislature shall provide for the appointment by the governor, with the advice and consent of two-thirds of the Senate, of ten qualified electors, of whom not more than six shall be of the same sex, who shall constitute the state board of education with such powers and duties, except as in this constitution provided, as shall be fixed by law. The terms of office shall be so fixed that two vacancies regularly occur on March first of each odd-numbered calendar year. The governor shall fill vacancies, caused by death or resignation, for any unexpired terms, subject to confirmation by the Senate

at its next regular session as provided for original appointments.

The state board of education shall, under such regulations as the Legislature may prescribe, provide, compile or cause to be compiled and adopt a uniform series of textbooks for use in the day and evening elementary schools throughout the state.

The state board may cause such textbooks, when adopted, to be printed and published by the state printing office; and whenever and however such textbooks may be printed and published, they shall be furnished and distributed by the state free of cost or any charge whatever, to all children attending the day and evening elementary schools of the state, under such conditions as the Legislature shall prescribe. The textbooks, so adopted, shall continue in use for not less than four years, without any change or alteration whatsoever which will require or necessitate the furnishing of new books to such pupils, and said state board shall perform such other duties as may be prescribed by law.

CHAPTER 62.

Senate Concurrent Resolution No. 17—Selecting and designating two illustrious deceased persons whose statues in marble or bronze shall hereafter be provided and furnished by the State of California to be placed in national statuary hall.

[Filed with Secretary of State April 26, 1927.]

WHEREAS, The congress of the United States of America has by statute enacted and declared as follows, to wit:

“The president is hereby authorized to invite each and all the states to provide and furnish statues, in marble or bronze, not exceeding two in number for each state, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military service, such as each state shall deem worthy of this national commemoration; and when so furnished the same shall be placed in the old hall of the house of representatives in the capitol of the United States, which is hereby set apart, or so much thereof as may be necessary, as national statuary hall, for the purpose herein indicated.”

Statues for
national
statuary
hall.

WHEREAS, The State of California has never designated the deceased persons whose statues shall be so provided and furnished by the State of California; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That the Legislature of the State of California hereby selects and designates Junipero Serra and Thomas Starr King as the two deceased persons who have been citizens of the State of California and illustrious for their historic renown or for distinguished civil or military service whose statues in marble or bronze shall be hereafter provided and furnished by the State of California to be placed in the national statuary hall, as so provided by act of congress.

CHAPTER 63.

Senate Concurrent Resolution No. 19—Relative to reports of the department encampment and the annual convention of the United Spanish-American War Veterans and the Disabled American Veterans of the World War of the Department of California, respectively.

[Filed with Secretary of State April 26, 1927.]

Reports of
United
Spanish-
American
War
Veterans.

Resolved by the Senate, the Assembly concurring, That there shall be printed as a public document five hundred copies of the session of the department encampment of California of the United Spanish War Veterans for the year 1927 and of each succeeding department encampment, together with illustrations, copies of general orders of the department and of the official roll, two hundred fifty copies for the use of the Senate and two hundred fifty copies for the use of the Assembly. Annual cost of same not to exceed six hundred dollars payable from the legislative printing appropriation; and be it further

Reports of
Disabled
American
Veterans
of the
World War.

Resolved, That there shall be printed as a public document five hundred copies of the report of the annual convention of the Disabled American Veterans of the World War of the Department of California for the year 1927 and of each succeeding annual convention, together with illustrations, copies of general orders enacted at such convention and of the official roll, two hundred fifty copies for the use of the Senate and two hundred fifty copies for the use of the Assembly. Annual cost of same not to exceed six hundred dollars payable from the legislative printing appropriation.

CHAPTER 64.

Assembly Concurrent Resolution No. 32—Relative to leaves of absence of the governor, lieutenant governor and the members of the Senate and Assembly of the forty-seventh session of the Legislature of the State of California.

[Filed with Secretary of State April 27, 1927.]

Leaves of
absence
granted
certain state
officers.

Resolved by the Assembly, the Senate concurring, That leave of absence from the State of California for a longer period than sixty days, during their term of office, is hereby granted to his excellency, C. C. Young, governor of the State of California; to Buron R. Fitts, lieutenant governor of the State of California; and to the following members of the Senate and Assembly of the forty-seventh session of the Legislature of the State of California:

Senators James M. Allen, Newton M. Allen, C. C. Baker, Frank S. Boggs, Arthur H. Breed, Victor J. Canepa, Harry A. Chamberlin, E. H. Christian, Charles H. Cobb, John Joseph

Crowley, Herbert J. Evans, Roy Fellom, J. C. Garrison, P. J. Gray, Fred C. Handy, J. James Hollister, Edgar S. Hurley, Thomas Ingram, J. M. Inman, M. B. Johnson, Herbert C. Jones, Ray Jones, Chester M. Kline, Charles W. Lyon, Thomas A. Maloney, J. W. McKinley, Edwin A. Mueller, Daniel C. Murphy, H. C. Nelson, J. L. Pedrotti, Benjamin F. Rush, Will R. Sharkey, Herbert W. Slater, Ralph E. Swing, Cadet Taylor, Tallant Tubbs, J. I. Waggy, Frank C. Weller, T. C. West, and Sanborn Young.

Assemblymen Elbert G. Adams, D. P. Anderson, Roscoe J. Anderson, Willard E. Badham, C. D. Ball, Willis M. Baum, Van Bernard, Roy Bishop, Archibald E. Brock, Joseph F. Burns, William M. Byrne, Henry E. Carter, Harold C. Cloudman, F. C. Cloudsley, Frank L. Coombs, James C. Crawford, Bradford S. Crittenden, J. Croter, Howard W. Davis, Charles H. Deuel, H. E. Dillinger, Walter H. Duval, Robert P. Easley, Crowell D. Eddy, B. J. Feigenbaum, T. R. Finley, Robert F. Fisher, James C. Flynn, Charles A. Foster, Robert B. Fry, Vernon F. Gant, Frederick C. Hawes, E. Walton Hedges, Jr., S. L. Heisinger, William B. Hornblower, Leland R. Jacobson, Chris N. Jespersen, Augustus F. Jewett, Jr., Isaac Jones, William P. Jost, Morgan Keaton, H. C. Kelsey, Thomas J. Lenehan, Edgar C. Levey, Z. S. Leymel, Walter J. Little, Harry Lyons, M. J. McDonough, Robert B. McPherson, Charles B. Melville, Miss Eleanor Miller, James A. Miller, Frank W. Mixter, Harry F. Morrison, J. J. Murphy, Roy J. Nielsen, Fred B. Noyes, Charles A. Oliva, Harry L. Parkman, Robert Lincoln Patterson, Charles F. Reindollar, Frederick M. Roberts, George W. Rochester, Eugene W. Roland, Jerome V. Scofield, Hubert B. Scudder, Harry F. Sewell, Edward J. Smith, Bert B. Snyder, C. C. Spalding, Byron J. Walters, N. V. Wemple, Percy G. West, John E. Wherrell, Dan E. Williams, Ray Williamson, Myron D. Witter, Mrs. Cora M. Woodbridge, Clare Woolwine, and T. M. Wright.

CHAPTER 65.

Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California, an amendment to the constitution of said state by adding to article one thereof, a new section to be numbered fourteen and one-half, relating to the taking of parcels of land by eminent domain where such border upon public improvements.

[Filed with Secretary of State April 28, 1927.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the third day of January, 1927, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the

Proposed
constitu-
tional
amendment.

State of California, that the constitution of said state be amended by adding to article 1 thereof, a new section to be numbered 14½, and to read as follows:

Acquirement
of excess
lands.

Sec. 14½. The state, or any of its cities or counties, may acquire by gift, purchase or condemnation, lands for establishing, laying out, widening, enlarging, extending, and maintaining memorial grounds, streets, squares, parkways and reservations in and about and along and leading to any or all of the same, providing land so acquired shall be limited to parcels lying wholly or in part within a distance not to exceed one hundred fifty feet from the closest boundary of such public works or improvements; *provided*, that when parcels which lie only partially within said limit of one hundred fifty feet only such portions may be acquired which do not exceed two hundred feet from said closest boundary, and after the establishment, laying out, and completion of such improvements, may convey any such real estate thus acquired and not necessary for such improvements, with reservations concerning the future use and occupation of such real estate so as to protect such public works and improvements and their environs and to preserve the view, appearance, light, air and usefulness of such public works.

The Legislature may, by statute, prescribe procedure.

CHAPTER 66.

Senate Constitutional Amendment No. 24—A resolution to propose to the people of the State of California that the constitution of said state be amended by adding to article sixteen thereof, a new section to be numbered five, validating the act of the Legislature of the State of California providing for the issuance of bonds to the amount of one million dollars for the purpose of providing a fund to be used and disbursed for the purpose of an Olympiad to be held in California in 1932.

[Filed with Secretary of State April 28, 1927.]

Proposed
constitu-
tional
amendment.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the third day of January, 1927, two-thirds of the members elected to each of the two houses of said Legislature voting therefor, hereby proposes to the people of the State of California that the constitution of said state be amended by adding to article XVI thereof a new section to be numbered section 5 and to read as follows:

Olympiad
bonds.

Sec. 5. The issuance and sale of one thousand bonds of the State of California in the denomination of one thousand dollars each, and the use and disposition of the proceeds of the sale of said bonds, all as provided in the California Olympiad bonds act of 1927 as passed by the Senate and Assembly

at the forty-seventh session of the Legislature and approved by the governor, authorizing the issuance and sale of state bonds in the sum of one million dollars for the purpose of providing a fund to be used and disbursed for the purpose of an Olympiad to be held in California in 1932, is hereby authorized and directed and the said California Olympiad bond act of 1927 is hereby approved, adopted, legalized, ratified, validated and made fully and completely effective. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this constitution contained shall be a limitation upon the provisions of this section.

CHAPTER 67.

Assembly Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to the constitution of said state by adding a new section thereto to be known as and numbered section three of article fourteen thereof, relating to water rights.

[Filed with Secretary of State April 29, 1927.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its regular session commencing on the third day of January, 1927, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that a new section to be known as and numbered section 3, be added to article XIV of the constitution of this state and to read as follows:

Proposed
constitu-
tional
amendment.

First—There is hereby added to article XIV a new section, to be numbered 3, and to read as follows:

Sec. 3. It is hereby declared that because of the conditions prevailing in this state the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare. The right to water or to the use or flow of water in or from any natural stream or water course in this state is and shall be limited to such water as shall be reasonably required for the beneficial use to be served, and such right does not and shall not extend to the waste or unreasonable use or unreasonable method of use or unreasonable method of diversion of water. Riparian rights in a stream or water course attach to, but to no more than so much of the flow thereof as may be required or used consistently with this section, for the purposes for which such lands are, or may be made adaptable, in view of such

Beneficial
use of water
resources.

reasonable and beneficial uses; *provided, however*, that nothing herein contained shall be construed as depriving any riparian owner of the reasonable use of water of the stream to which his land is riparian under reasonable methods of diversion and use, or of depriving any appropriator of water to which he is lawfully entitled. This section shall be self-executing, and the Legislature may also enact laws in the furtherance of the policy in this section contained.

CHAPTER 68.

Assembly Joint Resolution No. 17—Relative to federal taxation of community property in California.

[Filed with Secretary of State April 29, 1927.]

Federal
taxation of
community
property.

WHEREAS, The community system of property prevails in the State of California; and

WHEREAS, In the other community property states the husband and wife are still and for a long time have been permitted by the treasury department, to return one-half of the community property income each for purposes of federal income taxes; and

WHEREAS, In the other community property states, only one-half of the community property passing to the wife on the death of her husband is, and for a long time has been subjected by the treasury department to the federal estate tax; and

WHEREAS, The treasury department has only permitted the husband and wife in California, during the limited period of two months from March 27, 1924, to May 27, 1924, to return community income for purposes of federal income taxes as heretofore and still permitted in the other community property states, and is now questioning the legal correctness of the divided returns of California taxpayers filed in that limited period; and

WHEREAS, The United States district court for the northern district of California in *Blum versus Wardell* (270 Fed. 309) held that in California only one-half of the community property passing to the wife on the death of her husband is subject to the federal estate tax; and

WHEREAS, This decision was approved by the United States circuit court of appeals for the ninth circuit (276 Fed. 226) and certiorari therein was denied by the United States supreme court (258 U. S. 617); and

WHEREAS, The treasury department ignores the effect of these decisions in the case of *Blum versus Wardell* and claims the right to subject to a federal estate tax the whole of the community property so passing to the wife in California, and is opening old cases heretofore settled for the purpose of claiming the larger tax on the whole community property; and

WHEREAS, The substantive rights of the husband and wife in community property in California are so similar in fact to

the substantive rights of husband and wife in community property in the other community property states that, in the opinion of the people of the State of California there is no reasonable basis for distinguishing California from the other community property states in matters of federal taxation; and

Federal
taxation of
community
property
(cont'd).

WHEREAS, The Legislature of the State of California in its various enactments upon the subject of community property has consistently recognized that the wife in California during the continuance of the marriage relation has an interest in community property much more definite and certain than the expectancy of an heir, as evidenced by the provisions of sections 161 and 682 of the Civil Code as adopted in 1872 and by the provisions of section 161a which were added to the Civil Code at this legislative session; and

WHEREAS, The supreme court of the State of California in the recent decision in *Stewart versus Stewart* (240 Pac. 197) recognized that the interest of the wife in community property in California during the continuance of the marriage relation was a much more definite and present interest than that of an ordinary heir; and

WHEREAS, By the phrasing of section 1212 of the revenue act of 1926 taxpayers in the other community property states who filed divided income returns were confirmed in all the privileges and benefits thereof as to income for any period before January 1, 1925, and by virtue of the position of the treasury department like privileges and benefits have been and will be denied to California taxpayers; and

WHEREAS, The people of the State of California are gravely concerned with the invidious distinction of California in these matters; now, therefore, be it

Resolved by the Assembly and the Senate of California, jointly, That we respectfully urge upon the congress of the United States an early and careful consideration of the palpable injustice to California taxpayers in the matter of federal taxation; and such an amendment of the revenue acts as will put the California taxpayers as to past and future federal taxes in a position of equal security with the taxpayers in the other community property states; and that we also respectfully request of the congress in this behalf, such remedial legislation as will indemnify California taxpayers for any federal taxes heretofore collected from them on any other basis than that which has been applied in the other community property states; and be it further

Resolved, That certified copies of the text of this joint resolution be communicated by the governor of the State of California to the President of the United States, the secretary of the treasury of the United States, the president of the senate of the United States, the speaker of the house of representatives of the United States and to each member of the congress representing the State of California therein.

CHAPTER 68.

Assembly Joint Resolution No. 13—Relative to flood control for lands bordering the Mississippi river.

[Filed with Secretary of State April 29, 1927.]

Mississippi
river flood
control.

WHEREAS, The disastrous floods of the past few days along the Mississippi river have wrought great devastation and loss of life, and have become a matter of grave concern to all the people of this nation; and

WHEREAS, The work of restraining these floods is a matter of such magnitude that it can not adequately be accomplished except by federal aid; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, that we hereby urge upon the congress of the United States the adoption of such legislation as may prevent any future possibility of recurrence of such flood damage along the Mississippi; and be it further

Resolved, that a copy of this resolution be sent to the President of the United States and to each of the senators and congressmen representing California in the congress of the United States.

CHAPTER 70.

Assembly Joint Resolution No. 15—Relative to the cooperation between the United States and the State of California concerning conservation and development of water projects.

[Filed with Secretary of State April 29, 1927.]

Conservation
and develop-
ment of
water
projects.

WHEREAS, In the past several years the State of California by and through its board of public works, department of engineering and irrigation, and the United States by and through its department of interior, bureau of reclamation, have cooperated in investigating irrigation and reclamation projects, and the salt water barrier project, and preliminary reports have been made available on the physical features and financial feasibility of the above mentioned projects will shortly be available; and

WHEREAS, the secretary of the interior and the commissioner of reclamation, in studying the water problems in the State of California, have expressed a willingness and desire that cooperation between the United States and the State of California should continue in connection with these projects and with all projects which have for their object the conservation and application of the waters of the state; now, therefore, be it

Resolved, That the Legislature of the State of California hereby expresses its desire to the national government that cooperation between the United States and the State of California shall continue with reference to the projects herein

mentioned and especially the salt water barrier project herein mentioned and to all other projects in the state which have a like purpose and effect, to the end that a comprehensive and coordinated plan may be developed for conservation and application of all waters in the State of California to beneficial uses for the public purposes and advantages of both nation and state.

CHAPTER 71.

Assembly Joint Resolution No. 15—Relative to memorializing congress for federal aid in the construction of a breakwater in Monterey bay at or near the city of Monterey.

[Filed with Secretary of State April 29, 1927.]

WHEREAS, The development of harbor facilities and ports of refuge on the long coast line of California is of vital importance to the welfare of the state and the nation; and

Federal aid
for Monterey
breakwater

WHEREAS, Such facilities and ports are necessities to water-borne commerce which is rapidly increasing on the Pacific coast; and

WHEREAS, Natural harbors along more than seven hundred fifty miles of California coast line are limited to a few in number as compared to the Atlantic seaboard, and the development of these harbors is extremely important to the ever increasing productivity of the state; and

WHEREAS, The city of Monterey, California, is now seeking federal assistance in the construction of a breakwater in Monterey bay for the protection of one of the state's leading and unique industries, representing an investment of millions of dollars in property both on land and sea; and

WHEREAS, The city of Monterey has just completed the construction of a new wharf to assist the development of this industry and shipping of commerce to and from the tributary territory at a cost of approximately three hundred thousand dollars; now, therefore, be it

Resolved by the Assembly and Senate, jointly, That the Legislature of the State of California joins with the city of Monterey in respectfully urging and requesting federal assistance in this important project, and the adoption by the congress of the United States of appropriate legislation for the appropriation of the requisite funds to aid in the construction of said proposed breakwater; and be it further

Resolved, That the chief clerk of the Assembly be, and he is hereby directed to transmit copies of these resolutions to the President of the United States, to the secretary of war of the United States, the secretary of the navy of the United States, and to each of the members of the senate and house of representatives.

CHAPTER 72.

Assembly Concurrent Resolution No. 33—Approving two certain amendments to the charter of the city of San Luis Obispo, ratified by the qualified electors of said city at a special municipal election held on the fourth day of April, nineteen hundred twenty-seven.

[Filed with Secretary of State April 29, 1927.]

San Luis
Obispo
charter
amendments.

WHEREAS, The city of San Luis Obispo in the county of San Luis Obispo, State of California, is now and was at all time herein mentioned a city containing a population of more than three thousand five hundred inhabitants ascertained by the last preceding census taken under authority of the Congress of the United States, and is now organized and acting under a free holder's charter adopted under and by virtue of section 8 of article XI of the constitution, which charter was duly ratified on the twelfth day of September, 1910, approved and ratified by the Legislature of the State of California by concurrent resolution filed with the secretary of state February 23, 1911, and

WHEREAS, Proceedings have been taken for the proposal, adoption and ratification of certain amendments to the charter of the city of San Luis Obispo as set out in the certificate of the mayor and city clerk of said city of San Luis Obispo, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF SAN LUIS OBISPO AT THE GENERAL MUNICIPAL ELECTION HELD THEREIN ON THE FOURTH DAY OF APRIL, ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

State of California, }
County of San Luis Obispo, } ss.
City of San Luis Obispo. }

We, L. F. Sinsheimer, mayor of the city of San Luis Obispo, and Callie M. John, city clerk of the city of San Luis Obispo, do hereby certify as follows:

That said city of San Luis Obispo, in the county of San Luis Obispo, State of California, is now, and was at all times herein mentioned a city containing a population of more than three thousand five hundred inhabitants as ascertained by the last preceding census taken under the authority of the congress of the United States; and,

That said city of San Luis Obispo is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of section eight, article eleven, of the constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the

twelfth day of September, one thousand nine hundred and ten, and approved by the Legislature of the State of California, by concurrent resolution, filed with the secretary of state, February twenty-third, one thousand nine hundred eleven (statutes 1911, page 1698); and,

San Luis
Obispo
charter
amendments
(cont'd).

That, pursuant to the provisions of section eight of article eleven of the constitution of the State of California, the legislative body of said city, namely: the city council of said city did, on its own motion and pursuant to the provisions of section eight of article eleven of the constitution of the State of California, duly propose to the electors of said city of San Luis Obispo two amendments to the charter of said city and ordered that said amendments be submitted to said electors of said city at the general municipal election to be held in said city on the fourth day of April, one thousand nine hundred twenty-seven; and,

That said two proposed amendments were, and each of them was, on the twenty-third day of February, one thousand nine hundred twenty-seven, duly published in the Daily Telegram, a daily newspaper of general circulation published in said city of San Luis Obispo, and the newspaper designated by said city council for that purpose;

That said proposed amendments were printed in convenient pamphlet form, and from the twenty-third day of February, one thousand nine hundred twenty-seven, to the fourth day of April, one thousand nine hundred twenty-seven, both inclusive, a notice was published in said Daily Telegram that such copies could be had upon application therefor at the office of the city clerk of said city; and,

That said city council did, by an election proclamation and resolution which was duly adopted on the fifteenth day of March, one thousand nine hundred twenty-seven, order the holding of the general municipal election and consolidated charter amendment election in said city of San Luis Obispo, on the fourth day of April, one thousand nine hundred twenty-seven, which date was more than forty days and less than sixty days after the completion of the publication of said two proposals of amendments to the charter of the city of San Luis Obispo, as aforesaid, and which election proclamation and resolution was published at least ten successive days prior to said election, in the Daily Telegram, a newspaper of general circulation printed and published in said city; and,

That said general municipal election was held in said city of San Luis Obispo on said fourth day of April, one thousand nine hundred twenty-seven, which election was held after the six months next preceding a regular session of the Legislature of the State of California and before the adjournment of that session;

That at such general municipal election, held as aforesaid, a majority of the qualified voters of said city of San Luis Obispo voting thereon voted in favor of said proposals of

amendments to the charter of the city of San Luis Obispo, and duly ratified the same;

That said proposals of amendments to the charter of the city of San Luis Obispo so ratified, as aforesaid, were and are amendments numbered three and four; and,

That the city council of said city of San Luis Obispo, after duly and regularly canvassing the returns of said general municipal election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters voted in favor of and ratified each of said proposals of amendments to the charter of the city of San Luis Obispo known as charter amendments numbered three and four; and,

That said proposals of amendments to the charter of the city of San Luis Obispo ratified by the electors of said city, as aforesaid, are in words and figures as follows, to wit:

CHARTER AMENDMENT No. 3.

Section 10 of article III of the charter of the city of San Luis Obispo is hereby amended so that the same shall be and read as follows:

*Terms of
office of
mayor and
clerk.*

Sec. 10. Term of Office of Mayor and Clerk. The mayor shall hold office for a term of two years from and after the 15th day of May after his election, and until his successor is elected and qualified. The city clerk shall hold office for a term of four years from and after the 15th day of May after his election, and until his successor is elected and qualified.

CHARTER AMENDMENT No. 4.

Section 15 of article III of the charter of the city of San Luis Obispo is hereby amended so that the same shall be and read as follows:

Salaries.

Sec. 15. Salaries. The mayor shall receive an annual salary of six hundred dollars, payable in equal monthly installments.

The city clerk shall receive an annual salary of one thousand nine hundred twenty dollars, payable in equal monthly installments.

Each councilman shall receive an annual salary of five hundred dollars, payable in equal monthly installments.

Each school director shall receive two and one-half dollars for each regular meeting of the board of education which he shall attend, provided that he shall not receive more than ten dollars in any one month.

Certificate.

That the foregoing is a full, true and correct copy of said proposals of amendments to the charter of the city of San Luis Obispo ratified by the electors of said city, as aforesaid, on file in the office of the city clerk of said city of San Luis Obispo.

In witness whereof, L. F. Sinsheimer, mayor, and Callie M. John, city clerk, respectively of said city of San Luis Obispo,

have hereunto set their hands and caused the corporate seal of the city of San Luis Obispo to be hereunto duly affixed, on this sixth day of April, one thousand nine hundred twenty-seven.

L. F. SINSHEIMER,
Mayor of the City of San Luis Obispo.

[SEAL]

CALLIE M. JOHN,
City Clerk of the City of San Luis Obispo.

WHEREAS, Said proposals of amendments to the charter of the city of San Luis Obispo ratified by the electors of said city as aforesaid have been submitted to the Legislature of the State of California for approval or rejection, without alteration or amendment, in accordance with section 8 of article XI of the constitution of the State of California; now, therefore, be it

Approval by
Legislature.

Resolved by the Assembly, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, that said proposal of amendments to the charter of the city of San Luis Obispo ratified by the electors of said city as aforesaid as presented to adopt and ratify by the qualified electors of said city as hereinabove fully set forth, do and the same are, and each of them is hereby approved as a whole, without alteration or amendment, as amendments to and as a part of the charter of the city of San Luis Obispo.

CHAPTER 73.

Assembly Concurrent Resolution No. 36—Relative to expenses of legislative committee appointed pursuant to Assembly concurrent resolution number sixteen, chapter thirty of resolutions, statutes of 1927.

[Filed with Secretary of State April 29, 1927.]

Resolved by the Assembly, the Senate concurring, That the sum of two hundred eighty-nine and sixty-eight one-hundredths dollars be, and the same is hereby made available for the purpose of defraying the expenses of and the cost of the investigation by the committee appointed pursuant to Assembly Concurrent Resolution No. 16, chapter 30 of resolutions, statutes of 1927; said sum to be paid equally from the contingent funds of the Assembly and Senate, the same being for the purpose of meeting a deficiency in the funds heretofore made available for the purpose of defraying said cost and expenses, and the state controller is hereby authorized and directed to draw his warrants in favor of the chairman of said committee for such expenditures as may be certified to him from time to time by the chairman of said committee and the state treasurer is hereby authorized and directed to pay the same.

Expenses
of water
resources
investigating
committee.

CHAPTER 74.

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to section thirty-one of article four of the constitution of the State of California relating to the giving or lending of public credit.

[Filed with Secretary of State April 29, 1927.]

Proposed
constitu-
tional
amendment.

The Legislature of the State of California, at its regular session commencing on the third day of January, 1927, two-thirds of the members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes an amendment to section 31 of article IV of the constitution of the State of California to read as follows:

Giving or
lending of
public credit

Sec. 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the state, or of any county, city and county, city, township or other political corporation or subdivision of the state now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section 22 of this article; and it shall not have power to authorize the state, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; *provided, however*, that the provisions hereof shall not apply to, or preclude, the state, or any political subdivision thereof, or any municipality, or other public corporation, from acquiring or holding shares of the capital stock of any mutual water corporation, when such stock is so acquired or held for the purpose of furnishing a supply of water for public or municipal purposes or for the use of the inhabitants of any such political subdivision, municipality, or public corporation, and the state, and any political subdivision thereof, and any municipality, and any other public corporation are hereby severally authorized to acquire and hold such stock, and said holding of such stock shall entitle such holder thereof to all the rights, powers and privileges, and subject such holder to all the obligations and liabilities as are given or are imposed by law to or upon other holders of stock in the mutual water corporation in which such stock is so held; and *provided, further*, that irrigation districts for the purpose of acquiring control of any entire international water system necessary for its uses and purposes, a part of which is situated in the United States, and a part thereof in a foreign

country, may in the manner authorized by law acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in the foreign country; *provided, further*, that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their use and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation; and

Giving or
lending of
public credit
(cont'd).

Provided, further, that nothing contained in this constitution shall prohibit the use of state money or credit, in aiding veterans who served in the military or naval service of the United States during time of war, in the acquisition of, or payments for, farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans.

The California veterans' welfare bond act of 1921 (statutes of 1921, chapter 578, as enacted at the forty-fourth session of the Legislature of the State of California, authorizing the issuance and sale of state bonds in the sum of ten million dollars, for the purpose of creating a fund to carry out the provisions of the California veterans' welfare act, providing land settlement for veterans (statutes of 1921, chapter 580, and the provisions of the "veterans' farm and home purchase act," providing farm and home aid for veterans (statutes of 1921, chapter 519) is hereby approved, adopted, legalized, validated and made fully and completely effective irrespective of the vote that may be cast upon the proposition of approving or disapproving such veterans' welfare bond act of 1921 at the general election of November 7, 1922. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action.

And provided, still further, that notwithstanding the restrictions contained in this constitution, the treasurer of any city, county, or city and county shall have power and it shall be his duty to make such temporary transfers from the funds in his custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in his custody and are paid out solely through his office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed eighty-five per cent of the taxes accruing to such political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and

shall be replaced from the taxes accruing to such political subdivision before any other obligation of such political subdivision is met from such taxes.

CHAPTER 75.

Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the constitution of said state by amending section one of article two of the constitution relating to the right of suffrage.

[Filed with Secretary of State April 29, 1927.]

Proposed
constitu-
tional
amendment.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its forty-seventh regular session, commencing on the third day of January, one thousand nine hundred twenty-seven, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 1 of article II of the constitution of this state be amended to read as follows:

Who are
and who are
not electors.

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, at the age of twenty-one years, who shall have been a resident of the state one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county within thirty days of an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct from which he so removed until after such election; provided, further, no alien ineligible to citizenship, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this state; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was sixty years of age and upwards on October 10, 1911; provided, further, that the Legislature may, by general law, provide for the casting of votes by duly registered voters who, by reason of their occupation, are required to travel and who, by such

affidavit as the Legislature may prescribe, show that they expect to be absent from their respective precincts on the day on which any primary or general election is held, or who, by reason of their being engaged in the civil, congressional, military or naval service of the United States or of the state, may be absent from their respective precincts on the day on which any primary or general election is held, or who because of injury or disability are absent from their precincts or unable to go to the polling places; which votes (a) may be cast in the office of the registrar of voters, or of the county clerk of the county or city and county in which such voters respectively reside, and on a day prior to the date of such election, under such provisions as the Legislature may see fit to make; or (b) may be cast in the city, city and county or town within this state in which such voters may be on the day on which such election is held, under such provisions as the Legislature may see fit to make, and shall be forwarded in such manner as the Legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots cast at such election; or (c) in cases where said voters are engaged in such civil, congressional, military or naval service, may be cast at any place, under such provisions as the Legislature may see fit to make, and shall be forwarded in such manner as the Legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots at such election; all of which votes shall be kept in such manner and counted by such methods as the Legislature may prescribe; *provided*, that it must be required that all ballots cast in any other place than the precinct of the voter must be received by the county clerk of the county in which the voter is registered, within two weeks of the election, in which such ballots are to be counted.

CHAPTER 76.

Senate Concurrent Resolution No. 29—Relative to an investigation of the subject of convict labor.

[Filed with Secretary of State April 29, 1927.]

WHEREAS, Men foremost in the study of crime and of criminals and prison reform throughout the country are advocating the employment of every convict during his commitment; and

Convict
labor
investigation.

WHEREAS, Other states in the Union seeing the advantage of the employment of criminals as a means of keeping them more contented mentally and in better condition physically and rendering them better able to cope with the world when they are released and thus going a long way in preventing them from violating the law and again returning to prison; and again

WHEREAS, Employment of prison labor on state highways and on county highways has already proven a success in California; and

WHEREAS, The prison population of California is constantly increasing at a net increase of sixty per month; therefore be it

Resolved by the Senate, the Assembly concurring, That a committee of five be appointed, consisting of three members of the Senate and two of the Assembly, to be appointed by the president of the Senate and the speaker of the Assembly, to investigate the advisability of a more extended employment of convicts in all our penal institutions and to report its findings to the Legislature meeting in 1929; and be it further

Resolved, That the sum of one thousand dollars or so much thereof as may be necessary be, and the same is hereby made available for the purpose of defraying the expenses of said committee and said investigation, said sum to be paid weekly from the contingent funds of the Senate and Assembly and the state controller is hereby authorized and directed to draw the warrants in favor of the chairman of said committee for such expenditures as may be certified to him from time to time by the chairman of said committee and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 77.

Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the constitution of said state by repealing the first numbered section eleven of article six, proposed by the forty-fifth session of the Legislature as Assembly constitutional amendment number two and approved and ratified by the people at the general election held November 4, 1924, by amending sections three, four, five and thirteen of said article and by adding to said article new sections to be numbered four a, four b, four c and eleven a, relating to courts of record and inferior courts.

[Filed with Secretary of State April 29, 1927.]

Proposed
constitu-
tional
amendments

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its forty-seventh session, commencing on the third day of January, 1927, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California the following amendments to the constitution of the State of California:

Inferior
courts

First—Section 11 of article VI proposed by the forty-fifth session of the Legislature as Assembly Constitutional Amendment No. 2 and approved and ratified by the people at the general election held November 11, 1924, is hereby repealed.

Second—Section 3 of article VI is hereby amended to read as follows:

Sec. 3. The chief justice and the associate justices shall be elected by the qualified electors of the state at large at the general elections, at the time and places at which state officers are elected, except as provided by section 2 $\frac{1}{2}$ of article II of this constitution, and the term of office shall be twelve years from and after the first day of January next succeeding their election. If a vacancy occur in the office of a justice, the governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general state or primary election after the first day of April next succeeding the occurrence of such vacancy; the justice then elected shall hold office for the unexpired term; *provided*, that whenever the term of office of the justice whose place is filled by appointment is fixed by law to expire on the first day of January after the next or such succeeding general election, then the person so appointed to fill the vacancy shall hold office for the remainder of such unexpired term.

Supreme court justices' election, terms, vacancies.

Third—Section 4 of article VI of said constitution is hereby amended to read as follows:

Sec. 4. The supreme court shall have appellate jurisdiction on appeal from the superior courts in all cases in equity, except such as arise in municipal or justices' courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine also, in all such probate matters as may be provided by law; also, on questions of law alone, in all criminal cases where judgment of death has been rendered; the said court shall also have appellate jurisdiction in all cases, matters and proceedings pending before a district court of appeal, which shall be ordered by the supreme court to be transferred to itself for hearing and decision, as hereinafter provided. The said court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the state, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the supreme court or before any district court of appeal, or before any justice thereof, or before any superior court in the state, or before any judge thereof.

Jurisdiction of supreme court.

Fourth—A new section to be numbered section 4a of article VI is hereby added to said constitution to read as follows:

Sec. 4a. The state is hereby divided into three appellate districts, in each of which there shall be a district court of appeal, consisting of such number of divisions having three justices each as the Legislature shall determine; and until so determined

District courts of appeal.

District
courts of
appeal
(cont'd).

otherwise, the courts of appeal for the first and second appellate districts shall each consist of two divisions, and the court of the third appellate district shall consist of one division.

The Legislature may from time to time create and establish additional district courts of appeal and divisions thereof and fix the places at which the regular sessions thereof shall be held and may provide for the maintenance and operation thereof. For that purpose the Legislature may redivide the state into appellate districts, subject to the power of the supreme court to remove one or more counties from one appellate district to another as in this section provided.

Each of such divisions shall have and exercise all of the powers of the district court of appeal.

The district court of appeal as existing immediately prior to the approval and ratification of this amendment by the people shall not be affected thereby as to the officers or terms of office of the justices thereof.

Upon the creation of any additional division of the district court of appeal the governor shall appoint three persons to serve as justices thereof until the first day of January after the next general election. The justices of said division elected at such general election shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of twelve years, and entry of such classification shall be made in the minutes of said division, signed by the three justices thereof, and a duplicate thereof filed in the office of the secretary of state.

The justices of the district courts of appeal shall be elected by the qualified electors within their respective districts at the general state elections except as provided in section 2 $\frac{1}{2}$ of article II; and the term of office of said justices shall be twelve years from and after the first day of January next succeeding their election.

If any vacancy occur in the office of a justice of the district courts of appeal, the governor shall appoint a person to hold office until the election and qualification of a justice to fill the vacancy. Such election shall take place at the next succeeding general state or primary election after the first day of April next succeeding the occurrence of such vacancy; the justice then elected shall hold office for the unexpired term; *provided*, that whenever the term of office of the justice whose place is filled by appointment is fixed by law to expire on the first day of January after the next or such succeeding general election, then the person so appointed to fill the vacancy shall hold office for the remainder of such unexpired term.

One of the justices of each of the district courts of appeal, and of each division of said courts, shall be the presiding justice thereof, and as such shall be appointed or elected, as the case may be.

In cases wherein the presiding justice is not acting, the other justices shall designate one of their number to perform the duties and exercise the powers of presiding justice.

The presence of two justices shall be necessary for the transaction of any business by such court except such as may be done at chambers, and the concurrence of two justices shall be necessary to pronounce a judgment.

No appeal taken to the supreme court or to a district court of appeal shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such terms as to costs or otherwise as may be just, and shall be proceeded with therein as if regularly appealed thereto.

All statutes now in force allowing, providing for or regulating appeals to the supreme court shall apply to appeals to the district courts of appeal so far as such statutes are not inconsistent with this article and until the Legislature shall otherwise provide.

The first district shall embrace the following counties: San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Fresno, Santa Cruz, Monterey and San Benito.

The second district shall embrace the following counties: Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, San Diego and Imperial.

The third district shall embrace the following counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Mariposa, Madera, Merced, Tuolumne, Alpine and Mono.

The supreme court, by orders entered in its minutes, may from time to time remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

Said district courts of appeal shall hold their regular sessions respectively at San Francisco, Los Angeles and Sacramento, and they shall always be open for the transaction of business.

Fifth—A new section to be numbered section 4b of article VI is hereby added to said constitution to read as follows:

Sec. 4b. The district courts of appeal shall have appellate jurisdiction on appeal from the superior courts (except in cases in which appellate jurisdiction is given to the supreme court) in all cases at law in which the superior courts are given original jurisdiction; also, in all cases of forcible or unlawful entry or detainer (except such as arise in municipal, or in justices' or other inferior courts); in proceedings in insolvency; in actions to prevent or abate a nuisance; in proceedings of mandamus, certiorari, prohibition, usurpation of office, removal from office, contesting elections, eminent

Jurisdiction
of district
courts of
appeal.

domain, and in such other special proceedings as may be provided by law; also, on questions of law alone, in all criminal cases prosecuted by indictment or information, except where judgment of death has been rendered.

The said courts shall also have appellate jurisdiction in all cases, matters, and proceedings pending before the supreme court which shall be ordered by the supreme court to be transferred to a district court of appeal for hearing and decision. The said courts shall also have power to issue writs of mandamus, certiorari, prohibition and habeas corpus, and all other writs necessary or proper to the complete exercise of their appellate jurisdiction. Each of the justices thereof shall have power to issue writs of habeas corpus to any part of his appellate district upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the district court of appeal of his district, or before any superior court within his district, or before any judge thereof.

Sixth—A new section to be numbered section 4c of article VI is hereby added to said constitution to read as follows:

Supreme
court may
transfer
cases,

The supreme court shall have power to order any cause pending before the supreme court to be heard and determined by a district court of appeal, and to order any cause pending before a district court of appeal to be heard and determined by the supreme court. The order last mentioned may be made before judgment has been pronounced by a district court of appeal, or within fifteen days in criminal cases, or thirty days in all other cases, after such judgment shall have become final therein. The judgment of the district courts of appeal shall become final therein upon the expiration of fifteen days in criminal cases, or thirty days in all other cases, after the same shall have been pronounced.

The supreme court shall have power to order causes pending before a district court of appeal for one district to be transferred to the district court of appeal for another district, or from one division thereof to another, for hearing and decision.

Section 5 of article VI of said constitution is hereby amended to read as follows:

Jurisdiction
of superior
courts

Sec. 5. The superior courts shall have original jurisdiction in all civil cases and proceedings (except as in this article otherwise provided, and except, also cases and proceedings in which jurisdiction is or shall be given by law to municipal or to justices or other inferior courts); in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; and of all such special cases and proceedings as are not otherwise provided for; and said court shall have the power of naturalization and to issue papers therefor.

The superior courts shall have appellate jurisdiction in such cases arising in municipal and in justices' and other inferior courts in their respective counties or cities and counties as may be prescribed by law. The Legislature may, in addition

to any other appellate jurisdiction of the superior courts, also provide for the establishment of appellate departments of the superior court in any county or city and county wherein any municipal court is established, and for the constitution, regulation, jurisdiction, government and procedure of such appellate departments. Superior courts, municipal courts and justices' courts in cities having a population of more than forty thousand inhabitants shall always be open, legal holidays and nonjudicial days excepted. The process of superior courts shall extend to all parts of the state; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said superior courts, and their judges shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus on petition by or on behalf of any person in actual custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and nonjudicial days. The process of any municipal court shall extend to all parts of the county or city and county in which the city is situated where such court is established, and to such other parts of the state as may be provided by law, and such process may be executed or enforced in such manner as the Legislature shall provide.

Upon stipulation of the parties litigant or their attorneys of record a cause in the superior court or in a municipal court may be tried by a judge pro tempore who must be a member of the bar sworn to try the cause, and who shall be empowered to act in such capacity in the cause tried before him until the final determination thereof. The selection of such judge pro tempore shall be subject to the approval and order of the court in which said cause is pending and shall also be subject to such regulations and orders as may be prescribed by the judicial council.

Seventh—A new section to be numbered 11a of article VI is hereby added to said constitution to read as follows:

Sec. 11a. The Legislature shall determine, according to population, the number and jurisdiction of each of the inferior courts in incorporated cities or towns wherein there is no municipal court, and in townships, counties or cities and counties, and the number of judges or justices thereof and their qualifications and compensation, and shall fix by law the powers, duties and responsibilities of each of such courts and of the judges or justices thereof; and may provide that the jurisdiction of such courts shall be exclusive.

Eighth—Section 13 of article VI is hereby amended to read as follows:

Sec. 13. Notwithstanding any provision contained in this article, the Legislature may fix by law the jurisdiction of inferior courts.

municipal courts and inferior courts in cities having municipal courts which may be established in pursuance of this article, and may fix by law the powers, duties, qualifications and responsibilities of judges thereof.

Any action heretofore taken by the Legislature in fixing exclusive jurisdiction of municipal courts in cases at law is hereby ratified and confirmed.

CHAPTER 78.

Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the constitution of said state, by adding to article sixteen thereof a new section to be numbered seven, authorizing the issuance and sale of six thousand bonds of the State of California in the denomination of one thousand dollars each, authorizing the disposition of the proceeds of the sale of said bonds for certain purposes, and approving, adopting, legalizing, validating and making fully and completely effective the California state park bonds act of 1927 as passed by the Senate and Assembly at the forty-seventh session of the Legislature and approved by the governor.

[Filed with Secretary of State April 29, 1927.]

Proposed
constitu-
tional
amendment.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the third day of January, 1927, two-thirds of the members elected to each of the two houses of said Legislature voting therefor, hereby proposes to the people of the State of California that the constitution of said state be amended by adding to article XVI thereof a new section to be numbered 7 and to read as follows:

State park
bonds.

Sec. 7. The issuance and sale of six thousand bonds of the State of California in the denomination of one thousand dollars each, and the use and disposition of the proceeds of the sale of said bonds, all as provided in the California state park bonds act of 1927 as passed by the Senate and Assembly at the forty-seventh session of the Legislature and approved by the governor, authorizing the issuance and sale of state bonds in the sum of six million dollars for the purpose of providing a fund to be used and disbursed for the acquisition of lands and other properties in California for state park purposes, is hereby authorized and directed and the said California state park bond act of 1927 is hereby approved, adopted, legalized, ratified, validated and made fully and completely effective. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this constitution contained shall be a limitation upon the provisions of this section.

CHAPTER 79.

Assembly Concurrent Resolution No. 30—Providing for the appointment of a joint committee to investigate the water problems of the state and to recommend some method of procedure therewith.

[Filed with Secretary of State April 29, 1927.]

WHEREAS, It is necessary that the Legislature of the State of California have available adequate information so as to enable its members to consider proper legislation looking to the adoption of a statewide plan for the conservation and use of the waters of the state; now, therefore, be it

Water
problems
investigating
committee.

Resolved by the Assembly, the Senate concurring, That a committee of eight members, consisting of four members of the Assembly to be appointed by the speaker of the Assembly, and four members of the Senate to be appointed by the president of the Senate, be appointed to make an investigation of the water problems of the state and to recommend to the Legislature of the State of California at the forty-eighth session thereof some statewide policy for the conservation and use of the waters of the state; and be it further

Resolved, That said committee shall proceed to organize by the election of one of its members as chairman and by the election of a secretary, and shall proceed with said investigation in such manner as may be determined by said committee; and be it further

Resolved, That each department, board, commission or officer of the State of California, whenever requested to do so by said committee, shall furnish to said committee such assistance as it may require; and be it further

Resolved, That said committee is hereby authorized to hold public hearings at any place in the State of California at which hearings the people shall have opportunity to present their views to the committee; and be it further

Resolved, That said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters herein referred to, and is hereby authorized and empowered to require the production of books, agreements, documents and papers of every kind; to issue subpoenas and to compel the attendances of witnesses, and to procure testimony. Each of the members of said committee is hereby authorized to administer oaths, and all the provisions of article VIII of chapter II, title I, part III of the Political Code of the state relative to the attendance and assemblage of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution. The said committee is hereby given leave to sit during the sessions of the Legislature, during the recess thereof and during the interval between sessions thereof, at any place

in the state as said committee shall from time to time determine; and be it further

Resolved, That the sum of fifteen thousand dollars or so much thereof as may be necessary be and the same is hereby appropriated for the purpose of defraying the expenses of said committee and said investigation, said sum to be paid equally from the contingent funds of the Senate and of the Assembly and the state controller is hereby authorized and directed to draw his warrants in favor of the chairman of said committee for such expenditures as may be certified to him from time to time by the chairman of said committee and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 80.

Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment of the constitution of said state by amending section three of article twelve thereof, relating to the liability of stockholders and directors.

[Filed with Secretary of State April 29, 1927.]

Proposed
constitu-
tional
amendment

The Legislature of the State of California, at its regular session commencing on the third day of January, 1927, two-thirds of all of the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that section 3 of article XII of the constitution of the State of California be amended to read as follows:

Liability of
stockholders
and
directors.

Sec. 3. Each stockholder of a corporation, or joint-stock association, shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred, during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation or joint-stock association, during the term of office of such director or trustee.

Nothing in the preceding paragraph of this section shall be held to apply to any corporation organized under the laws of this state which shall adopt and use as the last word of its corporate name, the word "Limited" or its abbreviation, "Ltd."; but the stockholders of such corporation shall be subject to such liabilities as may be provided by the Legislature; *and provided, further*, that nothing in this section shall apply to any stockholder's liability already incurred against stockholders in corporations created prior to the adoption of this amendment. Nothing in the preceding

paragraph of this section shall be held to apply to any exposition company organized to promote and carry on any fairs, sports, games or exhibitions authorized or to be held under authority of the constitution or laws of California.

CHAPTER 81.

Senate Constitutional Amendment No. 18.—A resolution to propose to the people of the State of California that the constitution of said state be amended by adding to article sixteen thereof a new section to be numbered six, relative to the issuance of bonds to the amount of ten million dollars for the acquisition of rights of way for railroad grade separations on the roads within the state highway system of the State of California, and for the construction of said railroad grade separations by the California highway commission.

[Filed with Secretary of State April 29, 1927.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the third day of January, 1927, two-thirds of the members elected to each of the two houses of said Legislature voting therefor, hereby proposes to the people of the State of California that the constitution of said state be amended by adding to article XVI thereof a new section to be numbered 6, reading as follows:

Proposed
constitu-
tional
amendment.

Sec. 6. Immediately upon the adoption of this section the state treasurer shall prepare ten thousand suitable bonds of the State of California in the denomination of one thousand dollars each, to be numbered from one to ten thousand, inclusive, to bear such date and provide for such interest as may be determined by the highway finance board which is created by section 3 of this article. Said interest shall be fixed by said board according to the then prevailing market conditions, but shall at no time exceed six per cent per annum, and the determination of said board as to the rate of interest shall be conclusive as to the then prevailing market conditions, and said interest shall be payable on the third day of January and the third day of July of each and every year after the sale of said bonds, and said bonds shall become due and payable in annual parcels of one thousand dollar bonds, commencing July 3, 1934, and ending July 3, 1959.

State rail-
road grade
separation
bonds.

There is hereby created in and for the state treasury, a fund to be known and designated as the "state railroad grade separations fund," and immediately after the sale of bonds the treasurer of the state shall pay into the state treasury and cause to be placed in said fund the total amount received for said bonds, except such amount as may have been paid as accrued interest thereon. The amount that shall have been

State rail-
road grade
separation
bonds
(cont'd).

paid at such sale as accrued interest on the bonds shall be, by the treasurer of the state immediately after such sale, paid into the treasury of the state and placed in the "state railroad grade separations interest and sinking fund" which is hereby created.

Moneys shall be drawn from said state railroad grade separations fund for the purposes herein designated upon warrants duly drawn by the controller of the state upon demands made by the California highway commission and allowed and audited by the state board of control; *provided, however*, that out of the proceeds of the first sale of bonds made hereunder the state controller and the state treasurer shall transfer upon their respective books the sum of one hundred thousand dollars to the credit of the "state railroad grade separations revolving fund" which fund is hereby created in the state treasury.

The moneys in said state railroad grade separations revolving fund or such part thereof as the California highway commission shall deem necessary, may be expended from time to time upon the demands of the California highway commission, approved by the state board of control, for the purpose of making cash payments in advance for such expenditures as are necessary and proper to carry out the provisions of this section. Upon receipt of such demands, so approved, it shall be the duty of the state controller to draw his warrant upon said "state railroad grade separations revolving fund" in favor of the person, firm, corporation or association therein named, and the state treasurer shall pay the same. On or before the tenth day of each month thereafter, the California highway commission shall submit to the state board of control a verified, itemized statement, showing all expenditures during the preceding calendar month of the money so drawn from said "state railroad separations revolving fund," accompanied by proper vouchers and receipts therefor. Said statements shall be audited by the state board of control in the same manner that claims against the state are audited, and if found to be correct shall be approved by the state board of control and transmitted to the state controller with such approval endorsed hereon. The state controller shall thereupon draw his warrant upon the "state railroad grade separations fund" in favor of the California highway commission for the aggregate amount of such expenditures, and upon the surrender of such warrant, properly endorsed, the state treasurer shall transfer the amount thereof upon the books of his office from the said state railroad grade separations fund to the said state railroad grade separations revolving fund to be expended as aforesaid.

There is hereby appropriated from the general fund of the state treasury, such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this section, as said principal and interest becomes due and payable.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

State rail-
road grade
separation
bonds
(cont'd).

The treasurer of the state shall on the first day of January, 1929, and on the first day of each July and the first day of each January thereafter transfer from the general fund of the state treasury to the state railroad grade separations sinking fund such an amount of the moneys by this section appropriated as shall be required to pay the interest on the bonds sold hereunder, until the interest on all the said bonds so sold shall have been paid or shall become due in accordance with the provisions of this section.

There is hereby created in the state treasury a fund to be known and designated as the "state railroad grade separations sinking fund." The treasurer of the state shall on the third day of July, 1934, and on the third day of July of each and every year thereafter, in which a partial of the bonds sold pursuant to the provisions of this section shall become due, transfer from the general fund of the state treasury to the said state railroad grade separations sinking fund such an amount of moneys appropriated hereunder as may be required to pay the principal of the bonds so becoming due and payable in such years.

The principal of all of said bonds sold shall be paid at the time the same becomes due from the state railroad grade separations sinking fund and the interest on all bonds sold shall be paid at the time said interest becomes due from the state railroad grade separations interest and sinking fund. Both principal and interest shall be so paid upon warrants duly drawn by the controller of the state upon demands audited by the state board of control and the faith of the State of California is hereby pledged for the payment of the principal of said bonds so sold and the interest accruing thereon.

For the purposes of this section, a railroad grade separation is defined to be any crossing and the approaches leading thereto and therefrom between a state highway and the tracks of any commercial interurban or other railway by whatsoever power operated.

The moneys in said state railroad grade separation fund shall be used by the California highway commission to pay that portion of the cost of the acquisition of rights of way for railroad grade separations and the acquisition, construction and improvement of railroad grade separations upon state highways within the state highway system of the State of California as may be assigned to the state by order of and as apportioned by the state railroad commission.

State rail-
road grade
separation
bonds
(cont'd)

When requested by the highway finance board, the state treasurer shall prepare such number of bonds so dated and bearing such interest rate thereon, all as so determined by said board. The said bonds and the interest thereon shall be payable in gold coin of the United States of the present standard of value either at the office of the treasurer of said state or at the option of the holder at the fiscal agency for the State of California, in the city of New York, in the state of New York. The interest accruing on any of said bonds that may be sold shall be payable as herein provided on the third day of January and the third day of July of each and every year, after the sale of any of the said bonds. Said bonds shall mature at the times herein specified and the principal of said bonds shall be payable at either of the above designated places at such times. All bonds remaining unsold shall at the date of the maturity thereof be, by the treasurer of the state, canceled and destroyed. All bonds issued pursuant to the provisions of this act shall be signed by the governor of this state, countersigned by the state controller and endorsed by the state treasurer, and the said bonds shall be so signed, countersigned and endorsed by the officers who are in office on the date of the issuance of any parcel of bonds hereunder and each of said bonds shall have the great seal of the State of California impressed thereon. The said bonds signed, countersigned, endorsed and sealed as herein provided, when sold, shall constitute a valid and binding obligation upon the State of California, though the sale thereof be made at the date or dates after the person so signing, countersigning and endorsing, or either of them, shall have ceased to be the incumbents of said office or offices.

Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury to or mutilation of said bond. The said coupons shall be consecutively numbered and shall bear the lithographed signature of the state treasurer who shall be in office on the third day of July, 1929. No interest shall be paid on any of said bonds for such time as may intervene between the date of said bond and the date of sale thereof, unless such accrued interest shall have been by the purchaser of said bond, paid to the state at the time of such sale.

There is hereby appropriated from the general fund of the state treasury such sum annually as will be necessary to defray all expenses that shall be incurred by the state treasurer in the preparation of said bonds and in the advertising of the sale thereof, as in this section provided. When the bonds authorized by this section to be issued shall have been signed, countersigned, endorsed and sealed as provided herein the state treasurer shall sell the same in such parcels and numbers not inconsistent with the provisions hereof, as the governor of the state shall direct to the highest bidder for cash. The governor of the state shall issue to the state treasurer such direction immediately after being requested

so to do by the California highway commission. Such request shall specify the amount of money which in the judgment of said commission shall be required at such time and the governor of the state shall direct the state treasurer to sell such number of said bonds as may be required to raise said amount of money and that said bonds shall be sold in consecutive numerical order. The state treasurer shall not accept any bid which is less than the par value of the bond plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The state treasurer may at the time and place fixed by him for said sale continue such sale as to the whole or any part of the bonds offered to such time and place as he may at the time of such continuance designate. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. The state treasurer shall give notice of the time and place of sale by publication in two newspapers published in the city and county of San Francisco and in one newspaper published in the city of Oakland, and in one newspaper published in the city of Los Angeles and in one newspaper published in the city of Sacramento once a week for four weeks next preceding the date fixed for such sale. In addition to the notice last above provided for, the state treasurer may give such further notice as he may deem advisable, but the expenses and cost of such additional notice shall not exceed the sum of five hundred dollars for each sale so advertised.

State rail-
road grade
separation
bonds
(cont'd).

In the event that any bonds prepared as herein provided can not, in the judgment of said state highway finance board be sold at the time fixed for the sale thereof, or thereafter, said board may withdraw said bonds from sale and direct the state treasurer to cancel and destroy the same, and may at said time or thereafter, at its option, direct the preparation and sale, as hereinbefore provided, of the same or a different number of bonds, but not to exceed in all the amount herein authorized and at the same or a different rate of interest, but not to exceed six per cent per annum.

All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action; and all expenses that shall be incurred by the state treasurer in the preparation of bonds herein provided for and in the advertising and sale thereof, and all expenses incurred by any officer in reference thereto shall be paid from the general fund of the state. Nothing in this constitution contained, except as in this section provided, shall be a limitation upon the provisions of this section.

CHAPTER 82.

Senate Constitutional Amendment No. 27—A resolution to propose to the people of the State of California an amendment to section five of article eleven of the constitution of the state, relating to the compensation of county officers and jurors.

[Filed with Secretary of State April 29, 1927.]

Proposed
constitu-
tional
amendment.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its forty-seventh regular session commencing on the third day of January, 1927, two-thirds of all the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 5 of article XI of the constitution be amended to read as follows:

County,
township and
municipal
officers,
and jurors.

Sec. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and may also establish fees to be charged and collected by such officers for services performed in their respective offices, in the manner and for the uses provided by law, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made.

CHAPTER 83.

Senate Joint Resolution No. 11—Relating to securing the aid of the United States government in establishing a basis for execution of some comprehensive plan for development of the water resources of California.

[Filed with Secretary of State April 29, 1927.]

Federal aid
for water
conservation
and
development.

WHEREAS, The joint legislative committee of the forty-seventh session of the Legislature, under Assembly Concurrent Resolution No. 16, has submitted its report; and,

WHEREAS, During its deliberation said committee fully realized that many features of any comprehensive plan for the development of the water resources of California involve matters coming within the jurisdiction and concern of the federal government; and,

WHEREAS, Governor Young, in his inaugural address, recognized the paramount importance of some comprehensive plan for the conservation and development of the water resources of California in the following words:

“The solution of this problem can no longer be left to haphazard and unrelated development. There is no doubt that it is high time to seek some comprehensive plan which will meet the needs of both our great central valleys. The water which falls so bountifully during our winters, and which now wastes itself in bay and ocean, if properly stored and controlled and placed upon the land, would be sufficient to water every irrigable foot of this vast area, beside practically eliminating all future danger from winter floods.

This enterprise, however, is so vast that it can be financed by no one agency alone. The farmer whose lands are benefited can not meet the expense, as he largely does in the case of minor irrigation projects. The county whose cities are dependent upon local agricultural prosperity must also do its share. The state must take the leadership in coordinating and planning the whole. The federal government possibly must be asked to advance the money for the initial construction, just as is proposed in the Boulder canyon project;” now, therefore, be it

Resolved by the Senate, and the Assembly, jointly, That this Legislature commend to the governor that he communicate with the President of the United States and invoke the cooperation and aid of the federal government in working out some approved and comprehensive plan for development of the water resources of California.

CHAPTER 84.

Senate Concurrent Resolution No. 20—Relative to the suppression of traffic in narcotic drugs and authorizing the appointment of a committee to confer with commissions from the states of Oregon and Washington for the purpose of considering and recommending the enactment of effective and uniform laws governing the traffic in narcotic drugs and related matters.

[Filed with Secretary of State April 29, 1927.]

WHEREAS, The misuse of habit forming drugs constitutes a grave menace to society; and

WHEREAS, There is great need for more vigorous action on the part of the State of California to combat this evil; and

WHEREAS, The states of Washington, Oregon and California are particularly subject to the illegal traffic in narcotic drugs on account of their accessibility through the various ports; and

WHEREAS, A united action on the part of these states is essential in order to combat this evil; now, therefore be it

Uniform
narcotic
drugs laws
committee
(cont'd).

Resolved by the Senate of the Legislature of the State of California, the Assembly concurring, That there shall be and hereby is created a committee to consist of two members of the Senate, to be appointed by the president of the Senate, two members of the Assembly, to be appointed by the speaker of the Assembly, and one citizen of the State of California, to be appointed by the governor, said committee to act in the same manner as commissions from the states of Washington and Oregon, for the purpose of considering the enactment of effective and uniform laws governing traffic in narcotic drugs; be it further

Resolved, That the committee hereinabove named shall also consider the advisability of harmonizing state laws with federal narcotic laws in order to make possible closer cooperation between state and federal law enforcing officials; be it further

Resolved, That the committee shall also make a complete study pertaining to the proper treatment of narcotic drug addicts and shall gather such other necessary information, formulate recommendations, and prepare and submit to the next session of the Legislature of the State of California their findings therein; be it further

Resolved, That the members of said committee shall receive no compensation for their services but shall be paid their necessary traveling and other expenses. The sum of five hundred dollars is hereby set aside from the contingent fund of the Senate, and a like sum from the contingent fund of the Assembly, and made available for the purpose of defraying the expenses, if any, of such committee and committeemen, which expenses shall be paid equally from such contingent funds of the Senate and Assembly, and the state controller is hereby authorized and directed to draw his warrant in favor of the members of said committee for such expenditures as may be certified to him from time to time by said committee, and the state treasurer is hereby authorized and directed to pay the same.

CHAPTER 85.

Senate Concurrent Resolution No. 25—Relative to an investigation and report upon educational facilities for the instruction of the deaf.

[Filed with Secretary of State April 29, 1927.]

Educational
facilities for
instruction
of the deaf.

WHEREAS it is necessary and desirable that a thorough investigation be made of the various educational facilities, public and private, state and local, now provided for the deaf, of the number and distribution of deaf people in this state and of the adequacy and suitability of the California School for the Deaf located at Berkeley, Alameda county, in order that the Legislature may have available adequate information

to enable it to fix and determine the policy that should be adopted in this regard; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That three members of the Senate shall be appointed by the president of the Senate and three members of the Assembly by the speaker of the Assembly, who shall constitute a committee whose duty it shall be to investigate the matters mentioned or contained in these resolutions and to report their findings in full to the Legislature at the forty-eighth session thereof and to make such recommendations in connection therewith as they deem of permanent benefit to the state; and be it further

Educational facilities for instruction of the deaf (cont'd).

Resolved, That the said committee shall proceed at once to organize by the election of one of its members as chairman and by the selection of a secretary and to proceed forthwith with said investigation in the manner to be determined by said committee; and be it further

Resolved, That the committee shall have power to employ such assistance as may be necessary and that the expenses incurred in such investigation, not to exceed the sum of one thousand dollars, shall be paid equally by the Senate and Assembly out of their respective contingent funds; and be it further

Resolved, That said committee is hereby authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and objects hereinbefore referred to, and is hereby authorized and empowered to require the production of persons, books, agreements, documents, records and papers of every kind; to issue subpoenas and to take all necessary means to compel the attendance of witnesses, and to procure testimony and the members of said committee are and each of them is hereby authorized to administer oaths; and all the provisions of article VIII of chapter II, title I, part III of the Political Code of the state relative to the attendance and assemblage of witnesses before the Legislature and committees thereof, shall apply to the committee appointed under this resolution; also said committee is hereby given leave to sit during the sessions of the Legislature, during the recess thereof, and during the interval between sessions thereof, either at the capitol, or at such other place, or places as said committee shall from time to time designate.